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NORTH CAROLINA REGISTER

VOLUME 14 • ISSUE 14 • Pages 1218 - 1341

January 14, 2000

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Environment and Natural Resources
Health and Human Services
Insurance
Labor
Plumbing, Heating & Fire Sprinkler
Social Work, Certification Board
Substance Abuse Professionals
Transportation
Rules Review Commission
Contested Case Decisions

PUBLISHED BY
The Office of Administrative Hearings
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Raleigh, NC 27699-6714
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For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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Office of State Budget and Management
116 West Jones Street — (919) 733-7061
Raleigh, North Carolina 27603-8005 — (919) 733-0640 FAX

contact: Warren Plonk, Economist III — wplonk@osbm.state.nc.us

Rule Review and Legal Issues

Rules Review Commission
1307 Glenwood Ave., Suite 159 — (919) 733-2721
Raleigh, North Carolina 27605 — (919) 733-9415 FAX

contact: Joe DeLuca Jr., Staff Director Counsel
Bobby Bryan, Staff Attorney

Legislative Process Concerning Rule-making

Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street — (919) 733-2578
Raleigh, North Carolina 27611 — (919) 715-5460 FAX

contact: Mary Shuping, Staff Liaison — marys@ms.ncga.state.nc.us

County and Municipality Government Questions or Notification

NC Association of County Commissioners
215 North Dawson Street — (919) 715-2893
Raleigh, North Carolina 27603

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities
215 North Dawson Street — (919) 715-4000
Raleigh, North Carolina 27603

contact: Paula Thomas

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NORTH CAROLINA REGISTER

Volume 14, Issue 14
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This issue contains documents officially filed through December 21, 1999.

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North Carolina Register is published semi-monthly for $195 per year by the Office of Administrative Hearings, 424 North Blount Street, Raleigh, NC 27601. (ISSN 15200604) to mail at Periodicals Rates is paid at Raleigh, NC. POSTMASTER: Send Address changes to the *North Carolina Register*, PO Drawer 27447, Raleigh, NC 27611-7447.

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
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16	Public Education	Geologists	21
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					non-substantial economic impact			substantial economic impact			
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	270th day from issue date
14:13	01/04/00	12/09/99	03/15/00	01/19/00	02/03/00	02/21/00	05/09/00	03/06/00	03/20/00	05/09/00	09/30/00
14:14	01/14/00	12/21/99	03/15/00	01/31/00	02/14/00	02/21/00	05/09/00	03/14/00	03/20/00	05/09/00	10/10/00
14:15	02/01/00	01/10/00	04/03/00	02/16/00	03/02/00	03/20/00	05/09/00	04/03/00	04/20/00	01/26/01	10/28/00
14:16	02/15/00	01/25/00	04/17/00	03/01/00	03/16/00	03/20/00	05/09/00	04/17/00	04/20/00	01/26/01	11/11/00
14:17	03/01/00	02/09/00	05/01/00	03/16/00	03/31/00	04/20/00	01/26/01	05/01/00	05/22/00	01/26/01	11/26/00
14:18	03/15/00	02/23/00	05/15/00	03/30/00	04/14/00	04/20/00	01/26/01	05/15/00	05/22/00	01/26/01	12/10/00
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15:10	11/15/00	10/24/00	01/16/01	11/30/00	12/15/00	12/20/00	05/2002	01/16/01	01/22/01	05/2002	08/12/01
15:11	12/01/00	11/07/00	02/01/01	12/18/00	01/02/01	01/22/01	05/2002	01/30/01	02/20/01	05/2002	08/28/01
15:12	12/15/00	11/22/00	02/15/01	01/02/01	01/16/01	01/22/01	05/2002	02/13/01	02/20/01	05/2002	09/11/01

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

(1) temporary rules;
(2) notices of rule-making proceedings;
(3) text of proposed rules;
(4) text of permanent rules approved by the Rules Review Commission;
(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
(6) Executive Orders of the Governor;
(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
(8) orders of the Tax Review Board issued under G.S. 105-241.2; and
(9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD

(1)RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

(2)RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

Notice of Intent to Adopt Temporary Rules

The NC Department of Environment and Natural Resources plans to adopt temporary rules for the Expenditure of Funds in Relation to the Implementation Plan for Use of Hurricane Floyd Relief Funds - House Bill 2 (Extra Session 1999). The intended effective date of the temporary rules is February 1, 2000. The rules will affect the following:

Citation to Rules: 15A NCAC 1C .0500

Legislative and Intergovernmental Affairs - Comments are welcomed and may be submitted to Ms. Melba McGee, DENR, Division of Legislative and Intergovernmental Affairs, 1601 Mail Service Center, Raleigh, NC, 27699-1601, (919) 715-4194.

The Hurricane Floyd Recovery Act applies to activities that are funded with public monies from the Hurricane Floyd Reserve Fund and that are taken in response to the damage wrought by the hurricanes which occurred in North Carolina in September and October of 1999. The Department will streamline the breadth and scope of its existing SEPA rules to expedite review of activities funded from the Fund.

Division of Marine Fisheries - Comments are welcomed and may be submitted to Juanita Gaskill, DENR, Division of Marine Fisheries, PO Box 769, Morehead City, NC 28557.

Grants to Commercial Fishermen for Damages Caused by Hurricanes

To establish the application procedures, eligible requirements, and process for disbursement of funds to commercial fishermen for loss of income or for damages or loss of equipment.

Division of Waste Management - Comments are welcomed and may be submitted Mr. Bill Meyer, Director, DENR, Division of Waste Management, 1646 Mail Service Center, Raleigh, NC 27699, (919) 733-0692, ext. 202.

Hazardous Waste Section:

Rules will establish criteria for prioritizing hazardous waste for assessment and follow-up.

(1) A portion of the funds will be used for conducting assessments, including the collection of environmental samples and their analysis, at 35 known or potentially flood-affected sites with hazardous substance contamination threats.
  * Assessment work will be a priority.
* Those sites where imminent and substantial threats exist will then be addressed.

(2) A portion of the funds will also be used for reconnaissance, evaluation, and emergency mitigation of old closed landfills in the affected counties.
  * Site location and reconnaissance will be the first priority.
* Imminent and substantial threats will be abated as discovered.

(3) The Department may use existing contracts or may initiate new contracts to conduct this work.

(4) At those sites where responsible parties exist, the Department may require that those responsible parties conduct the above described work.

Solid Waste Sites and Junkyards Section:

Establish criteria for remediating high risk solid waste sites and junkyards in the 100 year flood plains in areas affected by Hurricane Floyd. Some of the factors to be considered will be:

- Voluntary participation by local governments to accept conservation easement on sites.
- Voluntary participation by owners and operators of sites for assessment and remediation.
- Limited to sites located, all or in part, in 100 year flood plains.
- Priority will be determined by a combination of site size and toxicity of potential or actual releases to waters of the state.

- Sites may be excluded due to certain types of contamination such as PCB's or dioxin or similar chemicals.
- Distance from public water supply sources.
- Availability of remediation funds contingent on transfer of conservation easement to local governments for at least that portion of sites in 100 year flood plain that would prohibit future use of the site for solid waste or junk auto management.
- Voluntary binding agreement from site owners and operators to prevent future releases to the environment.
- Potential for construction or mitigation of on-site wetlands.
- Priority will be given to counties that sustained severe damage as determined by FEMA.

UST Section:

I. Title of Program - Petroleum Underground Storage Tank Release Assessment and Corrective Action Program

II. Summary of program. This program is designed to survey each of 112 UST facilities where flood damage has been confirmed and conduct assessment and remediation of contaminated soil and groundwater where required. It is expected that some assessment and remediation activities will also be conducted at other sites such as residences and farms where UST releases have occurred but have not yet been reported.

III. Plan for implementation:

Except for initial file reviews by Regional Office staff and project management by UST Section Trust Fund Branch hydrogeologists (2) and engineer (1), an estimated 90% of the work necessary to implement this program will be performed by four existing State Trust Fund environmental consultants. These consultants have previously been selected for use by Central Office staff in conducting assessment and remediation work at other UST sites where the responsible party could not be located or failed to proceed with assessment and cleanup activities. There is a possibility that some of the facilities will opt to perform this work with their own consultants and request reimbursement. Responsible party work will require pre-approval by the UST Section in order to track costs.

The following steps will be taken to implement this program:

A. Obtain access agreements from UST owners/operators/landowners. Perform precision tank tightness tests, precision line tightness tests and corrosion protection checks. All of these tests may not be necessary depending on whether (1) the facilities have the capability to conduct some testing using existing equipment, and (2) there is conclusive evidence of releases already identified. Sample all on-site and adjacent water supply wells to ensure water supplies do not contain elevated levels of petroleum products. Provide bottled water to the users whose water supplies contain elevated levels of petroleum products.

B. Analyze data from tank and line testing and perform Limited Site Assessments (LSA) to determine the impact to soil and groundwater and accurately characterize the potential health and environmental risks from the UST releases. Prioritize sites based on above information and the attached priority ranking system. (This step will include any residential and farm USTs identified to have had a release that might pose a significant threat to health and the environment). Once LSA a are complete, the remaining money will be obligated for sites based on the risk to health and the environment.

C. Perform Comprehensive Site Assessments (CSA), based upon the priority ranking system, to determine the extent of the release both vertically and horizontally in the soil and groundwater for those sites where the LSA has indicated an intermediate or high risk to health and the environment. In addition, the CSA will characterize the release, predict impacts to potential receptors such as water supply wells and supply the needed information for selection and design of treatment systems. (This step will also include any residential and farm USTs identified to have had a release that poses a significant threat to health and the environment).

D. Begin soil and groundwater remediation activities based upon the priority ranking system. (As in Step C., this will also include any residential and farm USTs identified to have had a release that poses a significant threat to health and the environment).

Once LSA's are complete, the remaining money will be obligated for sites based on the risk to health and the environment.

IV. Timeline for implementation:

Activity	Start Date	End Date	Est. Cost
Review facility data	**1/10/2000**	**2/1/2000**	**N/A**
Begin tightness testing, corrosion checks, and provide bottled water	2/1/2000	2/29/2000	$ 448,000
Perform LSAs	3/1/2000	4/15/2000	$2,193,000
Perform CSAs	4/15/2000	5/30/2000	$1,750,000
Begin soil & groundwater remediation	6/1/2000-		$ 609,000
TOTAL			$5,000,000

V. Requirement for temporary rules - unknown.

VI. Impact on other programs - None anticipated.

VII. Budget for the program - existing contracts will be utilized. The account number for these expenditures will be 536989 (Fund 2725). In the event that some of the facilities conduct the work themselves, the account number will be 535900 (Fund 2725). There are no plans for temporary staffing, contracting for services by the State, additional space requirements, computer programming, etc.

VIII. Management decisions/guidance required.

(A) For some of the 112 sites identified, further cleanup activity will be required into the future. The UST Section believes that in order to make this program beneficial to those individuals that have suffered losses as a result of the flooding, State Trust Fund reimbursement deductibles should be waived for any future assessment and remediation activities required beyond the $5 million dollars allocated for this program. This would require a statutory change. This requirement would not be applicable to those sites that had discovered releases prior to the flood and those not in compliance with UST upgrade requirements (spill, overfill and corrosion protection) at the time of the flood event.

(B) If a release from a UST system was identified prior to the flood, these funds will only be available to perform integrity and cathodic testing and not assessment and remediation.

IX. Information to be collected for reporting to the General Assembly.

(A) Access Agreements
Monthly reporting elements:
# of facilities that allow access
# of facilities that do not allow access
# of facilities opting to conduct work with non-state-contracted consultants
# of facilities remaining

(B) Tank Tightness Tests and/or Visual Inspections for 112 UST Facilities
Monthly reporting elements:
# of facilities tested and costs incurred for tests
# of facilities yet to be tested and projected costs
# of facilities with failures (i.e., suspected releases) requiring LSA-Phase I's and projected costs

(C) LSA Phase I's for Sites with Suspected Releases
Monthly reporting elements:
# of LSA Phase I's completed and costs incurred
# of LSA Phase I's yet to be done and projected costs
# of LSA Phase II's projected and projected costs

(D) LSA Phase II's for Sites with Confirmed Contamination

Monthly reporting elements:

# of LSA Phase II's completed and costs incurred
# of LSA Phase II's projected and projected costs
# of High, Intermediate and Low priority sites
# of CSA's projected and projected costs
# of CAP's (remediation) projected and projected costs

(E) Water Supplies

Monthly reporting elements:

# of households with petroleum impacted wells
# of households provided with bottled water or point of entry systems
# of households connected to municipal water supplies
# of households protected from petroleum contamination by controlling the spread of contamination through remediation of soil and groundwater

U.S. Department of Justice

Civil Rights Division

JDR:DHH:TGL:jdh:bab
DJ 166-012-3
1999-3260

Voting Section
PO. Box 66128
Washington, D.C. 20035-6128

December 10, 1999

George A. Weaver, Esq.
113 East Nash Street, Suite 404
Wilson, NC 27893

Dear Mr. Weaver:

This refers to the trial use of the MicroVote Infinity voting machine (Sarasota Precinct) for Wilson County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on October 18, 1999.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Joseph D. Rich
Acting Chief
Voting Section

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

TITLE 2 - DEPARTMENT OF AGRICULTURE

CHAPTER 52 - VETERINARY DIVISION

Notice of Rule-making Proceedings *is hereby given by the North Carolina Board of Agriculture in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.*

Citation to Existing Rules Affected by this Rule-Making: *2 NCAC 52B .0201 - Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 106-307.4; 106-307.5; 106-317; 106-348; 106-540*

Statement of the Subject Matter: *This rule establishes requirements for the movement of animals which are infected with or exposed to a contagious or infectious disease. The proposed change would require cleaning and disinfecting of vehicles used to transport.*

Reason for Proposed Action: *The State Veterinarian recommends this proposed change in order to prevent the spread of animal diseases.*

Comment Procedures: *Written comments may be submitted to David S. McLeod, Secretary, North Carolina Board of Agriculture, PO Box 27647, Raleigh, NC 27611.*

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 3 - DIVISION OF MOTOR VEHICLES

Notice of Rule-making Proceedings *is hereby given by the Division of Motor Vehicles in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.*

Citation to Existing Rules Affected by this Rule-Making: *19A NCAC 3D .0802 - Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 20-2; 20-381*

Statement of the Subject Matter: *Rule sets conditions for transporting hazardous materials by for-hire carriers.*

Reason for Proposed Action: *Rule is proposed for amendment to correct Code of Federal Regulations citations and to add more explicit terminology to the existing rule.*

Comment Procedures: *Any interested person may submit written comments on the proposed rule by mailing the comments to Emily Lee, NC DOT, PO Box 25201, Raleigh, NC 27611 by April 1, 2000.*

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars ($5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the DHHS Controller's Office intends to amend the rules cited as 10 NCAC 1B .0501-.0502. Notice of Rule-making Proceedings was published in the Register on October 1, 1999.

Proposed Effective Date: *August 1, 2000*

A Public Hearing *will be conducted from 3:00 p.m.-5:00 p.m. on February 3, 2000 at 616 Oberlin Road, Room 152, Raleigh, NC.*

Reason for Proposed Action: *To adopt as permanent rules the temporary version of the rules for the 1999 Rate Setting Method and cost reporting for family care homes.*

Comment Procedures: *Anyone wishing to comment on these proposed rules should contact Joyce Johnson, DHHS Controller's Office, 2019 Mail Service Center, Raleigh, NC 27699-2019, (919) 733-0169.*

	Fiscal Impact		
State	Local	Sub.	None
			✓

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1A - IDENTIFYING INFORMATION

SECTION .0500 - REIMBURSEMENT

.0501 RATE SETTING METHODS FOR FACILITIES THAT SERVE STATE/COUNTY SPECIAL ASSISTANCE RESIDENTS

(a) A rate for facilities which serve State/County Special Assistance residents shall be reviewed annually, and pending approval of the Legislature, shall be effective for dates of service for a 12 month period beginning each October 1. Except for Family Care Homes, rates ~~Rates~~ are derived from submission of cost reports for the most recent 12 month period. The maximum rate shall be developed by ranking prior year per diem cost from the lowest to the highest in two separate arrays, one for direct cost and one for indirect cost. The per diem cost at the 75% percentile shall be used for the direct rate and the 60% percentile shall be used for the indirect rate. The maximum rate determined by this method may be adjusted as necessary to comply with federal or state laws or policies.

(b) The rate calculated in Paragraph (a) of this Rule shall include an annual adjustment to reflect increases or decreases in prices that are expected to occur from the cost report period on which the rates are developed to the year in which the rate applies. The price level adjustment factors shall be computed using aggregate base year cost in the following manner:

(1) Cost shall be accumulated into the following groups:
  (A) labor,
  (B) fixed,
  (C) other.

(2) The relative weight of each cost group shall be calculated to the second decimal point by dividing the total cost of each group (labor, fixed, and other) by the total cost.

(3) Price adjustment factors for each cost group shall be established as follows:
  (A) Labor. The percentage change for labor costs shall be based on the projected average hourly wage of North Carolina service workers as provided by the North Carolina Office of State Budget and Management.
  (B) Fixed. No adjustment shall be made for this category, thus making the factor zero.
  (C) Other. The expected annual change in the implicit price deflator for the Gross National Product as provided by the OSBM.
  (D) The weights computed in Subparagraph (b) (2) of this Rule shall be multiplied by the percentage change computed in Parts (b) (3) (A), (B) and (C) of this Rule.

The sum computed for each category in Part (b) (3) (D) of this Rule shall be the price level adjustment factor for the coming fiscal year.

(c) Rates for family care homes shall be based on market rate data. The market rate for family care homes shall be the statewide rate established for adult care home in accordance with Paragraphs (a) and (b) of this Rule.

Authority G.S. 143B-10; S.L. 1999-334.

.0502 COST REPORTING: FOR FACILITIES THAT SERVE STATE/COUNTY SPECIAL ASSISTANCE RESIDENTS

(a) Except for family care homes, each ~~Each~~ facility which serves State/County Special Assistance residents shall prepare and submit a report of its costs and other financial information. Facilities shall prepare and submit the cost report on the fiscal year as defined in G.S. 131D-4.2. Facilities that fail to file their

cost reports by the due date are subject to enforcement actions for non-compliance as defined in G.S. 131D-4.2. If the Department of Health and Human Services (DHHS) finds good cause for delay, it may extend the deadline for filing the report for up to an additional 30 days. A good cause is an action that is uncontrollable by the provider.

(b) The cost report shall be submitted on forms provided by the Office of the DHHS Controller. The Department of Health and Human Services shall make the cost report format available to each facility on or before the last day of the fiscal year report period.

Authority G.S. 143B-10; S.L. 1999-334.

TITLE 11 - DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance intends to amend the rules cited as11 NCAC 10 .0105, .1110. Notice of Rule-making Proceedings was published in the Register on November 15, 1999.

Proposed Effective Date: *July 1, 2000*

A Public Hearing *will be conducted at 10:00 a.m. on January 31, 2000 at the Dobbs Building, 3rd Floor Hearing Room, 430 N. Salisbury Street, Raleigh, NC.*

Reason for Proposed Action:
11 NCAC 10 .0105 *- The 1999 NC General Assembly in S.L. 1999-435 repealed the policy form and rate filing fees that were contained in G.S. 58-6-5. This amendment conforms this rule to the repeal.*
11 NCAC 10 .1110 *- The 1999 NC General Assembly in S.L. 1999-132 changed the elements of the formula used by workers' compensation insurers to arrive at their premium rates. This amendment conforms the rule to the new statute.*

Comment Procedures: *Written comments may be sent to Ellen K. Sprenkel, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611.*

Fiscal Impact			
State	Local	Sub.	None
			✓

CHAPTER 10 - PROPERTY AND CASUALTY DIVISION

SECTION .0100 - GENERAL PROVISIONS

.0105 MANUSCRIPT OR INDIVIDUAL RISK FILINGS

(a) Within 60 days after the inception date of a manuscript or individual risk policy, the insurer shall submit to the Department's Property and Casualty Division:

(1) Any form or endorsement not previously filed with the Department and approved for use.

(2) A statement explaining why a manuscript or individual risk policy was needed.

~~(3) The appropriate filing fee.~~

(b) Continuous policies are not permitted.

(c) A copy of the approved filing shall be retained by the filer in accordance with ~~11 NCAC 19 .0002 through 11 NCAC 19 .0005.~~ 11 NCAC 19 .0102 through 11 NCAC 19 .0105.

(d) If the rates have been determined by an unfiled "(a) rating" or "individual risk rating", the insurer shall submit the following:

(1) A statement describing how the rates were calculated.

(2) A certification that the rates are not excessive, inadequate, or unfairly discriminatory.

Authority G.S. 58-2-40; 58-6-5; 58-41-50; 58-43-5.

.1110 WORKERS' COMPENSATION LOSS COSTS QUESTIONNAIRE

For those filings made in accordance with 11 NCAC 10 .1102(15), supporting information shall be presented as follows:

(1) Reference Filing Adoption Form:
- (a) Insurer's name.
- (b) Contact person for filing.
- (c) Title of contact person.
- (d) Phone number.
- (e) Insurer's FEIN.
- (f) Insurer's file number.
- (g) Department file number.
- (h) NCRB reference filing number.
- (i) Effective date.
- (j) Insurer's proposed effective date (if different from NCRB effective date).
- (k) Insurer's approximate market share of North Carolina written premium.
- (l) Whether the multiplier is applicable to this filing only or to subsequent reference filings.
- (m) Statement of accuracy of information.
- (n) Signature of company official.
- (o) Date signed.

(2) Summary of Supporting Data Form:
- (a) Statement of whether the filing applies uniformly to all workers' compensation classes.
- (b) Loss costs modification:
  - (i) Without modification (factor equals 1.000).
  - (ii) With modification (supporting documentation required).
- (c) Loss costs modification factor.
- (d) Selected expenses (attach Expense Provision Exhibit):
  - (i) Commission and brokerage.
  - (ii) Other acquisition.
  - (iii) General expenses.

(iv) Taxes, licenses, fees, loss based assessments.
(v) Profit, contingencies, credit for investment income.
(vi) Other.
(vii) Total (i+ii+iii+iv+v+vi).

(e) Development of Expected Loss and Loss Adjustment Expense (Target Cost) Ratio: Expressed in decimal form: 1.000-(d)(vii).

(f) Overall effect of expense constant and minimum premiums: Expressed in decimal form, i.e., 1.2% overall effect would be 0.988.

(g) Overall effect of size-of-risk discounts plus expense gradation recognition in retrospective rating: Expressed in decimal form, i.e., 8.6% average discount would be 0.914.

(h) Provision for ~~premium taxes, licenses, fees, and~~ loss based assessments: See NCRB Reference Filing, Exhibit II.

(i) Company formula loss costs multiplier (b)(ii) x (1.000 - h)/ [(g) - (d)(vii)] x (f).

(j) Company selected loss costs multiplier. Explain any differences between (i) and (j).

(k) Rate level changes for the coverages to which this page applies.

(l) Statement of whether the insurer is amending the minimum premium formula.

(m) Statement of whether the insurer is amending the expense constant(s).

(n) Statement of whether the insurer is changing the premium discount schedules.

(o) If the answer to (l), (m), or (n) is yes, documentation is required.

(3) Expense Provisions Exhibit: For the following items, the insurer shall provide the three most recent years, the average, industry average, and the selected:

(a) Commissions and brokerage.
(b) Other acquisition.
(c) General expenses.
(d) Taxes, licenses, fees, and loss based assessments.
(e) Profit, contingencies, and investment income:
(i) Profit and contingencies.
(ii) Credit for investment income.
(f) Other.
(g) Total (a+b+c+d+e+f).

The insurer shall indicate if the insurer's actual expense ratios are North Carolina, countrywide, or other (explain); and if the insurer's actual expense ratios are a percent of standard premium, percent of net premium, or other (explain). The insurer shall explain if the selected provisions differ from the average for reasons other than rounding.

Authority G.S. 58-2-40; 58-36-15; 58-36-100.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance intends to adopt the rules cited as 11 NCAC 11F .0501-.0504 and amend the rules cited as 11F .0401-.0405. Notice of Rule-making Proceedings was published in the Register on November 15, 1999.

Proposed Effective Date: *November 15, 1999*

A Public Hearing *will be conducted at 10:00 a.m. on January 31, 2000 at the Dobbs Building, 3rd Floor Hearing Room, 430 N. Salisbury Street, Raleigh, NC.*

Reason for Proposed Action:
11 NCAC 11F .0401-.0405 *- The 1999 NC General Assembly in S.L. 1999-219 authorized the Commissioner of Insurance to adopt rules governing minimum valuation standards for reserves of life insurance companies which required these rules to be amended.*
11 NCAC 11F .0501-.0504 *- The 1999 NC General Assembly in S.L. 1999-219 authorized the Commissioner of Insurance to adopt rules to recognize new annuity mortality tables for determining reserve liabilities for annuities before January 1, 2000.*

Comment Procedures: *Written comments may be sent to Walter James, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611.*

Fiscal Impact			
State	Local	Sub.	None
			✓

CHAPTER 11 - FINANCIAL EVALUATION DIVISION

SUBCHAPTER 11F - ACTUARIAL

SECTION .0400 - COMMISSIONER'S RESERVE VALUATION METHOD

.0401 APPLICABILITY

(a) This Section does not apply to:

(1) Any individual life insurance policy issued on or after the effective date of this Section if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before the effective date of this Section, that guarantees the premium rates of the new policy; nor to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

(2) Any universal life policy that meets all the following requirements:

(A) The secondary guarantee period, if any, is five years or less.

(B) The specified premium for the secondary

guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in 11 NCAC 11F .0402(6) and the applicable valuation interest rate.

(C) The initial surrender charge is not less than 100% of the first year annualized specified premium for the secondary guarantee period.

~~(2)~~ (3) Any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

~~(3)~~ (4) Any variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

~~(4)~~ (5) ~~Group~~ A group life insurance ~~certificates~~ certificate unless the ~~certificates provide~~ certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

(b) Calculation of the minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with 11 NCAC 11F .0404.

(c) Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period ~~of more than five years~~ shall be in accordance with 11 NCAC 11F .0405.

~~(d) This Section becomes effective on January 1 of the calendar year immediately following the adoption of similar requirements in rule or statutory form by states with an aggregate population of at least fifty-one percent (51%) of the total population of the United States of America, according to the most recent General Federal Census.~~

Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k).

.0402 DEFINITIONS

As used in this Section:

(1) "Basic reserves" means reserves calculated in accordance with ~~the principles of~~ G.S. 58-58-50(d).

(2) "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception, for the first segment) to the end of the latest policy year as determined below. All calculations are made using the 1980 CSO valuation tables, as defined in ~~11 NCAC 11F .0402 (5)~~ 11 NCAC 11F .0402(6) (or any other valuation mortality table adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner for this purpose), and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in 11 NCAC 11F .0403(b).

The length of a particular contract segment shall be set equal to the minimum of the value t for which Gt is greater than Rt (if Gt never exceeds Rt the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where Gt and Rt are defined as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

where:

x = original issue age;

k = the number of years from the date of issue to the beginning of the segment;

t = 1, 2, . . .; t is reset to 1 at the beginning of each segment;

$GP_{x+k+t-1}$ = Guaranteed gross premium per thousand of face ~~amount~~ amount, for year t of the segment, ignoring policy fees only if level for the premium paying period of the policy. ~~policy, for year t of the segment.~~

$$R_t = \frac{q_{x+k+t}}{q_{x+k+t-1}}$$

However, Rt may be increased or decreased by one percent in any policy year, at the company's option, but Rt shall not be less than one;

where:

x, k and t are as defined above, and

$q_{x+k+t-1}$ = valuation mortality rate for deficiency reserves in policy year ~~k+t.~~ k+t, but using the mortality of 11 NCAC 11F .0403(b)(2) if 11 NCAC 11F .0403(b)(3) is elected for deficiency reserves. However, if GP_{x+k+t} is greater than zero (0) and $GP_{x+k+t-1}$ is equal to zero (0), Gt shall be deemed to be one thousand (1,000). If GP_{x+k+t} and $GP_{x+k+t-1}$ are both equal to zero (0), Gt shall be deemed to be zero (0).

(3) "Deficiency reserves" means the excess, if greater than zero, of minimum reserves calculated in accordance with ~~the principles of~~ G.S. 58-58-50(g) over basic reserves.

(4) "Guaranteed gross premiums" means the premiums under a policy of life insurance that are guaranteed and determined at issue.

~~(4)~~ (5) "Maximum valuation interest ~~rate"~~ rates" means the interest ~~rate~~ rates specified in G.S. 58-58-50(c)(4) ~~G.S. 58-58-50(c)(4)(b)~~ that ~~is~~ are to be used in determining the minimum standard for the valuation of life insurance policies.

~~(5)~~ (6) "1980 CSO valuation tables" means the Commissioners' 1980 Standard Ordinary Mortality Table (1980 CSO Table) without ten-year selection

factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, and ~~variation~~ variations of the 1980 CSO Table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.

~~(6)~~ (7) "Scheduled gross premium" means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in 11 NCAC 11F .0405(a)(3), if any, or else the minimum premium described in 11 NCAC 11F .0405(a)(4).

~~(7)~~ (8) "Segmented reserves" means reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment.

(a) The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

(i) The present value of the death benefits within the segment, plus

(ii) The present value of any unusual guaranteed cash value (see 11 NCAC 11F .0404(d)) occurring at the end of the segment, less

(iii) Any unusual guaranteed cash value occurring at the start of the segment, plus

(iv) For the first segment only, the excess of the ~~Item (i) over Item (ii);~~ Item (A) over Item (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(B) A net one-year term premium for the benefits provided for in the first policy year.

(b) The length of each segment is determined by the contract segmentation method.

(c) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

(d) For both basic reserves and deficiency reserves computed by the segmented method, present values ~~must~~ shall include future benefits and net premiums in the current segment and in all subsequent segments.

~~(8)~~ (9) "Tabular cost of insurance" means the net single premium at the beginning of a policy year for one-year term insurance in the amount of the guaranteed death benefit in that policy year.

~~(9)~~ (10) "Ten-year select ~~mortality~~ factors" means the select factors adopted with the 1980 amendments to the NAIC Standard Valuation Law.

~~(10)~~ (11) "Unitary reserves" means the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

(a) Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy;

(b) Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that, at issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of Item (i) over Item (ii), as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(ii) A net one-year term premium for the benefits provided for in the first policy year; and

(c) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

~~(11)~~ (12) "Universal life insurance policy" means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k).

.0403 BASIC AND PREMIUM DEFICIENCY RESERVES

(a) At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors (or any other valuation mortality table adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner for this purpose). If select mortality factors are elected, they may be:

(1) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

(2) ~~One hundred fifty percent (150%) of the base~~ The select mortality factors ~~of~~ in the NAIC Model Regulation entitled "Valuation of Life Insurance Policies Model Regulation"; or

~~(3) One hundred fifty percent (150%) of the base select mortality factors of the NAIC Model Regulation entitled "Valuation of Life Insurance Policies Model Regulation" for the first 10 policy years; then linearly graded from the resulting tenth year factor to 100 percent at policy year 16; or~~

~~(4)~~ (3) Any other table of select mortality factors adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner for the purpose of calculating basic reserves.

(b) Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors (or any other valuation mortality table adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner). If select mortality factors are elected, they may ~~be:~~ be any of the following:

(1) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

(2) ~~One hundred twenty percent (120%) of the base~~ The select mortality factors ~~of~~ in the NAIC Model Regulation entitled "Valuation of Life Insurance Policies Model Regulation";

(3) ~~One hundred twenty percent (120%) of~~ For durations in the first segment, X percent of the ~~base~~ select mortality factors ~~of~~ in the NAIC Model Regulation entitled "Valuation of Life Insurance Policies Model ~~Regulation" for the first 10 policy years; then linearly graded from the resulting tenth year factor to 100 percent at policy year 16; or~~ Regulation," subject to the following:

(A) X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;

(B) X shall not be less than twenty percent (20%);

(C) X shall not decrease in any successive policy years;

(D) X is such that, when using the valuation interest rate used for basic reserves, Item (i) is greater than or equal to Item (ii):

(i) The actuarial present value of future death benefits calculated using the mortality rates resulting from the application of X;

(ii) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

(E) X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first five years after the valuation date;

(F) The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all requirements of this Rule;

(G) The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of this Rule; and

(H) The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.

(I) If X is less than one hundred percent (100%) at any duration for any policy, the following requirements shall be met:

(i) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of 11 NCAC 11F .0300; and

(ii) The appointed actuary shall annually

opine for all policies subject to this Section as to whether the mortality rates resulting from the application of X meet the requirements of this Rule. This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

(4) Any other table of select mortality factors adopted by the NAIC after the effective date of this Section and adopted as a rule by the Commissioner for the purpose of calculating deficiency reserves.

~~(c) Notwithstanding Paragraphs (a) and (b) of this Rule, if the length of the first segment as determined by the contract segmentation method for the basic reserves is not greater than 5 years (safe harbor), then for the length of time measured from issue, for either the unitary method or the contract segmentation method, gross premiums need not be substituted for net premiums even if the gross premiums are less than the net premiums. For subsequent periods, gross premiums must be substituted for net premiums if the gross premiums are less than the corresponding net premiums.~~

~~(d) For any policies for which the company chooses to use the "safe harbor", the company shall demonstrate annually to the Commissioner, by submitting a statement of actuarial opinion signed by the appointed actuary, that the reserves held for all such policies are adequate.~~

~~(e) In applying percentages to the base select mortality factors:~~

~~(1) No result shall be rounded; and~~

~~(2) Any result that exceeds 100 shall be set equal to 100.~~

~~(f)~~ (c) This Rule applies to both basic reserves and deficiency reserves. Any set of ~~base~~-select mortality factors may be used only for the first segment. However, if the first segment is less than 10 years, the appropriate 10-year select mortality ~~factors~~ factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, may be used thereafter through the tenth policy year from the date of issue.

~~(g)~~ (d) In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium, but only if the policy fee is a level dollar amount for after the ~~entire premium-paying period of the policy.~~ first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross premiums even if they are not included in the actual calculation of basic reserves.

(e) Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than one year after the date of the change shall be the greatest of the following:

(1) Reserves calculated ignoring the guarantee.

(2) Reserves assuming the guarantee was made at issue.

(3) Reserves assuming that the policy was issued on the date of the guarantee.

(f) The Commissioner may require that the insurer document the extent of the adequacy of reserves for specified blocks, including but not limited to policies issued before the effective date of this Section. This documentation may include a demonstration of the extent to which aggregation with other non-specified blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of 11 NCAC 11F .0300.

Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k).

.0404 CALCULATION OF 11 NCAC 11 .0401(b)

(a) Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy ~~must~~ shall use the same valuation mortality table and selection factors. At the option of the insurer, in calculating segmented reserves and net premiums, either of the following adjustments may be made:

(1) Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(2) Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(b) Deficiency Reserves

(1) The deficiency reserve at any duration shall be calculated:

(A) On a unitary basis if the corresponding basic reserve determined by 11 NCAC 11F .0404(a) is unitary;

(B) On a segmented basis if the corresponding basic reserve determined by 11 NCAC 11F .0404(a) is segmented; or

(C) On the segmented basis if the corresponding basic reserve determined by 11 NCAC 11F .0404(a) is equal to both the segmented reserve and the unitary reserve.

(2) ~~This Paragraph~~ 11 NCAC 11F .0404(b) shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of mortality (specified in 11 NCAC 11F .0403 (b)) and rate of interest.

(3) Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the

current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in 11 NCAC 11F .0403(b).

(4) For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.

(c) Minimum Value - Basic reserves may not be less than the tabular cost of insurance for the balance of the policy year, if mean reserves are used. Basic reserves may not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used. The tabular cost of insurance ~~must~~ shall use the same valuation mortality ~~table, select mortality factor~~ table and interest rates as ~~that~~ those that are used for the calculation of ~~both~~ the segmented ~~and the unitary~~ reserves. However, if select mortality factors are used, they shall be the 10-year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Model Law. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) be less than the amount that the policyowner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

(d) Unusual Pattern of Guaranteed Cash Surrender Values

(1) For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual ~~guarantee~~ guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n-year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

(2) The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n-year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where

(A) n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:

(i) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or

(ii) The mandatory expiration date of the policy; and

(B) The net premium for a given year during the n year period is equal to the product of the net to gross ratio and the respective gross premium; and

(C) The net to gross ratio is equal to Item (i) divided by Item (ii) as follows:

(i) The present value, at the beginning of the n-year period, of death benefits payable during the n-year period plus the present value, at the beginning of the n-year period, of the next unusual guaranteed cash surrender value, if any, minus the amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the n-year period.

(ii) The present value, at the beginning of the n-year period, of the scheduled gross premiums payable during the n-year period.

(3) For the purposes of 11 NCAC 11F .0404(d) a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

(A) One hundred ten percent (110%) of the scheduled gross premium for that year;

(B) One hundred ten percent (110%) of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and

(C) Five percent (5%) of the first policy year surrender charge, if any.

(e) Optional Exemption for Yearly Renewable Term Reinsurance - At the option of the company, the following approach for reserves on YRT reinsurance may be used:

(1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in 11 NCAC 11F .0404 (c).

(3) Deficiency reserves.

(A) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

(B) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Part (A) of this Subparagraph.

(4) For purposes of 11 NCAC 11F .0404(e), the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without ten-year select mortality factors, or any other table adopted after the effective date of this Section by the

NAIC and adopted as a rule by the Commissioner for this purpose.

(5) A reinsurance agreement shall be considered YRT reinsurance for purposes of this Rule ~~if:~~ if only the mortality risk is reinsured.

~~(A) The reinsurance premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) for any given year are independent of both the premium rates and the plan of the original policy; and~~

~~(B) Only the mortality risk is reinsured.~~

(6) If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

(f) Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies - At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used:

(1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in 11 NCAC 11F.0404 (c).

(3) Deficiency reserves.

(A) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

(B) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Part (A) of this Subparagraph.

(4) For purposes of ~~this Rule,~~ 11 NCAC 11F .0404(f), the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10-year select mortality factors, or any other table adopted after the effective date of this Section by the NAIC and adopted as a rule by the Commissioner for this purpose.

(5) A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this Rule if:

(A) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and

(B) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance and attained age.

(6) For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this Rule may be used after the initial period if:

(A) The initial period is constant for all insureds of the same sex, risk class and plan of insurance; or

(B) The initial period runs to a common attained age for all insureds of the same sex, risk class and plan of insurance; and

(C) After the initial period of coverage, the policy meets the conditions of Subparagraph (f)(5) of this Rule.

(7) If this election is made, this approach ~~must~~ shall be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after the effective date of this Rule.

(g) Exemption from Unitary Reserves for Certain n-Year Renewable Term Life Insurance Policies - Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

(1) The policy consists of a series of n-year periods, including the first period and all renewal periods, where n is the same for each period, except that for the final renewal period, n may be truncated or extended to reach the expiry age, provided that this final renewal period is less than 10 years and less than twice the size of the earlier n-year periods, and for each ~~n-year~~ period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;

(2) The guaranteed gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the 10-year select mortality factors; and

(3) There are no cash surrender values in any policy year.

(h) Exemption from Unitary Reserves for Certain Juvenile Policies - Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

(1) At issue, the insured is age 24 or younger;

(2) Until the insured reaches the end of the juvenile period, which ~~must~~ shall occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values; and

(3) After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k).

.0405 CALCULATION OF 11 NCAC 11 .0401(c)

(a) General

(1) Policies with a secondary guarantee include:

(A) A policy with a guarantee that the policy will remain in force at the original schedule of

~~benefits over a period exceeding five years;~~ benefits, subject only to the payment of specified premiums;

(B) A policy in which the minimum premium at any ~~future~~ duration ~~beyond the end of the fifth policy year~~ is less than the corresponding one-year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without ten-year select mortality factors, or any other table adopted after the effective date of this ~~Rule~~ Section by the NAIC and ~~promulgated by regulation~~ adopted as a rule by the Commissioner for this purpose; or

(C) A policy with any combination of Parts (A) and (B).

(2) A secondary guarantee period is the ~~longest~~ period for which the policy is guaranteed to remain in force subject only to a secondary guarantee. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees. Secondary guarantees that are unilaterally ~~extended~~ changed by the insurer after issue shall be considered to have been made at issue. Reserves described in Paragraphs (b) and (c) of this Rule shall be recalculated from issue to reflect ~~the extensions.~~ these changes.

(3) Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits, but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

(4) For purposes of this Rule, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year. The minimum premium calculation ~~must~~ shall use the policy cost factors (including mortality charges, loads and expense charges) and the interest crediting rate, which are all guaranteed at issue.

(5) The one-year valuation premium means the net one-year premium based upon the original schedule of benefits for a given policy year. The one-year valuation premiums for all policy years are calculated at issue. The select mortality factors defined in 11 NCAC 11F.~~0403 (a)(2), .0403 (a)(3), .0403 (a)(4),~~ .0403(b)(2), .0403(b)(3), and .0403(b)(4) may not be used to calculate the one-year valuation premiums.

(6) The one-year valuation premium should reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

(b) Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums, that keep the policy in force and the segments will be determined according to the contract segmentation method as defined in 11 NCAC 11F .0402(2).

(c) Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in 11 NCAC 11F .0404(b) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(d) The minimum reserves during the secondary guarantee period are the greater of:

(1) The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or

(2) The minimum reserves required by other rules or regulations governing universal life plans.

Authority G.S. 58-2-40; 58-58-50(d); 58-58-50(k).

SECTION .0500 - NEW ANNUITY VALUATION MORTALITY TABLES

.0501 DEFINITIONS

As used in this Section:

(1) "1983 Table 'a'" means that mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the NAIC.

(2) "1983 GAM Table" means that mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983 by the NAIC.

(3) "1994 GAR Table" means that mortality table developed by the Society of Actuaries Group Annuity Valuation Table Task Force. The 1994 GAR Table is included in the report on pages 865-919 of Volume XLVII of the Transactions of the Society of Actuaries (1995).

(4) "Annuity 2000 Mortality Table" means that mortality table developed by the Society of Actuaries Committee on Life Insurance Research. The Annuity 2000 Table is included in the report on pages 211-249 of Volume XLVII of the Transactions of the Society of Actuaries (1995).

Authority G.S. 58-2-40; 58-58-50(k).

.0502 INDIVIDUAL ANNUITY OR PURE ENDOWMENT CONTRACTS

(a) Except as provided in Paragraphs (b) and (c) of this Rule, the 1983 Table "a" is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for purposes of determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after April 19, 1979.

(b) Except as provided in Paragraph (c) of this Rule, either the 1983 Table "a" or the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1987.

(c) Except as provided in Paragraph (d) of this Rule, the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 2000.

(d) The 1983 Table "a" without projection is to be used for determining the minimum standards of valuation for an individual annuity or pure endowment contract issued on or after January 1, 2000, solely when the contract is based on life contingencies and is issued to fund periodic benefits arising from:

(1) Settlements of various forms of claims pertaining to court settlements or out of court settlements from tort actions;

(2) Settlements involving similar actions such as worker's compensation claims; or

(3) Settlements of long term disability claims where a temporary or life annuity has been issued in lieu of continuing disability payments.

Authority G.S. 58-2-40; 58-58-50(k).

.0503 GROUP ANNUITY OR PURE ENDOWMENT CONTRACTS

(a) Except as provided in Paragraphs (b) and (c) of this Rule, the 1983 GAM Table, the 1983 Table "a" and the 1994 GAR Table are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, any one of these tables my be used for purposes of valuation for an annuity or pure endowment purchased on or after April 19, 1979, under a group annuity or pure endowment contract.

(b) Except as provided in Paragraph (c) of this Rule, the 1983 GAM Table or the 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1987, under a group annuity or pure endowment contract.

(c) The 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 2000, under a group annuity or pure endowment contract.

Authority G.S. 58-2-40; 58-58-50(k).

.0504 APPLICATION OF THE 1994 GAR TABLE

In using the 1994 GAR Table, the mortality rate for a person age x in year (1994 + n) is calculated as follows:

$$q_x^{1994+n} = q_x^{1994}(1-AA_x)^n$$

where the q_x^{1994}s and AA_xs are as specified in the 1994 GAR Table.

Authority G.S. 58-2-40; 58-58-50(k).

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance intends to amend the rules cited as 11 NCAC 12 .1701-.1703, .1707, .1709. Notice of Rule-making Proceedings was published in the Register on November 15, 1999.*

Proposed Effective Date: *July 1, 2000*

A Public Hearing *will be conducted at 10:00 a.m. on January 31, 2000 at the Dobbs Building, 3rd Floor Hearing Room, 430 N. Salisbury Street, Raleigh, NC.*

Reason for Proposed Action: *The 1999 NC General Assembly made technical changes to the viatical settlement laws in S.L. 1999-351 which requires amendments to these rules.*

Comment Procedures: *Written comments may be sent to Rebecca Hill, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611.*

Fiscal Impact

State	Local	Sub.	None
			✓

CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .1700 - VIATICAL SETTLEMENTS

.1701 DEFINITIONS

(a) The definitions in G.S. 58-58-42 (a) are incorporated into this Section by reference.

(b) As used in this Section, "Division" means the Life and Health Division of the Department of Insurance.

(c) As used in this Section:

(1) "Broker" has the same meaning as "Viatical Settlement Broker."

(2) "Provider" has the same meaning as "Viatical Settlement Provider."

(3) "Representative" has the same meaning as "Viatical Settlement Representative."

Authority G.S. 58-2-40; 58-58-42.

.1702 VIATICAL SETTLEMENT PROVIDERS

(a) An application for provider registration shall be filed with the Division.

(b) Only those individuals named in the application may act as providers.

(c) A provider shall submit with the application a plan of operation, including full particulars on the manner in which the provider proposes to operate in North Carolina and the type or types of insurance policies or contracts it intends to viaticate.

(d) The provider's plan of operation shall be a narrative overview of the provider's business and shall include the following information:

(1) A certified copy of the provider's charter and by-laws, if a corporation, and a copy of the partnership agreement, if a partnership.

(2) A chart showing the relationship of the provider to any parent, affiliated, or subsidiary corporation.

(3) A detailed description of the provider's marketing techniques, including a description of training programs for those individuals who will have direct contact with viators.

(4) A list of the names of provider's directors and management personnel, including job title and a brief description of the job duties.

(5) A schedule listing the names of financial institutions with which the provider has escrow trust agreements, indicating the balance on each account and copies of all escrow and trust agreements.

(6) A detailed description of what steps through which the viator will have access to funds, including the source that will make such funds available.

(7) A schedule listing the names of all financing entities with which the provider participates in financing transactions.

(8) A statement fully disclosing the identities of all stockholders directly or indirectly holding ten percent (10%) or more of the provider, and all partners, directors, officers, and employees of the provider, depending on whether the provider is a partnership, corporation, or limited liability company.

(e) A provider shall ~~immediately~~ notify the Division of any change in the address of the provider and of any change in the ~~officers~~ partners, officers, and directors of the ~~provider.~~ within 10 business days after the change.

(f) Each provider shall notify the Division of any change in the plan of operation or financial information filed with its application within 10 business days after the change.

(g) Each provider shall maintain net capital of at least one hundred thousand dollars ($100,000), or net capital plus a surety bond totaling at least one hundred thousand dollars ($100,000). As used in this Rule, "net capital" means the excess of total assets over total liabilities as determined by generally accepted accounting principles. If any of a provider's assets have been depreciated, the amount of depreciation relative to any particular asset may be added to the depreciated cost of the assets to compute the total assets; provided however, that the amount resulting after adding such depreciation shall not exceed the fair market value of the asset. For the purpose of calculating the appropriate amount of the surety bond that is required by this Rule, net capital shall be presumed to be zero ($0.00) in situations in which a provider's liabilities exceed the provider's assets.

(h) A power of attorney designating the Commissioner as the provider's agent for service of legal process shall be filed by every provider.

Authority G.S. 58-2-40; 58-16-30; 58-58-42.

.1703 VIATICAL SETTLEMENT BROKERS AND REPRESENTATIVES

(a) No person shall act as a broker or representative without first registering with the Agent Services Division.

(b) The Commissioner shall suspend, revoke, or refuse to renew the registration of any broker or representative if the Commissioner finds that:

(1) There was any misrepresentation in the application for registration;

(2) The broker or representative has been found guilty of fraudulent or dishonest practices, has been found guilty of a felony or any misdemeanor of which criminal fraud is an element, or is otherwise shown to be financially irresponsible; or

(3) The broker or representative has placed or attempted to place a contract with an unregistered provider.

(c) ~~In the absence of a written agreement between a viator and a broker making the broker the viator's agent, a broker is presumed to be an agent of the provider.~~ In the absence of a written agreement between a viatical settlement representative and a viatical settlement broker naming the representative as the broker's agent, a representative is presumed to be an agent of the provider.

(d) A broker shall not, without the written agreement of the viator obtained before performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

(e) A power of attorney designating the Commissioner as the ~~broker's~~ agent of the broker or representative for service of legal process shall be filed by every ~~broker.~~ broker and representative.

Authority G.S. 58-2-40; 58-16-30; 58-58-42.

.1707 SOLICITATION

(a) A ~~provider~~ provider, representative, or broker shall not discriminate in the solicitation or making of contracts on the basis of race, age, sex, natural origin, creed, or religion.

(b) A ~~provider~~ provider, representative, or broker shall not pay or offer to pay any finder's fee, commission, or other compensation to any viator's physician, attorney, accountant, or other person providing medical, legal, or financial planning services to the viator, or to any other person acting as an agent of the viator with respect to the viatical settlement.

(c) ~~Providers and brokers~~ A provider, representative, or

broker shall not solicit any investor who could influence the treatment of the illness of the viator whose coverage would be the subject of the investment.

(d) Contacts for the purpose of determining the health status of a viator by a ~~provider~~ provider, representative, or broker after the contract has been signed shall be limited to once every three months for viators with a life expectancy of more than one year, and to no more than one per month for viators with a life expectancy of one year or less. The ~~provider~~ provider, representative, or broker shall explain the procedure for these contacts before the contract is executed.

Authority G.S. 58-2-40; 58-58-42.

.1709 DISCLOSURE

(a) Every provider shall deliver an information booklet to every viator. Delivery of the booklet shall be acknowledged by the viator in the application form. The information booklet shall include the following

(1) How viatical settlements operate.

(2) Possible alternatives to viatical settlements for persons with catastrophic or life-threatening illnesses, including accelerated death benefits offered by the issuer of the life insurance policy or certificate or loans secured by the life insurance policy or certificate.

(3) Any tax consequences that may result from entering into a contract.

(4) Any consequences of interruption or loss of assistance as provided by medical or public assistance programs.

(5) The viator's right to rescind a contract.

(6) The identity of any person who will receive any fee or compensation from the provider with respect to the contract and the amount and terms of such compensation.

(7) The provider's complete name, main office address, and telephone number.

(b) The provider shall disclose to the viator, either on the application or through the information booklet, that the proceeds payable to the viator may not be exempt from the viator's creditors, personal representatives, trustees in bankruptcy and receivers in state and federal courts.

(c) The provider shall disclose to each viator, either on the application or through the information booklet, that the proceeds under a contract will be made in a lump sum. The disclosure shall state that the installment payments are not permissible unless the provider is a licensed insurance company or the provider has effected the purchase of an annuity or similar financial instrument issued by a licensed insurance company.

(d) The provider shall disclose on the application or through the information booklet that medical, financial, or other personal information obtained from the viator will not be disclosed to any other person without the viator's specific written consent.

(e) The provider shall disclose on the application or through the information booklet the procedures available concerning the payment of death benefit proceeds for any insured other than the viator or for the payment of accidental death proceeds.

(f) The provider, upon receipt of an application to viaticate and after determining the value to be offered in return for the assignment or transfer of the death benefit or ownership of a life insurance policy or certificate to the provider, shall deliver a proposal to the viator before the contract is to be signed. The proposal shall disclose the following information:

(1) Insurance contract death benefit in each of the next 10 years if the insurance contract is not viaticated.

(2) Amount of death benefit to be viaticated.

(3) Policy cash value before deducting any loan.

(4) Policy net cash value after deducting any loan.

(5) Policy death benefit less net cash value.

(6) Amount offered to viator.

(7) Whether any supplemental benefit or benefits including the following benefits, are present, will be continued and, if so, the source of premium payment and the beneficiary of the proceeds of such supplemental ~~benefit:~~ benefit, and the provider's interest in each benefit:

(A) Accidental death and dismemberment ~~benefit:~~ benefit, including the amount of the benefit.

(B) Disability income.

(C) Waiver of premium or of monthly deduction waiver.

(D) Guaranteed insurability options.

(E) Children or spouse coverage.

(8) Name of the insurer, and whether the insurer does or does not have an accelerated death benefit program for which the viator qualifies.

(9) The information required by G.S. 58-58-42(g1).

(g) The proposal shall include a notice stating that a detailed description of how the payment amount was determined, including interest rate, expense factors, and the assumed life expectancy used in the determination, may be obtained by a written request made to the provider.

(h) Upon a written request by the viator for a detailed description of how the payment amount was determined, the provider shall provide a detailed description stating the assumed life expectancy in months, the interest rate used to discount the amount at risk, the adjustments, if any, for future premiums, dividends and additional amounts, broker's or representative's compensation, and retention for other expenses, risk charge, and profit.

(i) Every broker and representative shall provide a written statement to every viator before completion of any application to viaticate that describes how the broker and representative will be compensated.

(j) The provider shall disclose to the viator, either on the application or in the information booklet, the provision in G.S. 58-58-42(g)(7).

(k) The provider shall disclose on the application or in the information booklet that the identity of the viator will not be disclosed except under the conditions set forth in G.S. 58-58-42(e1)(1) through (3) or as otherwise allowed or required by law. The provider shall provide the conditions in G.S. 58-58-42(e1)(1) through (3) to the viator.

Authority G.S. 58-2-40; 58-58-42.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Insurance intends to adopt the rule cited as 11 NCAC 13 .0326 and amend the rules cited as .0317-.0318, .0324. Notice of Rule-making Proceedings was published in the Register on November 15, 1999.

Proposed Effective Date: *July 1, 2000*

A Public Hearing *will be conducted at 10:00 a.m. on January 31, 2000 at the Dobbs Building, 3rd Floor Hearing Room, 430 N. Salisbury Street, Raleigh, NC.*

Reason for Proposed Action: *The 1999 NC General Assembly made changes to the regulations of premium finance companies in S.L. 1999-157 which requires the amendments and adoption of a new rule.*

Comment Procedures: *Written comments may be sent to Fred Mohn, NC Department of Insurance, PO Box 26387, Raleigh, NC 27611.*

Fiscal Impact			
State	Local	Sub.	None
			✓

CHAPTER 13 - SPECIAL SERVICES DIVISION

SECTION .0300 - INSURANCE PREMIUM FINANCE COMPANIES

.0317 TEN-DAY NOTICE

The ten-day written notice of intent to cancel as described in G.S. 58-35-85 (1) shall include the name and address of the premium finance company, the premium finance agreement number, the date the notice is ~~mailed,~~ delivered or sent, and the amount of the installment in default. A copy of the ten-day notice, or a listing of delinquent insureds showing the same general information shall be sent to the insurance agent shown on the premium finance agreement at the same time notice is given to the insured.

Authority G.S. 58-2-40; 58-35-85(1).

.0318 NOTICE OF CANCELLATION

The notice of cancellation as described in General Statute 58-35-85 (2) shall be signed by the owner or an officer of the premium finance company (the owner or officer's facsimile signature may be used), shall have in bold print at its top the wording "Notice of Cancellation" and shall include the name and address of the insured; the name and address of the insurance company; the name and address of the premium finance company; the insurance company policy number; a certification that the ten-days notice of intent to cancel has been furnished to the insured; the authority under which the policy is to be canceled; the date the notice of cancellation is ~~mailed~~ delivered or sent to the insured and to the insurance company; the effective date of cancellation; and a notice stating, "If automobile liability insurance is included, you are cautioned that financial responsibility is required to be maintained continuously throughout the registration period and that operation of a motor vehicle without maintaining such financial responsibility is a misdemeanor, the penalty for which is loss of registration plate, and fine or imprisonment, in accordance with the motor vehicle laws of the State of North Carolina as they may be amended from time to time".

Authority G.S. 58-2-40; 58-35-85(2).

.0324 DISHONORED CHECKS

~~Upon a cancellation when the insurer has received notice that the return premium has been assigned to a premium finance company, the insurer shall, within 60 days of such notice, forward to the premium finance company any gross unearned premium. When the gross unearned premium is in excess of that amount due to the premium finance company, the premium finance company shall, within ten business days, forward such excess amount to the insured by mailing it to the last known address of the insured. In the event that the~~ If, for the premium being financed, an insurance agent holds a ~~bad~~ dishonored check given by the insured as ~~downpayment~~ down payment, ~~on the contract in question,~~ certification to the ~~licensee~~ premium finance company by the agent that he holds a ~~bad~~ dishonored check and that the agent agrees to hold the ~~licensee~~ premium finance company harmless shall entitle the ~~licensee~~ premium finance company to make any remittance due the insured to the agent and not to the insured, provided that no remittance of return premium due the insured shall be made to the agent in any amount in excess of the amount of the ~~bad~~ dishonored check. A copy of the ~~bad~~ dishonored check shall be submitted to the ~~licensee~~ premium finance company by the agent at the time of certification.

Authority G.S. 58-2-40; 58-35-85.

.0326 PREMIUM FINANCE AGREEMENT TYPE STANDARD

The printed portion of each original premium finance agreement shall be in eight point type. An inadvertent change in the type size caused by facsimile or other electronic transmission, copying, or other means is not a violation of this Rule.

Authority G.S. 58-2-40; 58-35-50.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend rule cited as 15A NCAC 2D .1201 with changes from the proposed text noticed in the Register, Volume 14, Issue 3, Pages 186 - 189.

Proposed Effective Date: *July 1, 2000*

Reason for Proposed Action: *The Environmental Management Commission has requested that the comment period be extended for Rule 15A NCAC 2D .1201 that went to public hearing on August 20, 1999 in Raleigh, North Carolina. The comment period is extended to specifically receive comment on the revision to Subparagraph (c)(2) of Rule 15A NCAC 2D .1201.*

Comment Procedures: *Any person desiring to comment is requested to submit a written statement for inclusion in the record of proceedings. The comment period will remain open until February 14, 2000. Comments should be sent to and additional information concerning the proposal may be obtained by contacting: Mr. Thomas C. Allen, Division of Air Quality, 2728 Capital Blvd., 1641 Mail Service Center, Raleigh, NC 27699-1641, or at (919)733-1489 (phone)/(919)715-7476 (fax), or thom_allen@ncair.net.*

Fiscal Impact

State	Local	Sub.	None
			✓

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .1200 - CONTROL OF EMISSIONS FROM INCINERATORS

.1201 PURPOSE AND SCOPE

(a) This Section sets forth rules for the control of the emissions of air pollutants from incinerators.

(b) The rules in this Section apply to all types of incinerators as defined by 15A NCAC 2D .0101(20), including incinerators with heat recovery and industrial incinerators.

(c) The rules in this Section do not apply to:

(1) afterburners, flares, fume incinerators, and other similar devices used to reduce the emissions of air pollutants from processes, whose emissions shall be regulated as process emissions;

(2) any boilers or industrial furnaces that burn waste as a **~~fuel;~~ fuel, except hazardous waste as defined in 40 CFR 260.10;**

(3) air curtain burners, which shall comply with Section .1900 of this Subchapter; or

(4) incinerators used to dispose of dead animals or poultry that meet the following requirements:

(A) the incinerator is located on a farm and is owned and operated by the farm owner or by the farm operator;

(B) the incinerator is used solely to dispose of animals or poultry originating on the farm where the incinerator is located;

(C) the incinerator is not charged at a rate that exceeds its design capacity; and

(D) the incinerator complies with Rule .0521 (visible emissions) and .0522 (odorous emissions) of this Subchapter.

~~(d) If the incinerator is used solely to cremate pets or if the emissions of all toxic air pollutants from an incinerator and associated waste handling and storage are less than the levels listed in 15A NCAC 2Q .0711, the incinerator shall be exempt from Rules .1205(f) through (p), and .1206 of this Section. Sewage sludge incinerators, sludge incinerators, municipal waste combustors at small and large municipal waste combustor plants, and HMIWIs are not eligible for exemption under this Paragraph.~~

(d)~~(e)~~ If an incinerator can be defined as being more than one type of incinerator, then the following order shall be used to determine the standards and requirements to apply:

(1) hazardous waste incinerators; ~~incinerators;~~

(2) sewage sludge incinerators; ~~incinerators;~~

(3) sludge incinerators; ~~incinerators;~~

(4) municipal waste combustors; ~~combustor at a large or small municipal waste combustor plant;~~

(5) hospital, medical, or infectious waste incinerators (HMIWIs); ~~HMIWIs;~~

(6) conical incinerators;

(7) crematory incinerators; ~~incinerators;~~ and

(8) other incinerators.

(e) Referenced document SW-846 "Test Methods for Evaluating Solid Waste", Third Edition, cited by Rules in this Section is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document is available for inspection at the North Carolina Department of Environment and Natural Resources Library located at 512 North Salisbury Street, Raleigh, NC 27603. Copies of this document may be obtained through the US Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or by calling (202) 783-3238. The cost of this document is three hundred nineteen dollars ($319.00).

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(1), (3),(4),(5).

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to adopt rules cited as 15A NCAC 18A .0188 - .0191; .0433 - .0435; and amend rules cited as 15A NCAC 18A .0134, .0301. Notice of Rule-making Proceedings was published in the Register on November 1, 1999.

Proposed Effective Date: *August 1, 2000*

A Public Hearing *will be conducted at 9:00 a.m. on February 2, 2000 at the Archdale Bldg., Ground Floor Hearing Room, 512 N. Salisbury Street., Raleigh, NC.*

Reason for Proposed Action: *Title 21 of the Code of Federal Regulations Part 123 requires that dealers shipping seafood products in interstate commerce develop and implement a Hazard Analysis Critical Control Point Plan for their plants. Additionally, the National Shellfish Sanitation Program requires that all states in the Program develop HACCP rules.*

Comment Procedures: *Comments may be submitted to Dave Clawson, Shellfish Sanitation Section, PO Box 769, Morehead City, NC 28557, (252)726-6827 through February 14, 2000.*

Fiscal Impact			
State	Local	Sub.	None
			✓

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .0100 - HANDLING: PACKING: AND SHIPPING OF CRUSTACEA MEAT

.0134 DEFINITIONS

The following definitions shall apply throughout this Section; however, nothing in this Section shall be construed as expanding or restricting the definitions in G.S. 106-129 and G.S. 106-130:

(1) "Adulterated" as used in G.S. 106-129 means the following:
- (a) Any cooked crustacea or crustacea meat that does not comply with these Rules;
- (b) Any cooked crustacea or crustacea meat which exceeds the bacteriological standards in Rule .0182 of this Section;
- (c) Any cooked crustacea or crustacea meat which has been deemed to be an imminent hazard;

(2) "Code date" means the date conspicuously placed on the container to indicate the date that the product was packed.

(3) "Cook" means to prepare or treat raw crustacea by heating.

(4) "Critical control point" means a point, step or procedure in a food process at which control can be applied, and a food safety hazard can as a result be prevented, eliminated or reduced to acceptable levels.

(5) "Critical limit" means the maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to prevent, eliminate or reduce to an acceptable level the occurrence of the identified food safety hazard.

~~(4)~~(6) "Crustacea meat" means the meat of crabs, lobster, shrimp or crayfish.

~~(5)~~(7) "Division" means the Division of Environmental Health or its authorized agent.

~~(6)~~(8) "Food-contact surface" means the parts of equipment, including auxiliary equipment, which may be in contact with the food being processed, or which may drain into the portion of equipment with which food is in contact.

(9) "Food safety hazard" means any biological, chemical or physical property that may cause a food to be unsafe for human consumption.

~~(7)~~(10) "Foreign" means any place or location outside the United States.

~~(8)~~(11) "Fresh crustacea" means a live, raw or frozen raw crab, lobster, shrimp or crayfish which shows no decomposition.

(12) "HACCP plan" means a written document that delineates the formal procedures a dealer follows to implement food safety controls.

(13) "Hazard analysis critical control point (HACCP)" means a system of inspection, control and monitoring measures initiated by a dealer to identify microbiological, chemical or physical food safety hazards which are likely to occur in shellfish products produced by the dealer.

~~(9)~~(14) "Imminent hazard" means a situation which is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious physical adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.

~~(10)~~(15) "Internal temperature" means the temperature of the product as opposed to the ambient temperature.

~~(11)~~(16) "Misbranded" as used in G.S. 106-130 means any container of cooked crustacea or crustacea meat which is not labeled in compliance with these Rules.

~~(12)~~(17) "Operating season" means the season of the year during which a crustacea product is processed.

~~(13)~~(18) "Pasteurization" means the process of heating every particle of crustacea meat in a hermetically-sealed 401 by 301 one pound container to a temperature of at least 185E F (85E C) and holding it continuously at or above this temperature for at least one minute in properly operated equipment. The term includes any other process which has been found equally effective by the Division.

~~(14)~~(19) "Pasteurization date" means a code conspicuously placed on the container to indicate the date that the product was pasteurized.

(20) "Person" means an individual, corporation, company, association, partnership, unit of government or other legal entity.

~~(15)~~(21) "Processing" means any of the following operations when carried out in conjunction with the cooking of crustacea or crustacea meat: receiving, refrigerating, air-cooling, picking, packing, repacking, thermal processing, or pasteurizing.

~~(16)~~(22) "Repacker" means a facility which repacks cooked

crustacea meat into other containers.

~~7)~~(23) "Responsible person" means the individual present in a cooked crustacea facility who is the apparent supervisor of the cooked crustacea facility at the time of the inspection. If no individual is the apparent supervisor, then any employee is the responsible person.

~~8)~~(24) "Sanitize" means a bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.

~~9)~~(25) "Standardization report" means a report of tests which show that a piece of equipment can produce time/temperature results as required by these Rules.

~~0)~~(26) "Thermal processing" means the heating of previously cooked crustacea or crustacea meat to a desired temperature for a specified time in properly operated equipment.

Authority G.S. 106-129; 106-130; 130A-230.

.0188 HAZARD ANALYSIS

Each dealer shall conduct a hazard analysis to determine the food safety hazards that are reasonably likely to occur for each kind of crustacea or crustacea meat product processed by that dealer and to identify the preventative measures that the dealer can apply to control those hazards.

Authority G.S. 130A-230.

.0189 HACCP PLAN

Each dealer shall have and implement a written HACCP Plan. The owner or authorized designee shall sign the plan when implemented and after any modification. The plan shall be reviewed and updated, if necessary, at least annually. The plan shall, at a minimum:

(1) List the food safety hazards that are reasonably likely to occur;

(2) List the critical control points for each of the food safety hazards;

(3) List the critical limits that must be met for each of the critical control points;

(4) List the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;

(5) List any corrective action plans to be followed in response to deviations from critical limits at critical control points;

(6) Provide a record keeping system that documents critical control point monitoring; and

(7) List the verification procedures, and frequency thereof, that the dealer will use.

Authority G.S. 130A-230.

.0190 SANITATION MONITORING REQUIREMENTS

Each dealer shall monitor, at a minimum, the following sanitation items:

(1) Safety of water;

(2) Condition and cleanliness of food contact surfaces;

(3) Prevention of cross contamination;

(4) Maintenance of hand washing, hand sanitizing and toilet facilities;

(5) Protection of crustacea or crustacea meat, crustacea or crustacea meat packaging materials and food contact surfaces from adulteration;

(6) Proper labeling, storage and use of toxic compounds;

(7) Control of employees with adverse health conditions; and

(8) Exclusion of pests from the facility.

Authority G.S. 130A-230.

.0191 MONITORING RECORDS

Monitoring records of critical control points and general sanitation requirements shall be recorded, as specified in plan, signed and dated when recorded. The records shall be reviewed by owner or designee within one week of recording.

Authority G.S. 130A-230.

SECTION .0300 - SANITATION OF SHELLFISH - GENERAL

.0301 DEFINITIONS

The following definitions shall apply throughout Sections .0300 to .0900 of this Subchapter:

(1) "Adulterated" means the following:

(a) Any shellfish that have been harvested from prohibited areas;

(b) Any shellfish that have been shucked, packed, or otherwise processed in a plant which has not been permitted by the Division in accordance with these Rules;

(c) Any shellfish which exceed the bacteriological standards in Rule .0430 of this Subchapter;

(d) Any shellfish which are deemed to be an imminent hazard;

(2) "Approved area" means an area determined suitable for the harvest of shellfish for direct market purposes.

(3) "Bulk shipment" means a shipment of loose shellstock.

(4) "Buy boat or buy truck" means any boat which complies with Rule .0419 of this Subchapter or truck which complies with Rule .0420 of this Subchapter that is used by a person permitted under these Rules to transport shellstock from one or more harvesters to a facility permitted under these Rules.

(5) "Certification number" means the number assigned by the state shellfish control agency to each certified shellfish dealer. It consists of a one to five digit number preceded by the two letter state abbreviation and followed by the two letter symbol designating the

type of operation certified.

(6) "Critical control point" means a point, step or procedure in a food process at which control can be applied, and a food safety hazard can as a result be prevented, eliminated or reduced to acceptable levels.

(7) "Critical limit" means the maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to prevent, eliminate or reduce to an acceptable level the occurrence of the identified food safety hazard.

~~(6)~~(8) "Depuration" means mechanical purification or the removal of adulteration from live shellstock by any artificially controlled means.

~~(7)~~(9) "Depuration facility" means the physical structure wherein depuration is accomplished, including all the appurtenances necessary to the effective operation thereof.

~~(8)~~(10) "Division" means the Division of Environmental Health or its authorized agent.

(11) "Food safety hazard" means any biological, chemical or physical property that may cause a food to be unsafe for human consumption.

(12) "HACCP plan" means a written document that delineates the formal procedures a dealer follows to implement food safety controls.

(13) "Hazard analysis critical control point (HACCP)" means a system of inspection, control and monitoring measures initiated by a dealer to identify microbiological, chemical or physical food safety hazards which are likely to occur in shellfish products produced by the dealer.

~~(9)~~(14) "Heat shock process" means the practice of heating shellstock to facilitate removal of the shellfish meat from the shell.

~~(10)~~(15) "Imminent hazard" means a situation which is likely to cause an immediate threat to human life, and immediate threat of serious physical injury, an immediate threat of serious physical adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.

~~(11)~~(16) "Misbranded" means the following:

(a) Any shellfish which are not labeled with a valid identification number awarded by regulatory authority of the state or territory of origin of the shellfish; or

(b) Any shellfish which are not labeled as required by these Rules.

~~(12)~~(17) "Operating season" means the season of the year during which a shellfish product is processed.

~~(13)~~(18) "Person" means an individual, corporation, company, association, partnership, unit of government or other legal entity.

~~(14)~~(19) "Prohibited area" means an area unsuitable for the harvesting of shellfish for direct market purposes.

~~(15)~~(20) "Recall procedure" means the detailed procedure the permitted dealer will use to retrieve product from the market when it is determined that the product may not be safe for human consumption as determined by the State Health Director.

~~(16)~~(21) "Relaying or transplanting" means the act of removing shellfish from one growing area or shellfish grounds to another area or ground for any purpose.

~~(17)~~(22) "Repacking plant" means a shipper, other than the original shucker-packer, who repacks shucked shellfish into containers for delivery to the consumer.

~~(18)~~(23) "Reshipper" means a shipper who ships shucked shellfish in original containers, or shellstock, from permitted shellstock dealers to other dealers or to consumers.

~~(19)~~(24) "Sanitary survey" means the evaluation of factors having a bearing on the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.

~~(20)~~(25) "Sanitize" means the a bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.

~~(21)~~(26) "SELL BY date" means a date conspicuously placed on a container or tag by which a consumer is informed of the latest date the product will remain suitable for sale.

~~(22)~~(27) "Shellfish" means oysters, mussels, scallops and all varieties of clams. However, the term shall not include scallops when the final product is the shucked adductor muscle only.

~~(23)~~(28) "Shellstock" means any shellfish which remain in their shells.

~~(24)~~(29) "Shellstock conveyance" means all trucks, trailers, or other conveyances used to transport shellstock.

~~(25)~~(30) "Shellstock dealer" means a person who buys, sells, stores, or transports or causes to be transported shellstock which was not obtained from a person permitted under these Rules.

~~(26)~~(31) "Shellstock plant" means any establishment where shellstock are washed, packed, or otherwise prepared for sale.

~~(27)~~(32) "Shucking and packing plant" means any establishment or place where shellfish are shucked and packed for sale.

~~(28)~~(33) "Wet storage" means the temporary placement of shellstock from approved areas, in containers or floats in natural bodies of water or in tanks containing natural sea water.

Authority G.S. 130A-230.

SECTION .0400 - SANITATION OF SHELLFISH - GENERAL OPERATION STANDARDS

.0433 HAZARD ANALYSIS

Each dealer shall conduct a hazard analysis to determine the food safety hazards that are reasonably likely to occur for each kind of shellfish product processed by that dealer and to identify the preventative measures that the dealer can apply to control those hazards.

Authority G.S. 130A-230.

.0434 HACCP PLAN

Each dealer shall have and implement a written HACCP Plan. The owner or authorized designee shall sign the plan when implemented and after any modification. The plan shall be reviewed and updated, if necessary, at least annually. The plan shall, at a minimum:

(1) List the food safety hazards that are reasonably likely to occur;
(2) List the critical control points for each of the food safety hazards;
(3) List the critical limits that must be met for each of the critical control points;
(4) List the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;
(5) List any corrective action plans to be followed in response to deviations from critical limits at critical control points;
(6) Provide a record keeping system that documents critical control point monitoring; and
(7) List the verification procedures, and frequency thereof, that the dealer will use.

Authority G.S. 130A-230.

.0435 SANITATION MONITORING REQUIREMENTS

Each dealer shall monitor, at a minimum, the following sanitation items:

(1) Safety of water;
(2) Condition and cleanliness of food contact surfaces;
(3) Prevention of cross contamination;
(4) Maintenance of hand washing, hand sanitizing and toilet facilities;
(5) Protection of shellfish, shellfish packaging materials and food contact surfaces from adulteration;
(6) Proper labeling, storage and use of toxic compounds;
(7) Control of employees with adverse health conditions; and
(8) Exclusion of pests from the facility.

Authority G.S. 130A-230.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 50 - BOARD OF EXAMINERS OF PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors intends to adopt rules cited as 21 NCAC 50 .0512 - .0514, .1014; amend rules cited as 21 NCAC 50.0301, .0304, .0306, .0310, .0402, .0404, .0406, .0412, .0501, .0506, .0508, .1004, .1006, .1101, .1204, .1205, .1210; and repeal rules cited as 21 NCAC 50 .1001, .1007 - .1011, 1013, .1206, .1212 - .1213. Notice of Rule-making Proceedings was published in the Register on September 15,1999 and November 15, 1999.

Proposed Effective Date: *August 1, 2000*

A Public Hearing *will be conducted at 8:30 a.m. on February 8, 2000 at the McKimmon Center, Raleigh, NC.*

Reason for Proposed Action: *The Board has granted two rule-making petitions and is in the process of review of all Board rules. The changes being considered relate to creation of limited or specialty, licenses, fees, probation requirements, supervision and employment definitions and rule-making and administrative hearing process.*

Comment Procedures: *Comments may be directed, in writing to the Board at 3801 Wake Forest Road, Suite 201, Raleigh, NC 27609 on or before February 14, 2000, or may be delivered in person at the hearing.*

Fiscal Impact			
State	Local	Sub.	None
			✓

SECTION .0300 - EXAMINATIONS

.0301 QUALIFICATIONS DETERMINED BY EXAMINATION

(a) In order to determine the qualifications of an applicant, the Board shall provide a written examination in the following categories:

Plumbing Contracting, Class I
Plumbing Contracting, Class II
Heating, Group No. 1 - Contracting, Class I
Heating, Group No. 1 - Contracting, Class II
Heating, Group No. 2 - Contracting, Class I
Heating, Group No. 3 - Contracting, Class I
Heating, Group No. 3 - Contracting, Class II
Fuel Piping
Plumbing Contracting, Limited Hot Water Heater
Plumbing Contracting, Limited backflow prevention

(b) Each applicant shall be required to read, interpret and provide written answers to all parts of the examinations required by G.S. 87-21(b), except during oral examinations provided pursuant to G.S. 87-21(b).

(c) Applicants for licensure as a fire sprinkler contractor must

submit evidence of current certification by the National Institute for Certification and Engineering Technology (NICET) for Fire Protection Engineering Technician, Level III, subfield of Automatic Sprinkler System Layout as the prerequisite for licensure. Current certification by NICET is in lieu of separate examination conducted by the Board.

Authority G.S. 87-18; 87-21(a); 87-21(b).

.0304 SPECIAL EXAMINATIONS

(a) Upon written request, applicants may be permitted to sit for examination at a date other than the regular schedule. An ~~The~~ expense deposit for a special examination pursuant to G.S. 87-21(b) shall be required in an amount determined by the Board. After the special examination is completed and graded, or in case of cancellation by the applicant, the Board will apply the expense deposit to ~~determine~~ the full cost of the examination and refund any balance remaining ~~remaining after applying the expense deposit~~.

(b) The Board may implement a program of additional regular examinations, on dates other than April and October, at the same cost as set for the regular examinations.

Authority G.S. 87-18; 87-21(a); 87-21(b).

.0306 APPLICATIONS: ISSUANCE OF LICENSE

(a) All applicants for regular examinations shall file an application in the office of the executive secretary on or before the date set out on the examination application form, which date shall be no more than 60 days prior to the examination.

(b) Applicants for each plumbing or heating examination shall present evidence at the time of application on forms provided by the Board to establish two years on-site full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which license is sought, whether or not license was required for the work performed. One year of experience in the design or installation of fuel piping is required for fuel piping license. One year of experience in the design, piping, fuels, venting and location of hot water heaters is required for the Plumbing, limited water heater license. One year of experience in the design, piping, and location of backflow prevention devices is required for the Plumbing, limited backflow prevention license. Practical experience shall directly involve plumbing, heating or fuel piping and may include work as a field superintendent, project manager, journeyman, mechanic or plant stationary operator directly involved in the installation, maintenance, service or repair of such systems. Work as a local government inspector of plumbing or heating systems while qualified by the Code Officials Qualification Board, work as a field representative of this Board or work by a graduate of an ABET accredited engineering or engineering technology program with direct on-site involvement with plumbing or heating system construction, construction supervision, plant engineering or operation may utilize such work as evidence of practical experience; provided that Board members and employees may not sit for examination during their tenure with the Board. After review, the Board may request additional evidence. Up to one-half the experience may be in academic or technical training directly related to the field of endeavor for which examination is requested. The Board shall pro rate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours or work which involves the kinds of work set out herein only part of the time.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler contractors shall meet experience requirements in accordance with NICET examination criteria.

Authority G.S. 87-18; 87-21(b).

.0310 APPLICATION FOR LICENSURE BY RECIPROCITY

The Board shall ~~grant,~~ grant license by reciprocity pursuant to reciprocal licensing agreements worked out with various states after mutual review of the applicable licensing standards and examinations.

Authority G.S. 87-18; 87-21(g).

SECTION .0400 - GENERAL PROCEDURES

.0402 PERMITS

(a) A licensed contractor shall assure that a permit is obtained from the local Code Enforcement official before commencing any work for which a license is required by the Board. The contractor shall also assure that a request for final inspection is made within 10 days of substantial completion of the work for which license is required, absent agreement with the owner and the local Code Enforcement official. Absent agreement with the local Code Enforcement official the licensee is not relieved by the Board of responsibility to arrange inspection until a certificate of compliance or the equivalent is obtained from the local code enforcement official or the licensee has clear evidence of his effort to obtain same. Mutual coordination and cooperation is required of both the licensee and Code Enforcement official.

(b) A licensed contractor shall not authorize permits to be obtained or allow his license number to appear on permits except for work over which he will provide general supervision until the completion of the work, for which he holds the contract and for which he receives all contractual payments.

Authority G.S. 87-18; 87-26.

.0404 ACTIVE EMPLOYMENT

(a) In each business location, branch or facility of any kind from which work requiring a license pursuant to G.S. 87, Article 2 is solicited or proposed, or from which contracts for such work are negotiated or entered into, or from which requests for such work are received or accepted, or from which

such work is carried out or dispatched, there shall be on-site at least one individual who holds qualification in the classification needed for the work being proposed or performed, whose license is listed in the name of the particular firm or business at that location, and who is engaged in the work of the firm at the business location or at firm job sites at least 1500 hours annually, and who has the responsibility to make, modify, terminate and set the terms of contracts, and to exercise general supervision, as defined in Rule .0505 of this chapter, of all work falling within his license qualification. Evidence of compliance may be required as a condition of renewal or retention of license, and falsification shall constitute fraud in obtaining license.

~~(a) In each separate place of business or branch thereof operated by a contractor licensed by the Board, there shall be on active on-site employment a person licensed in accordance with the provisions of G.S. 87, Article 2 and whose duties are to supervise all installations falling within his license qualification.~~

~~(b) Separate place of business or branch thereof shall mean any office or facility of any kind:~~

~~(1) from which work requiring license is solicited or conducted;~~

~~(2) from which contracts for work requiring license are negotiated or entered into; or~~

~~(3) from which requests for work requiring license are received and accepted.~~

(b)~~(c)~~ A temporary field office used solely to conduct the work requiring license involved in an existing contract or contracts entered into by the main license office and from which no new business is solicited or conducted shall not be deemed a separate place of business or branch thereof.

Authority G.S. 87-18; 87-21(a)(5); 87-21(a)(6); 87-26.

.0406 RESPONSIBILITY OF LICENSED PERSON EMPLOYED BY FIRM

(a) The licensed person, whether individually or for a corporation, partnership or business with a trade name, shall execute all ~~contracts~~ contracts, provide supervision to the extent of his ~~qualifications.~~ qualifications and assure that permits are obtained.

(b) A contract, and the responsibility imposed on a licensed person to supervise work performed under a contract, may be assumed by another licensee in writing upon written notice to the Board of the assignment.

(c) The license number and qualification of the firm will be displayed on firm contracts, proposals, permit applications, and telephone yellow page advertising.

Authority G.S. 87-18; 87-26.

.0412 GUIDELINES ON DISCIPLINARY ACTIONS

(a) The provisions of G.S. 87, Article 2, the rules of the Board and the matters referenced therein are the guidelines by which the conduct of an entity subject to the authority of the Board are evaluated.

(b) The Board may suspend a license or impose probation provisions for violations of 21 NCAC 50 .0402, 21 NCAC 50 .0403, 21 NCAC 50 .0404 and 21 NCAC 50 .0405. Repeated violations may result in revocation.

(c) The Board may suspend a contractor's license or impose probationary terms when a licensee fails to comply with the supervision requirements of 21 NCAC 50 .0404, 21 NCAC 50 .0406 or 21 NCAC 50 .0505. Multiple violations within the same proceeding may result in revocation.

(d) The Board may suspend or revoke a license where it is found that the licensee has failed to comply with the minimum standards of competence as set forth in 21 NCAC 50 .0505(b). The Board may condition the subsequent reinstatement of license upon passing of the Board's examination or completion of specified educational courses. The Board may impose additional conditions of reinstatement.

(e) The Board may suspend or revoke the license of a contractor where it is found that the contractor abandoned a job after obtaining funds from the owner.

(f) As a part of these provisions, the Board may revoke the license of any licensee where it is found that the contractor through a violation of G.S. 87, Article 2 has increased the risk of exposure to carbon monoxide or other harmful vapors, fire, or damage resulting therefrom, the release of sewage, methane gas, or contamination of the potable water supply.

(g) The foregoing provisions are illustrative guidelines of sanctions imposed by the Board and are not intended to limit the authority of the Board or the variety of facts for which action may be required in a particular situation.

(h) Any of the foregoing actions may result in a probation period or combination of suspension and probation. Condition of probation may include remediation, education, reexamination, record-keeping or other provisions likely to deter future violation or remedy perceived shortcomings.

Authority G.S. 87-18; 87-23.

SECTION .0500 - POLICY STATEMENTS AND INTERPRETATIVE RULES

.0501 AIR CONDITIONING FURTHER DEFINED

An air conditioning system is an aggregation or assemblage of objects united by some form of interaction or interdependence, or a group of single or multiple units so combined as to form an integral whole, that requires a total of more than 15 tons of mechanical refrigeration to ~~function,~~ function-, or operate ~~or move in unison~~, which produces conditioned air by the lowering of temperature for comfort cooling, and requires air distribution ducts. Multiple units serving interconnected space and aggregating more than 15 tons are included in the foregoing whether or not separately ducted or controlled.

Authority G.S. 87-18; 87-21(a)(3).

.0506 MINOR REPAIRS AND ALTERATIONS

(a) The initial installation or the subsequent replacement of a hot water heater in any structure requires a license in plumbing contracting. ~~contracting except that the replacement of a hot water heater, with no change in fuel or energy source, energy use rate, routing or sizing of venting or piping, constitutes a minor replacement within the meaning of G.S. 87-21(c).~~

(b) The installation of a water purification system which interrupts the potable water supply does not constitute a minor repair or replacement within the meaning of G.S. 87-21(c).

(c) Any connection, repair, or alteration which requires interruption of the potable water supply and if poorly performed creates substantial risk of contamination of the potable water supply is not a minor repair, replacement or alteration.

(d) Any connection, repair or alteration which if poorly performed creates substantial risk of fire or exposure to carbon monoxide, open sewage or other gases is not a minor repair, replacement or alteration.

(e) The failure to enumerate above any specific type of repair, replacement or alteration shall not be construed in itself to render said repair, replacement or alteration as minor within the meaning of G.S. 87-21(c).

Authority G.S. 87-18; 87-21(a)(1); 87-21(a)(5); 87-21(c).

.0508 HEATING: LICENSE REQUIRED

(a) A license in heating, group No. 3 is required for the installation or replacement of; a furnace, ductwork or condenser in a heating, group No. 3 system.

(b) A license in heating, group No. 3 is required to install or replace a self-contained fireplace unit if the unit utilizes ducts or a blower to distribute air to areas not immediately adjacent to the fireplace itself.

(c) A license in heating, group No. 3 is required when air conditioning of less than 15 tons is added to an already installed heating, group No. 3 system, provided the existing heating system is altered or modified, or there are changes in the duct or control system.

(d) A Heating Group No. 2 license is required for the installation or replacement of equipment or ductwork in a Heating Group No. 2 system.

Authority G.S. 87-18; 87-21(a)(3); 87-21(a)(5); 87-21(c).

.0512 EMPLOYEES EXEMPTED FROM LICENSURE

As used in G.S. 87-25, the phrase "bona-fide employee" shall mean and refer to an individual who is directly and regularly employed in the ordinary course of business by a contractorlicensed pursuant to G.S. 87, Article 2. Factors establishing whether the individual is directly and regularly employed in the ordinary course of business of such contractor include, without limitation, the following list:

(1) whether the individual is on the licensed contractor's payroll;

(2) whether the licensed contractor withholds taxes from the payment to the individual and performs such other acts as are lawfully required of an employer;

(3) whether the licensed contractor exercises control over the method and manner of the individual's work; and

(4) whether the licensed contractor, and not the individual, is and remains obligated to the owner for the work. Persons acting as independent contractors, consultants or subcontractors, or paid as such, are not bona fide employees.

Authority G.S. 87-18; 87-25.

.0513 HOT WATER HEATER INSTALLATION

(a) The replacement of a hot water heater in the plumbing system of a single family residential structure requires either a Plumbing Class I, Plumbing Class II or a Limited Plumbing license, whether or not the replacement involves a change in fuel, size, power or location.

(b) An examination and license limited to the technology, piping, sizing, location, fuels, venting and interconnection of residential hot water heaters, and related statutes and rules will be available 90 days after the effective date of this Rule.

(c) Water heater replacements in applications other than as set out in Rule .0513(a) of this Section requires Plumbing Class I license.

Authority G.S. 87-18; 87-21(a)(1); 87-21(b)(1)(2)(5).

.0514 BACK FLOW PREVENTION

(a) The installation of backflow prevention piping and backflow prevention devices to connect from the potable water supply at a point beyond the meter on a water supply line not exceeding two inches in diameter requires a plumbing or restricted plumbing license. This provision does not purport to require license from this Board for installation of lawn sprinkler or water purification devices aside from the backflow prevention device.

(b) An examination and license limited to the technology, piping, sizing, location,and interconnection of backflow preventers, and related statutes and rules will be available 90 days after the effective date of this Rule.

(c) Unless excepted in these rules or elsewhere, work involving interruption of the potable water supply requires plumbing license.

Authority G.S. 87-18; 87-21(a)(1); 87-21(b)(1)(2)(5).

SECTION .1000 - CONTESTED CASES

.1001 RIGHT TO HEARING

~~When the Board acts or proposes to act, other than in rule-making or declaratory ruling proceedings, in a manner which will affect the rights, duties, or privileges of a specific, identifiable person, such person has the right to an administrative hearing. When the Board proposes to act in such~~

~~a manner, it shall give all such affected persons notice of their right to a hearing by mailing by certified mail to them at their last known address a notice of the proposed action and a notice of a right to a hearing.~~

Authority G.S. 87-18; 150B-38.

.1004 NOTICE OF HEARING

(a) Hearings of the Board are commenced and conducted consistent with G.S. 150B, Article A. ~~Article 3A, Chapter 150B of the General Statutes The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):~~

~~(1) the name, position, address, and telephone number of a person at the offices of the Board to contact for further information or discussion;~~

~~(2) the date, time, and place for a pre-hearing conference, if any; and~~

~~(3) any other information deemed relevant to informing the parties as to the procedure of the hearing.~~

(b) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license. Upon service of the order, the licensee to whom the order is directed shall immediately cease the practice of plumbing, heating or fire sprinkler contracting in North Carolina. The Board shall promptly give notice of hearing pursuant to G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

Authority G.S. 87-18; 150B-3(c); 150B-38.

.1006 INFORMAL PROCEDURES

(a) The Board and party or parties may agree at a pre-hearing conference to simplify the hearing by: decreasing the number of issues to be contested at the hearing; accepting the validity of certain proposed evidence; accepting the findings in certain other case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.

(b) Prior to commencement to a contested case hearing, the Board may invite a licensee to participate in an informal conference with one or more board members. An informal conference ordinarily takes place when it appears there may not be a need for ~~probable cause to hold~~ a formal hearing.

(c) As a part of the contested case hearing process, the Board may elect to conduct a summary proceeding in a contested case. The procedure for a summary proceeding is substantially as follows:

(1) After issuance of a notice of hearing in accordance with 21 NCAC 50 .1004, the matter is considered by a single board member without a record. Each party may tender affidavits, documents and a closing statement. Live testimony will not be received.

(2) Each party may present a suggestion as to the terms of a Recommended Order. The presiding board member will consider the materials and suggestions and issue a Recommended Decision in summary proceeding. If there is no objection within a specified time, a Summary Order will be received and considered by a majority of the Board with a recommendation for adoption by the staff, the Board member involved and the respondent.

(3) Any party who does not agree with the recommended decision may notify the Board. The matter will subsequently be heard de novo by a majority of the Board or as otherwise provided by 21 NCAC 50 .1005. The de novo hearing shall be conducted as other contested case hearings are conducted pursuant to 21 NCAC 50 .1000. The Board member who conducted the summary proceedings shall be disqualified from the de novo hearing.

Authority G.S. 87-18; 150B-41.

.1007 PETITION FOR INTERVENTION

~~(a) A person desiring to intervene in a contested case must file a written petition with the Board's office. The request should bear the notation: PETITION TO INTERVENE IN THE CASE OF (Name of case).~~

~~(b) The petition must include the following information:~~

~~(1) the name and address of petitioner;~~

~~(2) the business or occupation of petitioner, where relevant;~~

~~(3) a full identification of the hearing in which petitioner is seeking to intervene;~~

~~(4) the statutory or non-statutory grounds for intervention;~~

~~(5) any claim or defense in respect of which intervention is sought; and~~

~~(6) a summary of the arguments or evidence petitioner seeks to present.~~

~~(c) If the Board determines to allow intervention, notice of that decision will be issued promptly to all parties, and to the petitioner. In cases of discretionary intervention, such notification will include a statement of any limitations of time, subject matter, evidence or whatever else is deemed necessary which are imposed on the intervenor.~~

~~(d) If the Board's decision is to deny intervention, the petitioner will be notified promptly. Such notice will be in writing, identifying the reasons for the denial, and will be issued to the petitioner and all parties.~~

Authority G.S. 87-18; 150B-11; 150B-38.

.1008 TYPES OF INTERVENTION

~~(a) Intervention of Right. A petition to intervene as of right, as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that rule and the petition is timely.~~

~~(b) Permissive Intervention. A petition to intervene permissively, as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the~~

criteria of that rule and the Board determines that:

(1) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges, or duties and those of the parties to the hearing; and

(2) Permitting intervention by the petitioner as a party would aid the purpose of the hearing.

(c) Discretionary Intervention. The Board may allow discretionary intervention, with whatever limits and restrictions are deemed appropriate.

Authority G.S. 87-18; 150B-11; 150B-38.

.1009 DISQUALIFICATION OF BOARD MEMBERS

(a) Self-disqualification. If for any reason a Board member determines that personal bias or other factors render that member unable to hear a contested case and perform all duties in an impartial manner, that Board member shall voluntarily decline to participate in the hearing or decision.

(b) Petition for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to hear a contested case and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The title of such affidavit should bear the notation: AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (Name of case):

(c) Contents of Affidavit. The affidavit must state all facts the party deems to be relevant to the disqualification of the Board member.

(d) Timeliness and Effect of Affidavit. An affidavit of disqualification will be considered timely if filed ten days before commencement of the hearing. Any other affidavit will be considered timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that a Board member may be disqualified under this Rule. Where a petition for disqualification is filed less than ten days before or during the course of a hearing, the hearing shall continue with the challenged Board member sitting. Petitioner shall have the opportunity to present evidence supporting his petition, and the petition and any evidence relative thereto presented at the hearing shall be made a part of the record. The Board, before rendering its decision, shall decide whether the evidence justifies disqualification. In the event of disqualification, the disqualified member will not participate in further deliberation or decision of the case.

(e) Procedure for Determining Disqualification:

(1) The Board will appoint a Board member to investigate the allegations of the affidavit.

(2) The investigator will report to the Board the findings of the investigation.

(3) The Board shall decide whether to disqualify the challenged individual.

(4) The person whose disqualification is to be determined will not participate in the decision but may be called upon to furnish information to the other members of the Board.

(5) When a Board member is disqualified prior to the commencement of the hearing or after the hearing has begun, such hearing will continue with the remaining members sitting provided that the remaining members still constitute a majority of the Board.

(6) If four or more members of the Board are disqualified pursuant to this Rule, the Board shall petition the Office of Administrative Hearings to appoint an administrative law judge to hear the contested case pursuant to G.S. 150B-40(e).

Authority G.S. 87-18; 150B-11; 150B-38; 150B-40.

.1010 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a hearing or for the purposes of discovery, shall be made in writing to the Board, shall identify any document sought with specificity, and shall include the full name and home or business address of all persons to be subpoenaed and, if known, the date, time, and place for responding to the subpoena. The Board shall issue the requested subpoenas within three days of receipt of the request.

(b) Subpoenas shall contain: the caption of the case; the name and address of the person subpoenaed; the date, hour and location of the hearing in which the witness is commanded to appear; a particularized description of the books, papers, records or objects the witness is directed to bring with him to the hearing, if any; the identity of the party on whose application the subpoena was issued; the date of issue; the signature of the presiding officer or his designee; and a "return of service". The "return of service" form, as filled out, shows the name and capacity of the person serving the subpoena, the date on which the subpoena was delivered to the person directed to make service, the date on which service was made, the person on whom service was made, the manner in which service was made, and the signature of the person making service.

(c) Subpoenas shall be served by the sheriff of the county in which the person subpoenaed resides, when the party requesting such subpoena prepays the sheriff's service fee. The subpoena shall be issued in duplicate, with a "return of service" form attached to each copy. A person serving the subpoena shall fill out the "return of service" form for each copy and properly return one copy of the subpoena, with the attached "return of service" form completed, to the Board.

(d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office.

(e) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked or modified. These reasons may include lack of relevancy of the evidence sought, or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought, or other undue hardship.

~~(f) Any such objection to a subpoena must be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.~~

~~(g) The party who requested the subpoena, at such time as may be granted by the Board, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.~~

~~(h) After receipt of the objection and response thereto, if any, the Board shall issue a notice to the party who requested the subpoena and the party challenging the subpoena, and may notify any other party or parties of an open hearing, to be scheduled as soon as practicable, at which evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.~~

~~(i) Promptly after the close of such hearing, the majority of the Board members hearing the contested case will rule on the challenge and issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.~~

Authority G.S. 87-18; 150B-11; 150B-38; 150B-39; 150B-40.

.1011 WITNESSES

~~Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded. At the request of a party or upon the Board's own motion, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.~~

Authority G.S. 87-18; 150B-11; 150B-38; 150B-40.

.1013 PROPOSALS FOR DECISION

~~(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be rendered within 45 days of the hearing pursuant to the Rules of the Office of Administrative Hearings, 26 NCAC 3 .0026. The parties may file written exceptions to this "proposal for decision" and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals must be filed within ten days after the party has received the "proposal for decision" as drafted by the administrative law judge.~~

~~(b) Any exceptions to the procedure during the hearing, the handling of the hearing by the administrative law judge, rulings on evidence, or any other matter must be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten days of the receipt of the proposal for decision. The written exceptions should bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (Name of case).~~

~~(c) Any party may present oral argument to the Board upon request. The request must be included with the written exceptions.~~

~~(d) Upon receipt of request for further oral argument, notice will be issued promptly to all parties designating the time and place for such oral argument.~~

~~(e) Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered will be a part of the record and a copy thereof given to all parties. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision will be rendered by the Board within 60 days of the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision will be rendered within 60 days of the next regularly scheduled Board meeting following receipt of the written exceptions.~~

Authority G.S. 87-18; 150B-11; 150B-38; 150B-40.

.1014 ADMINISTRATIVE HEARING PROCEDURES

(a) The Rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which the Board has authority to adopt rules under G.S. 150B-38(h). Provided, however, that if the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding administrative law judge in Title 26, Chapter 3 of the North Carolina Administrative Code and that 26 NCAC 3.0101(2); .0102(a)(2); .0103;.0104, .0107, .0108, .0109, .0125,0126,.0128 .0130, Section .0200 and Section .0300 shall not apply. Copies of Title 26, Chapter 3 of the North Carolina Administrative Code are on file in the Board's office and may be obtained at the cost of ten cents per page.

Authority G.S. 87-18; 150B-38; 150B-40.

SECTION .1100 - FEES

.1101 EXAMINATION FEES

(a) An application to reissue or transfer license to a different corporation, partnership or individual name requires a fee of twenty-five dollars ($25.00).

(b) An application to issue or transfer license to the license of an existing licensee requires a fee of twenty-five dollars ($25.00).

(c) An application for license by examination requires a fee of fifty ~~thirty-five~~ dollars ($50.00) ~~($35.00)~~ for the examination and a fee for issuance of license as set forth in 21 NCAC 50 .1102 or this Rule.

Authority G.S. 87-18; 87-22.1.

SECTION .1200 - CHANGES IN BOARD RULES

.1204 NOTICE OF RULEMAKING HEARINGS

Upon a determination to hold a rulemaking proceeding, either

in response to a petition or otherwise, the Board will give at notice least 30 days' notice to all interested persons of a public hearing on the proposed rule. rule, consistent with G.S. 150B-21.2.

Authority G.S. 87-18; 150B.21.2.

.1205 NOTICE MAILING LIST

Any person or agency desiring to be placed on the mailing list for the Board rule-making notices shall file such request in writing, furnishing his name and mailing address to the Board at 3801 Wake Forest Road, Suite 201, Raleigh, North Carolina 27609. The request shall state those subject areas within the authority of the Board for which notice is requested. The Board may require reasonable postage and stationery costs to be paid by persons receiving such notices.

Authority G.S 87-18; 150B-21.1 et. seq.

.1205 ADOPTION OF RULES

The procedure followed by the Board in adoption of Rules may be found in G.S. 150B, Article 2A, Part 2, Article 2A, Part 2, Chapter 150B of the General Statutes; as amended from time to time.

Authority G.S. 87-18; 150B-21.1 et. seq.

.1206 ADDITIONAL INFORMATION

Persons desiring information in addition to that provided in an individual rule-making notice shall contact the Board at 3801 Wake Forest Road, Suite 201, Raleigh, North Carolina 27609. Any written communication shall clearly indicate the rule-making proceeding which is the subject of the inquiry.

Authority G.S. 87-18; 150B-21.2.

.1210 WRITTEN SUBMISSIONS

(a) Any person may file a written submission containing data, comments or arguments, after publication of a rulemaking notice and up to the day of the hearing, unless a different period has been prescribed in the notice or granted upon request. These written comments shall be sent to the Board at Box 110, Raleigh, North Carolina 27602. The submission should clearly state the rule(s) or proposed rule(s) to which the comments are addressed. addressed to.

(b) Upon receipt of written comments, acknowledgment will be made with an assurance that the comments therein will be considered fully by the Board.

Authority G.S. 87-18; 150B-21.2.

.1212 STATEMENT OF REASONS FOR DECISION

(a) Any interested person desiring a concise statement of the principal reasons for and against the adoption of a rule by the Board and the factors that led to overruling the considerations urged against its adoption, may submit a request to the Executive Secretary at the Board at Box 110, Raleigh, North Carolina 27602.

(b) For purposes of Paragraph (a) of this Rule, an "interested person" shall be any person(s) whose rights, duties or privileges might be affected by the adoption of the rule in question, or any group or organization of persons whose rights, duties or privileges might be affected by the rule.

(c) The request must be made in writing and submitted prior to adoption of the rule or within 30 days thereafter.

Authority G.S. 87-18; 150B-12(e).

.1213 RECORD OF PROCEEDINGS

A record of all rulemaking proceedings will be maintained in the office of the Board for as long as the rule is in effect, and for five years thereafter. This record will contain: the original petition, the notice, all written memoranda and information submitted, and a record or summary of oral presentations, if any. Record of rulemaking proceedings will be available for public inspection during the regular office hours.

Authority G.S. 87-18; 150B-12.

* *

CHAPTER 63 - CERTIFICATION BOARD FOR SOCIAL WORK

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Social Work Certification and Licensure Board intends to adopt the rules cited as 21 NCAC 63 .0211-.0213, .0404, .0609, amend the rules cited as .0101-.0102, .0104-.0105, .0202, .0204, .0208-.0210, .0301-.0306, .0401, .0403, .0501, .0503, .0507-.0509, .0601-.0603, .0607, .0701-.0704; and repeal the rules cited as .0103, .0201, .0205-.0207, .0402, .0604, .0801-.0809, .0820. Notice of Rule-making Proceedings was published in the Register on November 1, 1999.

Proposed Effective Date: *July 1, 2000*

A Public Hearing *will be conducted at 9:00 a.m. on February 7, 1999 at the Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC 27604.*

Reason for Proposed Action: *Legislation enacted by the 1999 Session of the General Assembly amended all of the statutes governing the occupational licensing board that regulates social workers, which are found at G.S. 90B. These comprehensive statutory changes necessitated the amendment or repeal, and in some cases the adoption, of all the current rules governing this Board, which are found at 21 NCAC 63. The Board adopted temporary rules effective October 1, 1999, and now proposes to make these rules permanent.*

Comment Procedures: *Any interested person may submit written comment on the proposed rules by mailing the comments*

to Grady L. Balentine, Jr., Assistant Attorney General, Health & Public Assistance Section, NC Department of Justice, PO Box 629, Raleigh, NC 27602-0629 by February 14, 2000.

Fiscal Impact

State	Local	Sub.	None
			✓

SECTION .0100 - GENERAL

.0101 PURPOSE

It is the purpose of the Social Worker Certification and Licensure Act to protect the public by establishing ~~minimum~~ minimal standards for qualification, training and experience for those who ~~voluntarily~~ seek to represent themselves to the public as certified social ~~workers:~~ workers or licensed clinical social workers. This act shall protect the public and promote high standards in the practice of social work.

Authority G.S. 90B-2; S.L. 1999-313.

.0102 DEFINITIONS

Whenever used in this Chapter, the definitions set forth in G.S. 90B-3 are herein incorporated by reference. The following definitions apply in this Chapter:

(1) NCSWCLB - this designation represents the North Carolina Social Work Certification and Licensure Board.

(2) CSW - this designation represents the certified social worker level of certification.

(3) CMSW - this designation represents the certified master social worker level of certification.

(4) CSWM - this designation represents the certified social work manager level of certification.

(5) LCSW - this designation represents the licensed clinical social worker level of certification.

(6) P-LCSW - this designation represents the provisionally licensed clinical social worker level of certification.

(7) Reprimand. Reprimand is a public rebuke and sanction by the Board for practice misconduct. A reprimand typically is given for less severe offenses and may require specific follow-up actions by the social worker.

(8) Censure. Censure is an act involving severe condemnation and a sanction by the Board for practice misconduct. Censuring is typically for severe offenses and may require specific follow-up actions by the social worker.

(9) Probation. Probation is a stay of revocation or suspension allowing limited practice within preconditions established by the Board. Violations of these conditions can result in revocation.

(10) Suspension. Suspension is the withdrawal of privilege to practice for a specific period of time.

(11) Revocation. Revocation is the withdrawal of privilege to practice as a certified or licensed social worker in the State of North Carolina.

Authority G.S. 90B-3; S.L. 1999-313.

.0103 PROHIBITIONS

~~State public agencies including those private agencies or corporations that receive state funds shall not impose certification as a requirement for obtaining or continuing employment.~~

Authority G.S. 90B-4; S.L. 1999-313.

.0104 ORGANIZATION OF THE BOARD

~~The North Carolina Certification Board for Social Work is composed by law of seven members appointed by the governor to staggered terms of three years. The composition of the board shall include four certified social workers (two certified social workers and two certified clinical social workers). Among the social workers, one member shall be employed in the field of social work education, one member from the private sector and one member from the public sector. The three remaining members shall be from the general public. The composition of the Board shall be in accordance with G.S. 90B-5.~~ The North Carolina Social Work Certification and Licensure Board shall elect a chairperson, vice chairperson and secretary-treasurer from its membership to serve for a term of at least one year. ~~The Board shall hold at least eight meetings each year and four members shall at all times constitute a quorum. Members of the Board are expected to attend all meetings.~~

Authority G.S. 90B-5; S.L. 1999-313.

.0105 MEETINGS

The Board shall hold at least eight meetings each year and four members shall at all times constitute a quorum. Members of the Board are expected to attend all meetings. Meetings of the ~~board;~~ Board, formal or informal, shall be open to the public. Dates, times and places of meetings shall be furnished to anyone requesting the information and made available to the press.

Authority G.S. 90B-6; S.L. 1999-313.

SECTION .0200 - CERTIFICATION

.0201 DEFINITIONS

~~The following definitions apply to the levels of certification in this Section:~~

~~(1) Related human services fields shall include psychology, sociology, counseling, rehabilitation, criminal justice, public policy, public administration, and human resources.~~

~~(2) Two years of experience shall mean 3,000 clock hours of work or employment for a fee or salary while engaged in the practice of social work functions. (1500 hours of work for a fee or salary per 12 month period.) Practicum~~

~~or internship experience taken as part of an educational program are not included.~~

~~(3) Appropriate supervision (clinical) shall mean post-master's or post-doctoral experience directly supervised by a certified clinical social worker as defined in the Act. A minimum of 100 hours of group or individual supervision is required. 75 of the 100 hours must be individual supervision.~~

~~(4) Clinical setting shall mean any school, hospital, communtiy mental health center, university counseling center, family or social services agency, or supervised independent practice. Such settings may be under public or private auspices and provide psychotherapeutic or social intervention for psychosocial problems of individuals, couples, families or groups.~~

~~(5) Administrative setting shall mean any setting where the delivery of social work services are directed, supervised, planned or coordinated. Activities include, but are not necessarily limited to, policy development and implementation, management, program evaluation, planning and staff development.~~

~~(6) Appropriate supervision and training (manager) shall mean course work or workshops in organizational and community services or two years (3,000 hours) of paid employment under supervision in an administrative setting.~~

Authority G.S. 90B-3; 90B-5; 90B-6; S.L. 1999-313.

.0202 APPLICATION PROCESS

Applications, inquiries and forms are to be obtained from and returned to the Board. ~~North Carolina Certification Board for Social Work.~~ Applicants must submit only forms obtained directly from the ~~board~~ Board office.

Authority G.S. 90B-7; S.L. 1999-313.

.0204 REFERENCES

The applicant ~~will~~ shall have a minimum of three references. ~~Current members of the board, relatives~~ Relatives of applicants or subordinates of applicants may not submit references for applicants. A current Board member shall not submit a reference for an applicant unless he/she is the applicant's current or only social work supervisor. In such a case the Board member may submit a reference, but he/she shall excuse himself/herself from review of that particular applicant.

(1) Two of the references must come from individuals who have been closely associated with the applicant in the practice of social work.

(2) One reference must be from one who has been or is currently a supervisor in a social work setting. ~~(If a board member is the current supervisor or has been the only supervisor of an applicant, he/she should excuse himself/herself from review of that particular applicant.)~~

Authority G.S. 90B-7; S.L. 1999-313.

.0205 ACADEMIC QUALIFICATIONS

~~The academic qualifications set forth in G.S. 90B-7 for Certified Social Workers, Certified Master Social Workers, Certified Clinical Social Workers and Certified Social Work Managers are herein incorporated by reference.~~

Authority G.S. 90B-7; S.L. 1999-313.

.0206 ACADEMIC EXEMPTIONS

~~The applicant may be exempt from the academic qualifications required under this Chapter if he/she was engaged in the practice of social work before January 1, 1984 in the areas of certified social workers and certified social work managers. This exemption shall apply upon passing the board examination and satisfying the experience requirements for certification in the particular classification.~~

Authority G.S. 90B-7; 90B-10; S.L. 1999-313.

.0207 COMITY

~~If a candidate is currently certified, registered or licensed as a social worker by a similar board in another state, the North Carolina Board may, at its discretion, waive the formal examination requirements of a candidate, provided that the North Carolina Board accepts the standards and qualifications required for the practice of social work in the candidate's licensed or certifying state as substantially equivalent to those required by the State of North Carolina.~~

Authority G.S. 90B-8; S.L. 1999-313.

.0208 APPLICATION FEE

An initial application fee of ~~fifty dollars ($50)~~ one hundred dollars ($100.00) will be assessed for processing each application. ~~If an applicant seeks certification for a second level, within a 12 month period of his/her initial application, he/she shall be assessed an additional fee of twenty-five dollars ($25).~~

Authority G.S. 90B-6.2; S.L. 1999-313.

.0209 ELIGIBILITY

The ~~board~~ Board shall review each application to determine an applicant's eligibility for a particular level of certification. An applicant will be notified in writing if he/she is ineligible for ~~one~~ the requested level of certification. He/she may then apply for another level of certification. If an applicant is found to be ineligible for any level of certification, he/she may not sit for ~~the~~ any examination.

Authority G.S. 90B-6; S.L. 1999-313.

.0210 PROVISIONAL LICENSES

(a) The Board shall issue a provisional license ~~certificate~~ pursuant to any person meeting the requirements in G.S. 90B-

7(f).

(b) Applications and forms are to be obtained from and returned to the ~~North Carolina~~ Board ~~for Social Work;~~ Office.

(c) An application fee of ~~fifty~~ one hundred dollars ~~($50.00)~~ ($100.00) will be assessed for processing each application.

(d) All ~~provisional~~ applicants for provisional licenses who have not met the requirements ~~for~~ of two years of supervised clinical social work experience shall receive on-going ~~supervision~~ appropriate supervision, as defined in Rule .0204(a)(2) of this Section, until this requirement is satisfied.

(e) ~~The provisional certificate shall be renewed every six months by submission to the Board of the appropriately completed renewal and supervision form 30 days prior to the renewal date.~~ Prior to engaging in the practice of clinical social work, applicants must demonstrate in writing to the satisfaction of the Board that they have immediate access to a licensed mental health professional(s) who has (have) agreed to provide to them clinical consultation or supervision when such is needed to assure that standards of clinical social work practice are maintained. Provisionally licensed clinical social workers shall immediately notify the Board in writing of any change in such access.

(f) All provisional licensees shall submit reports of their clinical social work experience and supervision on the appropriate Board form(s) every six months for review and evaluation by the Board.

~~(f)~~ (g) ~~All provisional~~ Provisional licensees ~~certified applicants~~ who desire to ~~obtain~~ become ~~Certified~~ Licensed Clinical Social ~~Worker~~ Workers ~~certification~~ shall complete the application process for the Licensed ~~Certified~~ Clinical Social Worker classification and submit the application fee of fifty ~~dollars ($50.00)~~ one hundred dollars ($100.00) 30 days prior to the expiration of the provisional license.

Authority G.S. 90B-6; 90B-7; S.L. 1999-313.

.0211 WORK EXPERIENCE

(a) For the Licensed Clinical Social Worker credential:

(1) Two years of post-MSW clinical social work experience shall mean 3,000 clock hours of work or employment for a fee or salary while engaged in the practice of clinical social work. The 3,000 hours shall be accumulated over a period of time not less than two years nor more than six years, with no more than 1500 hours accumulated in any one year. Practicum or internship experience gained as part of any educational program shall not be included.

(2) Appropriate supervision shall mean supervision in person by a licensed clinical social worker, as defined in G.S. 90B-3, of an applicant during the applicant's two years of post-MSW clinical social work experience. Appropriate supervision shall be that which is provided on a regular basis throughout the applicant's two years of experience with at least one hour of supervision during every 30 hours of experience. A minimum of 100 hours of individual or group supervision is required, of which at least 75 of the 100 hours shall be individual supervision.

(b) For the Certified Social Work Manager credential:

(1) Two years of post social work degree experience shall mean 3,000 clock hours of employment for a salary while engaged in administrative social work duties including, but not limited to, policy and budgetary development and implementation, supervision and management, program evaluation, planning, and staff development. Such duties shall be carried out in an administrative setting where social work and/or other mental health services are delivered. The 3,000 hours shall be accumulated over a period of time not less than two years nor more than six years, with no more than 1500 hours accumulated in any one year. Practicum or internship experience gained as part of any educational program shall not be included.

(2) Appropriate supervision shall mean supervision in person by a social work administrator certified by the Board on at least one level who has a minimum of five years of administrative experience in a social work or mental health setting. Appropriate supervision shall be that which is provided on a regular basis throughout the applicant's two years of administrative social work experience. A minimum of 100 hours of individual or group supervision is required, of which at least 50 of the 100 hours shall be individual supervision.

Authority G.S. 90B-7; S.L. 1999-313.

.0212 DUPLICATE LICENSES OR CERTIFICATES

A duplicate certificate or license shall be issued by the Board to a current certificate holder or licensee upon receipt of a written request and payment of a twenty-five dollar ($25.00) fee.

Authority G.S. 90B-6.2; S.L. 1999-313.

.0213 TEMPORARY LICENSES

The Board may issue a temporary license pursuant to G.S. 90B-8(b), that is valid for no more than 30 days, upon receipt of a twenty five dollar ($25.00) fee.

Authority G.S. 90B-6.2; 90B-8; S.L. 1999-313.

SECTION .0300 - EXAMINATIONS

.0301 QUALIFYING EXAMINATIONS

~~The board shall administer to all approved applicants for certification, a written examination at least once a year. The exam shall be given in a reasonable, geographic area within the state. A~~ Any national examination selected by the ~~board~~ Board, or any examination developed by the Board, shall serve to evaluate the qualifications of each ~~applicants~~ applicant for ~~certification.~~ certification or licensure. Any such examination shall be administered at least once a year in a reasonable geographic area within the State.

Authority G.S. 90B-6; 90B-7; 90B-8; S.L. 1999-313.

.0302 REPORTING OF SCORES

Each applicant for certification or licensure shall be informed in writing whether he/she has passed the examination. If an applicant fails the examination, he/she shall receive his/her numerical score. If his/her failing score is within three points below the ~~cut~~ passing score he/she may have his/her test hand-scored within a ninety-day period. ~~period by completing a form on the back of the handbook.~~

Authority G.S. 90B-6; 90B-8; S.L. 1999-313.

.0303 RETAKING OF EXAMINATION

An applicant who has not passed an examination shall be allowed to retake such examination upon paying the required examination ~~fee~~ fee of the cost of the examination plus forty dollars ($40.00).

Authority G.S. 90B-6; S.L. 1999-313.

.0304 CANCELLATION

An applicant who provides written cancellation that is received by the Board at least 30 days before the date of examination will receive a refund of the examination fee. An applicant whose who ~~cancels in writing~~ written cancellation is received by the Board less than 30 days before the date of examination shall not receive a refund of the examination fee. However, he/she may apply and to sit for another examination within 12 months of the missed examination without incurring any additional examination fee.

~~An applicant who fails to cancel in writing less than 30 days before the examination or who fails to appear for an examination may apply and sit for another examination within 12 months of the missed examination upon payment of fifty dollars ($50) examination fee. Such fee shall be paid not later than 60 days before the scheduled examination.~~ An applicant whose written cancellation is received by the Board on or after the date of the examination, or an applicant who fails to appear for an examination, shall be required to reapply and pay another examination fee.

Authority G.S. 90B-6; S.L. 1999-313.

.0305 REVIEW OF EXAMINATIONS BY UNSUCCESSFUL APPLICANTS

(a) An applicant who has not successfully passed the certification or licensure exam may review his/her test booklet together with the appropriate answer sheet. In order to do so, the ~~candidate~~ applicant must:

(1) ~~Make~~ make a written request for review of his/her examination directly to the ~~board.~~ Board;

(2) ~~The candidate may~~ review the exam in the Office of the Board and in the presence of a board ~~member.~~ member;

(3) ~~The candidate may~~ not take ~~notes,~~ notes or photocopy ~~or ask questions regarding the~~ any examination ~~materials.~~ materials;

(4) ~~The applicant must~~ sign a statement of confidentiality regarding the contents of the exam; ~~in order to review the examination booklet.~~

(5) ~~A candidate's scores will not be changed. Any questions will be transmitted to the national examination service for review. The North Carolina Board has the responsibility of obtaining a copy of the examination together with the candidate's answer sheet and the scoring key. The board shall maintain strict security.~~

(b) The Board has the responsibility of obtaining a copy of the examination together with the applicant's answer sheet and the scoring key. The Board shall maintain strict security of all testing materials.

(c) An applicant's score will not be changed by the Board, and any questions about the score will be transmitted to the national examination service for review.

Authority G.S. 90B-6; S.L. 1999-313.

.0306 EXAMINATION FEES

~~(a)~~ An examination fee of ~~fifteen dollars ($15.00)~~ forty dollars ($40.00) plus the cost of the examination to the Board shall be assessed for administration and processing of any written examination.

~~(b) An applicant who fails to appear for an examination shall be assessed a fee of fifteen dollars ($15.00) plus the cost of the examination to the Board in order to take the examination at a later date.~~

Authority G.S. 90B-6.2; S.L. 1999-313.

SECTION .0400 - RENEWAL OF CERTIFICATION

.0401 CONTINUING EDUCATION REQUIREMENTS

(a) Continuing education for certification or licensure renewal is required to maintain professional knowledge and technical competency. ~~Certification shall be afforded on a two year basis. However, certification shall expire on the second June 30 after certification has been issued. Renewal of certification shall be based on 40 hours of renewal credits within the two year cycle.~~ Renewal of certification or licensure requires 40 hours of continuing education credits approved by the Board within each two year renewal cycle. However, if a certification or licensure is for less than a full ~~two year~~ two-year period, then ~~renewal shall be accorded based on~~ 30 hours of ~~renewal credits.~~ continuing education credits are required. One unit of credit is equal to one contact hour. One academic course ~~semester hour~~ semester-hour of credit ~~shall be equivalent~~ is equal to 15 clock hours. Credit for auditing an academic course shall be for actual clock hours attended during which instruction was given and shall not exceed the academic credit allowed. Continuing education activities may include:

(1) academic social work courses taken for credit or

audit;

(2) formal agency-based staff development, seminars, institutes, workshops, mini courses or conferences oriented to social work practice, values, skills and knowledge;

(3) cross-disciplinary offerings from medicine, law and the behavioral/social sciences or other disciplines, if such offerings are clearly related to social work practice, values, skills and knowledge;

(4) self-directed learning projects with prior approval by the Board. The ~~maximum~~ maximal continuing education credit granted ~~number~~ for such projects is 20 clock hours per renewal period. ~~A renewal unit~~ Credit shall not be granted ~~for~~ for:

(A) identical programs completed within the same ~~certification~~ renewal ~~period;~~ period;

(B) job ~~orientation~~ orientation; or

(C) on the job ~~training; and;~~ training.

(b) ~~(5) during~~ During each renewal period all certified and licensed social workers shall engage in a minimum of ~~two hours~~ two hours of continuing education focused on ethics.

Authority G.S. 90B-6; 90B-9; S.L. 1999-313.

.0402 FORMS

~~(a) Documentation for the completion of continuing education credits and biennial renewal shall be completed on the North Carolina Certification for Social Workers biennial renewal and continuing education reporting form. The form must be the original and must be completed and signed.~~

~~(b) Each renewal applicant is responsible for completing the required form. If an organization maintains such records the applicant must assure the form is completed and complies with all applicable rules and regulations. The form must be submitted at the time the applicant files for renewal of certification.~~

Authority G.S. 90B-6; 90B-9; S.L. 1999-313.

.0403 RENEWAL FEES

(a) ~~A biennial renewal fee of fifty dollars ($50.00) shall be assessed~~ Fees for renewal of certificates or licenses which are due for renewal on or before June 30, 2000 shall be as follows:

(1) For Certified Social Workers (CSW's) the renewal fee shall be fifty-five dollars ($55.00).

(2) For Certified Master Social Workers (CMSW's) the renewal fee shall be sixty-five dollars ($65.00).

(3) For Licensed Clinical Social Workers (LCSW's) the renewal fee shall be one hundred dollars ($100.00).

(4) For Certified Social Work Managers (CSWM's) the renewal fee shall be one hundred dollars ($100.00).

(b) Fees for renewal of certificates or licenses which are due for renewal after June 30, 2000 shall be as follows:

(1) For Certified Social Workers (CSW's) the renewal fee shall be sixty dollars ($60.00).

(2) For Certified Master Social Workers (CMSW's) the renewal fee shall be seventy-five dollars ($75.00).

(3) For Licensed Clinical Social Workers (LCSW's) the renewal fee shall be one hundred twenty-five dollars ($125.00).

(4) For Certified Social Work Managers (CSWM's) the renewal fee shall be one hundred twenty-five dollars ($125.00).

~~(b)~~ (c) ~~Persons who fail to apply for renewal prior to the expiration date shall be assessed a minimum late renewal fee of fifteen dollars ($15.00)~~ whose applications for renewal are received by the Board after the renewal date of their certificate or license, but no later than 60 days after the renewal date, shall be assessed a late renewal fee of fifty dollars ($50.00) in addition to any other applicable fees.

Authority G.S. 90B-6.2; 90B-9(b); S.L. 1999-313.

.0404 REINSTATEMENT

(a) Persons whose certificate or license is suspended for failure to renew, pursuant to G.S. 90B-9(c), are prohibited from engaging in the practice of clinical social work and from holding themselves out as certified or licensed by the Board until they apply for and receive reinstatement of their certificate or license by the Board.

(b) Persons who apply for reinstatement after temporary retirement from the practice of social work, pursuant to G.S. 90B-9(d), or after their certificate or license was suspended for failure to renew, shall be assessed a reinstatement fee of one hundred dollars ($100.00) in addition to any other applicable fees.

Authority G.S. 90B-6.2; 90B-9; S.L. 1999-313.

SECTION .0500 - ETHICAL GUIDELINES

.0501 PURPOSE AND SCOPE

(a) Ethical principles affecting the practice of social work are rooted in the basic values of society and the social work profession. The principal objective of the profession of social work is to enhance the dignity and well-being of each individual who seeks its services. It does so through the use of social work theory and intervention methods including psychotherapy.

(b) The primary goal of this code is to set forth principles to guide social workers' conduct in their profession. Violation of these standards may be considered gross unprofessional conduct and may constitute dishonest practice or incompetence in the practice of social work. Such violations may result in disciplinary action by the Board.

(c) The following ethical principles serve as a standard for social workers in their various professional roles, relationships and responsibilities. Social workers shall consider all the principles in the code that bear upon any situation on which ethical judgment is to be exercised, and to select a course of action consistent with the spirit as well as the letter of this code.

(d) Upon approval of ~~certification,~~ certification or licensure, each applicant shall review ~~the~~ these Ethical Guidelines ~~Code of Ethics~~ and return a signed statement to the Board agreeing to abide by these standards.

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0503 GENERAL PROFESSIONAL RESPONSIBILITIES

(a) Social workers shall practice only within their sphere of competence. They shall accurately represent their abilities, education, training, credentials, and experience. They shall engage in continuing professional education to maintain and enhance their competence.

(b) As employees of institutions or agencies, social workers are responsible for remaining alert to and attempting to moderate institutional pressures or policies that conflict with the standards of their profession. If such conflict arises, social workers' responsibility shall be to uphold the ethical standards of their profession.

(c) Social workers shall not, in any of their capacities, practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, sex, sexual orientation, age, religion, socioeconomic status, or national origin.

(d) Social workers shall practice their profession in compliance with legal standards.

(e) Social workers shall not engage in settlement agreements that preclude reporting of ethical misconduct to the Board.

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0507 CONFIDENTIALITY AND RECORD KEEPING

Social workers shall have a primary obligation to protect the client's right to confidentiality as established by law and professional standards of practice.

(1) Social workers reveal confidential information to others only with the informed consent of the client, except in those circumstances in which not to do so would violate other laws or would result in clear and imminent danger to the client or others. Unless specifically contraindicated by such situations, clients shall be informed and written consent shall be obtained from the ~~client~~ client, or their legally authorized representative, before confidential information is revealed.

(2) When confidential information is used for the purpose of professional education, research, consultation, etc., the identity of the client shall be concealed. Presentations shall be limited to material necessary for the professional purpose.

(3) Social workers shall maintain records adequate to provide proper diagnosis and treatment and to fulfill other professional responsibilities.

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0508 PURSUIT OF RESEARCH AND SCHOLARLY ACTIVITIES

In planning, conducting and reporting a study, the investigator has the responsibility to make a careful evaluation of its ethical acceptability, taking into account the following additional principles for research with human subjects. To the extent that this appraisal, weighing scientific and humane values, suggests a compromise of ethical principles, the investigator shall seek advice to protect the right of the research participants.

(1) Social workers shall obtain appropriate authority to carry out the research and proper credit shall be given for the research conducted.

(2) An agreement shall be established between the investigator and the research participant clarifying their roles and responsibilities.

(3) The rights of an individual to decline to participate in or withdraw from the research shall be respected and the participant shall not be penalized for such action.

(4) The investigator shall inform the participant of all the features of the research that would affect his/her participation in the study.

(5) Information obtained about the participant during the course of the study shall be confidential unless informed consent for release of information is obtained in advance.

(6) Research findings shall be presented accurately. Social workers shall not distort or misrepresent research.

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0509 PUBLIC STATEMENTS

Public statements, announcements of services and promotional activities of social workers serve the purpose of providing sufficient information to aid consumers in making informed judgments and choices. Social workers shall state accurately, objectively and without misrepresentation their professional qualifications, affiliations and functions as well as those of the institutions or organizations with which they or their statement may be associated. They shall correct misrepresentations ~~of~~ by others with respect to these matters.

(1) In announcing availability for professional services, a social worker shall use his or her name, type and level of certification and licensure; and may use highest relevant academic degree from an accredited institution; specialized post-graduate training; address and telephone number; office hours; type of services provided; appropriate fee information; foreign languages spoken; and policy with regard to third-party payments.

(2) Social workers shall not offer to perform any services beyond the scope permitted by law or beyond the scope of their competence. They shall not engage in any form of advertising which is false, fraudulent, deceptive, or misleading. They shall neither solicit nor use recommendations or testimonials from clients.

(3) Social workers shall respect the rights and reputations of professional organizations with which they are affiliated. They shall not falsely imply sponsorship or certification by such an organization. When making public statements, the social worker shall make clear

which are personal opinions and which are authorized statements on behalf of the organization.

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

SECTION .0600 - DISCIPLINARY PROCEDURES

.0601 GROUNDS FOR DISCIPLINARY PROCEDURES

In addition to the conduct set forth in G.S. 90B-11, the board may ~~deny, suspend or revoke a certification~~ take disciplinary action upon the following grounds:

(1) offering a check to the board in payment of required fees which is returned unpaid;

(2) obtaining or attempting to obtain compensation by fraud or deceit;

(3) violation of any order of the ~~North Carolina Social Work Certification~~ Board;

(4) failure to ~~possess~~ exhibit truth, honesty and integrity sufficient to be entitled to the high regard and confidence of the public.

Authority G.S. 90B-2; 90B-11; S.L. 1999-313.

.0602 INVESTIGATION

~~(a) The contents and manner of service of notice of hearing in a contested case shall be as prescribed in G.S. 150B-38(b) and (c).~~

(a) Upon receipt of a complaint, the Board shall notify the social worker against whom the complaint was filed, noting the report of a violation and the specific ethical standard brought into question.

~~(b) Any party who has been served with notice of hearing may file a written response as prescribed in G.S. 150B-38(d).~~

(b) Upon receipt of a complaint, or upon its own motion, the Board, its staff, or designee(s) may investigate whether a person certified or licensed by the Board has violated any provision of G.S. 90B or these Rules.

(c) The complainant and social worker against whom a complaint was filed shall be notified in writing of the Board's decision as to whether an investigation is warranted.

(d) Any Board member who conducts the investigation of a specific case shall not participate in the Board's adjudication of that case.

Authority G.S. 90B-6; 90B-11; S.L.1999-313.

.0603 NOTICE OF CHARGES AND HEARING

~~(a) Contested Cases. Disciplinary proceedings to enforce the provisions of G.S. 90B-11 and Rule 21 NCAC 63 .0601 are deemed to be "contested cases" within the meaning of G.S. 150B-2, and any person subjected to such proceedings shall be given notice and the opportunity to be heard.~~

~~(b) Emergency Certificate Suspension. Nothing within Paragraph (a) of this Rule shall abridge the right of the Board to take emergency action to summarily suspend a certificate prior to hearing pursuant to G.S. 150B-3(c).~~

If an investigation produces any credible evidence indicating a violation of G.S. 90 or these rules the Board may initiate disciplinary proceedings. Disciplinary proceedings conducted by the Board are governed by G.S. 90. Prior to any Board action, written notice outlining the particular statutes and rules involved, the alleged facts, and the date, location and nature of any hearing shall be sent to the social worker involved and the complainant.

Authority G.S. 90B-6; 90B-11; 150B-38; S.L. 1999-313.

.0604 LOCATION OF HEARING

~~The location of the hearing in a contested case shall be as prescribed in G.S. 150B-38(c).~~

Authority G.S. 90B-6(h); 150B-9; S.L. 1999-313.

.0607 CONDUCT OF HEARING

(a) ~~General H~~ Disciplinary hearings ~~in contested cases~~ shall be conducted by a majority of the Board. The Chairperson shall serve as presiding officer unless he or she is absent or disqualified, in which case the Vice-chairperson shall preside. Hearings shall be conducted as prescribed by G.S. 150B-40.

(b) Disqualification. An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, will be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

(1) Prior to the hearing; or

(2) As soon after the commencement of the hearing as the affiant becomes aware of the facts which give rise to his belief that a Board member should be disqualified.

(c) Evidence. The admission of evidence in a hearing on a contested case shall be as prescribed in G.S. 150B-41.

Authority G.S. 90B-6(h); 150B-40; S.L. 1999-313.

.0609 REPORTING OF DISCIPLINARY ACTIONS

The Board shall report all disciplinary actions specified in G.S. 90B-11 through the Disciplinary Action Reporting System (DARS), the Federal Data Bank, and may report them to any requesting public or private entity. Disciplinary actions do not include complaints.

Authority G.S. 90B-6(h); 90B-11; S.L. 1999-313.

SECTION .0700 - ADOPTION OF RULES

.0701 PETITIONS FOR ADOPTION OF RULES

(a) The procedure for petitioning the Board to adopt, amend, or repeal a rule is governed by ~~G.S. 150B-16~~ G.S. 150B-20.

(b) Submission. Rule-making petitions shall be sent to the secretary of the Board. No special form is required, but the petitioner shall state his or her name and address. Beyond the requirement that the petitioner submit the proposed text of any requested rule change and a statement of the effect of the

requested change, ~~There~~ there are no ~~minimum~~ mandatory contents of a ~~petition, but~~ petition. However, the Board considers the following information to be pertinent:

~~(1) a draft of the proposed rule;~~

~~(2)~~ (1) the reason for its proposal;

~~(3) the effect of the proposed rule on existing rules or decisions;~~

~~(4)~~ (2) data supporting the proposed rule;

~~(5)~~ (3) practices likely to be affected by the proposed rule;

~~(6)~~ (4) persons likely to be affected by the proposed rule.

(c) Disposition. The secretary shall review the petition and develop a recommendation as to whether the petitioner's proposed rule should be rejected or implemented. The secretary shall present the petition and his or her recommendation to the Board at its next regular meeting following receipt of the petition, and the Board shall render its decision to either deny the petition or initiate rule-making. The Board shall notify the petitioner of its decision in writing within the 120-day period set by ~~G.S. 150B-16~~ G.S. 150B-20.

Authority G.S. 90B-6(h); 150B-20; S.L. 1999-313.

.0702 PROCEDURE FOR ADOPTION OF RULES

(a) General. The procedure for the adoption, amendment or repeal of rules is governed by ~~G.S. 150B-12.~~ Part 2, Article 2A of G.S. 150B.

(b) Notice of Rule-Making. In addition to the mandatory publication of notice in the North Carolina Register, the Board, in its discretion, may also publish notice through its newsletter to certified and licensed persons or by separate mailing. Any person who wishes to receive individual notice shall file a written request with the secretary and shall be responsible for the cost of mailing said notice.

(c) Public Hearing. Any public rule-making hearing required by ~~G.S. 150B-12~~ G.S. 150B-21.2 shall be conducted by the chairperson of the Board or by any person ~~he~~ the chair may delegate. The presiding officer shall have complete control of the hearing and shall conduct the hearing so as to provide a reasonable opportunity for any interested person to present views, data and comments:

(1) Oral presentations shall not exceed 15 minutes unless the presiding officer, in his or her discretion, prescribes a greater time limit.

(2) Written presentations shall be acknowledged by the presiding officer and shall be given the same consideration as oral presentations.

Authority G.S. 90B-6(h); 150B-21.2; S.L. 1999-313.

.0703 TEMPORARY RULES

The power of the Board to adopt temporary rules and the procedure by which such rules are put into effect are governed by ~~G.S. 150B-13~~ G.S. 150B-21.1.

Authority G.S. 90B-6(h); 150B-21.1; S.L. 1999-313.

.0704 DECLARATORY RULINGS

(a) General. The issuance of declaratory rulings by the Board is governed by ~~G.S. 150B-17~~ G.S. 150B-4.

(b) Request for Declaratory Ruling; Contents. A request for a declaratory ruling shall be in writing and addressed to the ~~secretary~~ secretary of the Board. The request shall contain the following information:

(1) The name and address of the person making the request;

(2) The statute or rule to which the request relates;

(3) A concise statement of the manner in which the person has been aggrieved by the statute or rule.

(4) A statement as to whether a hearing is desired, and if desired, the reason therefore.

(c) Refusal to Issue Ruling. The Board shall ordinarily refuse to issue a declaratory ruling under the following circumstances:

(1) When the Board has already made a controlling decision on substantially similar facts in a contested case;

(2) When the facts underlying the request for a ruling were specifically considered at the time of the adoption of the rule in question;

(3) When the subject matter of the request is involved in pending litigation in North Carolina.

Authority G.S. 90B-6(h); 150B-4; S.L. 1999-313.

SECTION .0800 - DISCIPLINARY PROCEDURES

.0801 REPORTING COMPLAINTS

~~(a) All complainants shall be sent (if name and address are available) a copy of the state's code of ethics and disciplinary procedures, informing them of their options for reporting an ethical violation.~~

~~(b) There shall be two procedures for reporting violations:~~

~~(1) Informal Reporting Procedure:~~

~~(A) Anyone may anonymously or otherwise communicate a suspected violation on an informal "report only" basis. This report shall be submitted in writing.~~

~~(B) After receiving an informal written complaint, the Board shall contact the social worker involved, note the reporting of a violation and outline the specific ethical standard brought to question.~~

~~(C) Record of the complaint and all subsequent actions shall be retained in a separate administrative file and shall not be considered disciplinary actions, and shall not be a part of licensee's file.~~

~~(D) Depending on the number of prior complaints within a three-year period, specific follow-up interventions shall be initiated. Complaints do not have to involve the same ethical standard.~~

~~(i) First Complaint. The social worker shall be directly contacted by phone by~~

~~a member of the Board, with a follow-up letter. The specific ethical violations raised by complainant shall be detailed. The social worker shall be encouraged to explore issues that may have led to the complaint, professional practices, and social work ethical standards, and to initiate corrective action if necessary.~~

~~(ii) Second Complaint. The procedure in Subpart (b)(1)(D)(i) of this Rule shall be followed, and the social worker shall be encouraged to voluntarily develop an "intervention team" of two certified social work colleagues. This team shall work with the social worker to informally address complaint implications, potential professional liabilities, client impact, and possible corrective actions. A plan of action and follow-up reports shall be submitted to the Board.~~

~~(iii) Third Complaint. The procedures in Subparts (b)(1)(D)(i) and (ii) of this Rule are followed, and the social worker will receive strong recommendation to establish supervision or therapeutic intervention or both for possible impairment.~~

~~(iv) Fourth Complaint. The Board shall call for whatever investigation is necessary and may call for either an informal conference or hearing.~~

~~(2) Formal Reporting Procedure:~~

~~(A) The complainant shall submit a formal written complaint on the Board's form outlining the specific violation and identifying the social worker involved.~~

~~(B) The Board shall acknowledge receipt of the complaint and initiate an investigation.~~

~~(C) The Board shall contact the social worker involved, note the reporting of a violation and outline the specific ethical standard brought to question.~~

~~(D) Based on the investigation, if there is credible evidence supporting the charges, a hearing shall be scheduled. If evidence is not credible the Board may at its discretion pursue informal procedures.~~

~~(E) The disciplinary action hearing will follow the administrative procedures in Rule .0602 of this Chapter and G.S. 150B.~~

~~(F) The complainant and social worker shall be informed of the Board's final filing on the complaint and subsequent disciplinary actions.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0802 CONFIDENTIALITY

~~Every communication, oral or written, made by or on behalf of any person or entity to the North Carolina Certification Board for Social Work or to any person designated by the Board to investigate matters relating to disciplinary issues, whether by way of report, complaint, or statement, shall be treated in a confidential manner, within the provision of the Public Records Act G.S. 132.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0803 INVESTIGATION

~~(a) Upon receipt of a formal complaint, or upon the Board's own initiative, the North Carolina Certification Board for Social Work, its staff, or designee(s) may investigate whether a certified social worker has violated the Social Work Certification Act or the Administrative Code of the Board.~~

~~(b) Any board member engaged in the investigation of a specific case shall not participate in the Board's adjudication of that case.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0804 NOTICE OF HEARING AND CHARGES

~~If an investigation produces any credible evidence to support the charge, a notice outlining the charges, date of proposed hearing, and other information (per G.S. 150B-38) shall be sent to the social worker. The social worker shall have the right to file a written response (per G.S. 150B-38).~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0805 INFORMAL CONFERENCE

~~The Board may meet in informal closed session with a social worker who seeks or agrees to such a conference in lieu of a formal disciplinary hearing. Disciplinary action taken against a licensee as a result of an informal closed session conference and agreed to by the Board and the social worker shall be binding and a matter of public record.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0806 HEARINGS

~~General hearings shall be conducted by a majority of the Board. The Chairperson shall serve as presiding officer unless he/she is absent or disqualified, in which case the Vice-Chairperson, or designee, shall preside.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0807 DECISION OF THE BOARD

~~The Board shall notify all parties of its final decision in the manner prescribed by G.S. 150B-42.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0808 SUMMARY SUSPENSION

~~Regardless of the status of the complaint, the Board may summarily suspend a social worker's certification according to the provisions of G.S. 150B-3. If the Board Chairperson believes such prompt action is required, the Board may summarily suspend a license by means of a vote conducted by telephone, formal meeting, or correspondence. Proceedings for a formal hearing shall be instituted simultaneously with summary suspension, with a hearing date not to exceed 30 days from the date of suspension.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0809 THE PUBLIC RECORD

~~The Board shall report all disciplinary actions through the Disciplinary Action Reporting System (DARS), the Federal Data Bank, and may report them to any requesting public or private entity. Disciplinary actions do not include complaints.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

.0820 DISCIPLINARY ACTIONS

~~Board disciplinary actions may include the following:~~

~~(1) Letters of Concern. The Board may issue a letter of concern to a certified social worker stating that the Board has noted misconduct by the social worker.~~

~~(2) Examination. The Board may require a social worker to be examined orally or in writing regarding his/her social work skills and knowledge.~~

~~(3) Reprimand. Reprimand is a public rebuke and sanction by the Board for practice misconduct. A reprimand typically is given for less severe offenses and may require specific follow-up actions by the social worker.~~

~~(4) Censure. Censure is an act involving severe condemnation and a sanction by the Board for practice misconduct. Censuring is typically for severe offenses and may require specific follow-up actions by the social worker.~~

~~(5) Probation. Probation is a stay of revocation or suspension allowing limited practice within preconditions established by the Board. Violations of these conditions can result in revocation.~~

~~(6) Suspension. Suspension is the withdrawal of privilege to practice for a specific period of time.~~

~~(7) Revocation. Revocation is the withdrawal of privilege to practice as a certified social worker in the State of North Carolina.~~

Authority G.S. 90B-6; 90B-11; S.L. 1999-313.

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CHAPTER 68 - CERTIFICATION BOARD FOR SUBSTANCE ABUSE PROFESSIONALS

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Substance Abuse Professional Certification Board intends to amend the rules cited as 21 NCAC 68 .0101, .0503, .0507, .0509, .0511, .0601, .0706. Notice of Rule-making Proceedings was published in the Register on November 15, 1999.

Proposed Effective Date: *August 1, 2000*

A Public Hearing *will be conducted at 10:00 a.m. on February 18, 2000 at the Holiday Inn, 2444 Maple Avenue, Burlington, NC 27216. (See the Maitre d' at the hotel for room assignment.)*

Reason for Proposed Action:

21 NCAC 68 .0101 *- Deleting definition that is not applicable. Adding clarifying definitions.*

21 NCAC 68 .0503 *- Revision of terminology to include new credentials issued by the Board and clarification of provision in Rule.*

21 NCAC 68 .0507 *- Revision of terminology to include new credentials.*

21 NCAC 68 .0509 *- Clarification and refinement of the Rule.*

21 NCAC 68 .0511 *- Revision of terminology to include new credentials.*

21 NCAC 68 .0601 *- Revision of terminology to include new credentials and refinement of Rule.*

21 NCAC 68 .0706 *- To make Rule more properly reflect statutes.*

Comment Procedures: *The public is invited to attend the public hearing and submit comments. Written comments may be submitted through February 18, 2000 to Ms. Ann Christian, Rule-making Coordinator, NC Substance Abuse Professional Certification Board, PO Box 2455, Raleigh, NC 27602.*

Fiscal Impact			
State	Local	Sub.	None
			✓

SECTION .0100 - GENERAL

.0101 DEFINITIONS

As used in the General Statutes or this Chapter, the following terms have the following meaning:

(1) "Approved Supervisor" means a person who fulfills or is in the process of fulfilling the requirements for this Board designation pursuant to Rule .0211 of this Chapter by completing its academic, didactic and experiential requirements.

(2) "Assessment" means identifying and evaluating an individual's strengths, weaknesses, problems and needs for the development of a treatment plan for alcohol and drug abuse.

(3) "Board" means the North Carolina Substance Abuse Professional Certification Board.

(4) "Complainant" means a person who has filed a

complaint pursuant to these Rules.

(5) "Consultation" means a meeting for discussion, decision-making and planning with other service providers for the purpose of providing substance abuse services.

(6) "Crisis" means a decisive, crucial event in the course of treatment that threatens, either directly or indirectly related to alcohol or drug use, to compromise or destroy the rehabilitation effort.

(7) "Deemed Status Group" means those persons who are credentialed as a clinical addictions specialist because of their membership in a deemed status discipline.

(8) "Full Time" means 2,000 hours per year.

~~(9) "Hearing Committee" means a committee comprised of three members of the Board appointed by the President to hear an appeal from the Ethics Committee.~~

~~(10)~~ (9) "Letter of Reference" means a letter that recommends a person for certification.

~~(11)~~ (10) "Membership In Good Standing" means a member's certification is not in a state of revocation, lapse, or suspension. However, an individual whose certification is suspended and the suspension is stayed is a member in good standing during the period of the stay.

~~(12)~~ (11) "Passing score" means the score set by the entity administering the exam.

~~(13)~~ (12) "President" means the President of the Board.

~~(14)~~ (13) "Referral" means identifying the needs of an individual that cannot be met by the counselor or agency and assisting the individual to utilize the support systems and community resources available.

~~(15)~~ (14) "Reprimand" means a formal written warning from the Board to a person making application for certification by the Board or certified by the Board.

~~(16)~~ (15) "Respondent" means a person who is making application for certification by the Board or is certified by the Board against whom a complaint has been filed.

(16) "Sexual activity" means:

(a) Contact between the penis and the vulva or the penis and the anus;

(b) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(c) The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(17) "Sexual Contact" means the intentional touching, either directly or indirectly, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

~~(17)~~ (18) "Substance Abuse Counseling Experience" means approved supervised experience that may be full time or part-time, paid or voluntary, and must include all of the 12 core functions (Rule .0205 of this Chapter) as documented by a job description and supervisor's evaluation.

~~(18)~~ (19) "Supervised Practical Training" means supervision to teach the knowledge and skills related to substance abuse professionals at a ratio of one hour of supervision to every 10 hours of practice for 300 practice hours.

~~(19)~~ (20) "Suspension" means a loss of certification or the privilege of making application for certification.

Authority G.S. 90-113.30; 90-113.33; 90-113.40; 90-113.41; 90-113.41A.

SECTION .0500 - ETHICAL PRINCIPLES OF CONDUCT

.0503 COMPETENCE

The substance abuse professional shall recognize that the profession is founded on national standards of competency which promote the best interests of society, of the client and of the profession as a whole. The ~~counselor~~ substance abuse professional shall obtain continuing education as a component of professional competency.

(1) The substance abuse professional shall ~~prevent the practice of substance abuse counseling~~ assist in the prevention of practices by unqualified or unauthorized ~~persons.~~ persons in the field.

(2) The substance abuse professional who is aware of unethical conduct or of unprofessional modes of practice shall report such violations to the appropriate certifying authority.

(3) The substance abuse professional shall recognize boundaries and limitations of ~~counselor's~~ his or her competencies and not offer services or use techniques outside of these professional competencies.

(4) The substance abuse professional shall recognize the effect of professional impairment on professional performance and shall be willing to seek appropriate treatment for oneself or for a colleague. The ~~counselor~~ substance abuse professional shall support peer assistance programs in this respect.

Authority G.S. 90-113.30; 90-113.36; 90-113.37; 90-113.39; 90-113.40; 90-113.41; 90-113.43; 90-113.44.

.0507 CLIENT WELFARE

The substance abuse professional shall respect the integrity and protect the welfare of the person or group with whom ~~the counselor~~ he or she is working.

(1) The substance abuse professional shall define for self and others the nature and direction of loyalties and responsibilities and keep all parties concerned informed of these commitments.

(2) The substance abuse professional, in the presence of professional ~~conflict~~ conflict, shall be concerned

primarily with the welfare of the client.

(3) The substance abuse professional shall terminate a counseling or consulting relationship when it is reasonably clear to the ~~counselor~~ professional that the client is not benefitting from it.

(4) The substance abuse professional, in referral cases, shall assume the responsibility for the client's welfare either by termination by mutual agreement or by the client becoming engaged with another professional. In situations when a client refuses treatment, referral or recommendations, the substance abuse professional shall carefully consider the welfare of the client by weighing the benefits of continued treatment or termination and shall act in the best interest of the client.

(5) The substance abuse professional who asks a client to revel personal information from or about other professionals or allows information to be divulged shall inform the client concerning the duties and responsibilities resulting from dissemination of the information. The information released or obtained with informed consent shall be used for expressed purposes only.

(6) The substance abuse professional shall not use a client in a demonstration role in a workshop setting where such participation would foreseeably seriously harm the client.

(7) The substance abuse professional shall ensure the presence of an appropriate setting for clinical work to protect the client from harm and him or her the ~~counselor~~ and the profession from censure.

(8) The substance abuse professional shall collaborate with other health care professionals in providing a supportive environment for the client who is receiving prescribed medications.

Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.43; 90-113.44.

.0509 CLIENT RELATIONSHIPS

The substance abuse professional shall inform the prospective client of the important aspects of the potential relationship.

(1) The substance abuse professional shall inform the client and the client's agreement in areas likely to affect the client's participation including the recording of an interview, the use of interview material for training purposes and in some cases or in others, observation of an interview by another person.

(2) The substance abuse professional shall inform the designated guardian or responsible person of the circumstances that may influence the relationship, when the client is a minor or incompetent.

(3) The substance abuse professional shall not enter into a professional relationship with members of one's immediate family, friends or close associates. The substance abuse professional may enter into a counseling relationship with others where there was a pre-existing relationship involving the welfare of that person that will not be jeopardized by this dual relationship.

(4) ~~The substance abuse professional shall not engage in sexual activity with either a current or former client.~~ Sexual activity and contact of a substance abuse professional with a client shall be restricted as follows:

(a) The substance abuse professional shall not engage in nor solicit sexual activity or sexual contact with a current client.

(b) The substance abuse professional shall not engage in nor solicit sexual activity or sexual contact with a former client for at least two years after the termination of the counseling relationship.

(c) The substance abuse professional shall not engage in nor solicit sexual activity or sexual contact with any person the professional knows to be a current client of his or her own agency or place of professional employment.

(d) The substance abuse professional shall not engage in nor solicit sexual activity or sexual contact with any person the professional knows to be a former client of his or her own agency or place of professional employment for at least two years after the termination of the counseling relationship if both the professional was employed at the agency and the former client was a client of the agency during the same time period.

Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.44.

.0511 REMUNERATION

The substance abuse professional shall establish financial arrangements in professional practice and in accord with the professional standards that safeguard the best interests of the client, of the ~~counselor~~ individual professional and of the profession.

(1) The substance abuse professional shall consider carefully the ability of the client to meet the financial cost in establishing rates for professional services.

(2) The substance abuse professional shall not send nor receive any commission or rebate or any other form of remuneration for referral of clients for professional services. The ~~counselor~~ substance abuse professional shall not engage in fee splitting.

(3) The substance abuse professional shall not accept a private fee or any other gift or gratuity for professional work with a person who is receiving such services through the professional's institution or agency. The policy of a particular agency may make explicit provisions for private work with its clients by members of its staff and in such instances the client

must be fully apprized of all policies affecting the client.

Authority G.S. 90-113.30; 90-113.33; 90-113.44.

SECTION .0600 - GROUNDS FOR DISCIPLINE AND DISCIPLINARY PROCEDURES

.0601 GROUNDS FOR PROFESSIONAL DISCIPLINE

Violation of these principles shall be deemed grounds for discipline:

(1) Fraud or Misrepresentation in Procuring or Maintaining Certification.
   (a) Acts such as to practice, attempt to practice, or to supervise others while representing oneself to be a certified substance abuse ~~counselor~~ professional ~~or a certified substance abuse prevention consultant~~ without being duly certified;
   (b) False representation of material fact to procure or maintain certification, whether by word or conduct;
   (c) Concealment of requested information contained in the application;
   (d) Attempting to file or filing any false or forged diploma, certificate, affidavit, transcript, identification or qualification;
   (e) Submitting material which is not the work product of the applicant;
   (f) Knowingly assisting another to procure or maintain certification on the basis of fraud; or
   (g) Aid, abet, or assist any uncertified person to practice as a certified substance abuse professional in violation of this code.

(2) Fraud or Misrepresentation to the Public.
   (a) Knowingly make misleading, deceptive, false, or fraudulent misrepresentations in the practice of the profession; or
   (b) Pursue an illegal practice as set forth in G.S. 90-113.43.

(3) Exploitation of Client or Recipient Relationships.
   (a) Entering into a professional relationship in violation of Rule .0509 of this Chapter;
   (b) Participating in or soliciting sexual ~~relations~~ activity or sexual contact with a current or former ~~client~~; client or client of one's agency;
   (c) Entering into personal financial arrangements with a client or recipient which make an improper use of the client or recipient.

(4) Illegal Acts of Practices.
   (a) Violation of Federal of State confidentiality statutes;
   (b) Conviction of any controlled substances law, until proof of rehabilitation is established to the Board's satisfaction; or
   (c) Being any accessory to or participating in dishonesty, fraud, misrepresentation or any other illegal act involving a client or recipient.

(5) Professional Incompetency or Failure to Meet Standards of Practice.
   (a) Failure to follow the standards of skill and competence possessed and applied by professional peers certified in this State acting in the same or similar circumstances:
   (b) Use of drugs or alcoholic beverages to the extent that professional competency is affected, until proof of rehabilitation can be established;
   (c) Refusal to seek treatment for chemical dependency or mental health problems which impair professional performance; or
   (d) Engaging in conduct that an ordinary, reasonable, and prudent person could foresee would result in harm or injury to the public.

(6) The following are prohibited governing professional relationships:
   (a) Offering professional services to a client or other service recipient in a ~~counseling~~ professional relationship with another substance abuse ~~counselor~~ professional except with the knowledge of the other professional or after the termination of the client or recipient's relationship with the other professional;
   (b) Sending or receiving any commission or rebate or any other form or remuneration for referral of clients or recipients for professional services from the professional to whom the referral was made;
   (c) Accepting from or charging the client a fee for a referral only when no other services are provided;
   (d) Accepting or charging a fee when no substance abuse professional services are actually provided; except actual costs for copies and administrative services may be recovered;
   (e) Accepting a gratuity or any other gift other than a one-time gift having a value of less than twenty five dollars ($25.00) for professional work with a person who is receiving the services through the professional's employer; or
   (f) Failing to cooperate with the investigations and proceedings of any professional ethics committee unless the failure is within the exercise of the professional's constitutional rights.

Authority G.S. 90-113.33; 90-113.37; 90-113.39; 90-113.40; 90-113.42; 90-113.43; 90-113.44; 90-113.45; 90-338.

SECTION .0700 - APPEALS PROCESS

.0706 WHO SHALL HEAR CONTESTED CASES

~~All administrative~~ Administrative hearings shall be heard by the ~~Board.~~ Board or, upon determination by the Board, the

Office of Administrative Hearings. The President or his or her designee shall be responsible for the conduct of ~~the hearing.~~ a Board hearing.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

TITLE 4 - DEPARTMENT OF COMMERCE

Rule-making Agency: *Department of Commerce*

Rule Citation: *4 NCAC 21A .0101-.0103; 21B .0101-.0103, .0201-.0207, .0301-.0315, .0401-.0403, .0501-.0505, .0601-.0603, .0701-.0703, .0801, .0901-.0902, .1001-.1006, .1008-.1031, .1101-.1105, .1201-.1202*

Effective Date: *January 1, 2000*

A Public Hearing *will be conducted at 10:00 a.m. on February 15, 2000 at the Parker Lincoln Building, Cape Hatteras Conference Room, Suite 168, 2728 Capital Boulevard, Raleigh, NC.*

Findings Reviewed and Approved by: *Beecher R. Gray*

Authority for the rule-making: *G.S. 143B-472.50; 143B-472.65*

Reason for Proposed Action: *Senate Bill 222 enacted to provide for acquisition of information technology assets in conformity with G.S. 143-135.9.*

Comment Procedures: *Written comments may be directed to Dale Kiser, ITS/Department of Commerce, PO Box 17209, Raleigh, NC 27619-7209. Comments must be received no later than February 15, 2000.*

Fiscal Impact			
State	Local	Sub.	None
✓			

CHAPTER 21 - OFFICE OF INFORMATION TECHNOLOGY SERVICES

SUBCHAPTER 21A - INFORMATION TECHNOLOGY PROCUREMENT

SECTION .0100 - FORMS, TERMS AND CONDITIONS, AND DEFINITIONS

.0101 FORMS, TERMS AND CONDITIONS

The Office of Information Technology Services (ITS) shall prescribe forms, terms and conditions and advertisement requirements for acquiring goods and services related to information technology for agencies. The forms, terms and conditions, and advertisement requirements shall be established taking into consideration market volatility, trends and conditions, legal requirements, and any other factors determined to be in the state's best interest. These shall be made available to all agencies via the ITS IT procurement website.

History Note: Authority G.S. 143B-472.51; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0102 DEFINITIONS

For the purpose of this Chapter,

(1) Agency is defined as an entity enumerated in G.S. 143B-3(1).

(2) Best Value Procurement is defined as a procurement process that has as a fundamental objective the reduction of total cost of ownership. The particular procurement methods used are selected so as to result in the best buy for the state in terms of the function to be performed. Competitive Best Value Procurement allows for the use of alternate competitive purchasing techniques in addition to low price analysis in the selection of supply sources determined to represent best value.

(3) Clarification is defined as limited exchanges between the state and offerors that may occur when negotiation is not contemplated. Offerors may be given the opportunity to clarify certain aspects of proposals or to resolve minor clerical errors.

(4) Communications are exchanges between the state and offerors after receipt of offers to address issues of past performance, to enhance the state's understanding of offers, to allow reasonable interpretation of the offer, or to facilitate the state's evaluation process. Communications shall not be used to cure deficiencies or material omissions in the offer or to alter technical or cost elements of the offer.

(5) Competition in purchasing exists when the available market for the goods or services to be acquired consists of more than one supplier that is technically qualified and willing to submit an offer. The public competitive process is the process followed by a public agency to solicit offers from multiple suppliers to provide the specified goods or services. The process must be conducted in a manner that attempts to ensure that all qualified suppliers who are willing to submit offers are treated equitably and are not placed at a disadvantage with respect to the process outcome.

(6) Competitive Range is defined as the range of all of the most highly rated offers, as determined by the evaluation committee. The range shall be sufficient to establish adequate competition as determined by the State Chief Information Officer (CIO) or his

designee.

(7) Deficiency is defined as a failure to meet a stated requirement or a combination of weaknesses in an offer that increases the risk of unsuccessful contract performance to an unacceptable level.

(8) Goods are defined as any information technology commodities including equipment, materials, or supplies.

(9) Negotiation is defined as exchanges in either a competitive or sole source environment between the state and offerors that are undertaken with the intent of allowing offerors to revise their offers. Revisions may apply to price, schedule, technical requirements, or other terms of the proposed contract. Negotiations are specific to each offer and shall be conducted to maximize the state's ability to obtain best value based on the evaluation factors set forth in the solicitation. The state may also give evaluation credit for technical solutions exceeding mandatory minimums or negotiate with offerors for increased performance beyond mandatory minimums.

(10) Offer is defined as a bid or proposal submitted in response to any solicitation document utilizing "Best Value" procurement methodology including Invitation for Bids (IFB), Request for Proposals (RFP), Request for Quotations (RFQ), negotiation, or other acquisition processes, as well as responses to Solution-Based Solicitations and Government-Vendor Partnerships.

(11) Price is defined as the amount paid by the state to a vendor for a good or service.

(12) Procurement is defined as acquisition of goods and services

(13) Services is defined as any process of providing services requiring specialized knowledge, experience, expertise, professional qualifications, or similar capabilities for any aspect of information technology including, but not limited to, work or task performance, review, analysis, and advice in formulating or implementing improvements in programs or services.

(14) Solicitation document is defined as a written or electronic IFB, RFQ, RFP, Solution-Based Solicitation, Government-Vendor Partnership, Request for Information (RFI) document or other acquisition documents expressly used to invite offers or request information regarding the acquisition of goods and services or other acquisition documents.

(15) Total Cost of Ownership is defined as a summation of all purchase, operating, and related costs for a product or service. It includes but is not limited to purchase price, transportation, receiving and inspection, maintenance, operating costs, downtime, energy costs, and disposal costs.

(16) Weakness is defined as a flaw in the offer that increases the risk of unsuccessful contract performance.

History Note: Authority G.S. 143-135.9; 143B-472.51; 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0103 BENCHMARK

The Secretary of Commerce (Secretary) establishes a benchmark of one hundred thousand dollars ($100,000) (benchmark).

History Note: Authority G.S. 143B-472.63; 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

SUBCHAPTER 21B - PROCUREMENT REQUESTS

SECTION .0100 - REQUISITIONING

.0101 PROCEDURE

Agencies shall request procurement action by ITS by means of electronic or written requests.

History Note: Authority G.S. 143B-472.55; 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0102 VERBAL REQUESTS

Verbal requests for procurement activities are not satisfactory substitutes for electronic or written requests except in emergencies. Electronic or written confirmation must follow any such request made in an emergency situation.

History Note: Authority G.S. 143B-472.55; 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0103 CONFIDENTIALITY

All information and documentation (verbal and written) relative to development of a contractual document for a proposed procurement shall be deemed confidential in nature, except as deemed necessary by the purchaser to develop a complete contractual document. Such material shall remain confidential until successful completion of the procurement process.

History Note: Authority G.S. 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

SECTION .0200 - SPECIFICATIONS

.0201 TYPES OF SPECIFICATIONS

There shall be two general types of specifications. A standard specification shall be originated and developed by ITS or any other agency or commission, statutorily authorized to develop standards. It shall be comprehensive in nature, intended for repeated use and may be changed, as quickly and as often or necessary, to address changes in the technology marketplace. An example of this type of specification is one that complies

with the required statewide Technical Architecture as developed by the Information Resource Management Commission (IRMC) for statewide use. The other general type of specification shall be originated by the user and modified as necessary by ITS to accomplish the overall efforts to manage the area of information technology effectively. This type of specification may include, but is not limited to, "brand name or equal" or "brand specific" technical and functional specifications.

History Note: Authority G.S. 143B-472.55; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0202 NEED

ITS may inquire into the need for and level of quality of goods or services requested by an agency. ITS may modify the level of specification requested to enhance overall direction of the state's program in the area of information technology.

History Note: Authority G.S. 143B-472.55; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0203 DEVELOPMENT OF SPECIFICATIONS

(a) A standard specification is intended for general use and kept current by ITS. In formulating such a specification, advisory committees made up of personnel from various agencies and the private sector may be employed for advice and assistance. This type of specification may be offered also for the review and comments of manufacturers and suppliers who may participate in the procurement process on the items in question.

(b) Where competition is available and advantageous to the state, every purchaser shall use/write specifications and requirements that are reasonable to satisfy the need, but not unduly restrictive, and that shall encourage competition in the open market and result in the best possible contract for the good or service needed.

History Note: Authority G.S. 143B-472.55; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0204 ARTICLES FOR SPECIAL PURPOSES

Where articles are to be used for educational or training purposes, by persons with disabilities, for test and evaluation or research purposes, or for any purpose deemed necessary by the CIO or his designee, special or overriding consideration may be given to the factor of suitability in the preparation of specifications, evaluation of offers for waiver of competition, and the award of contracts.

History Note: Authority G.S. 143B-472.55; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0205 SUBMISSION FOR ADOPTION

Upon completion of all studies, reviews, and drafts; any person shall submit proposed standard specifications to the CIO or his designee for consideration. A specification shall be adopted as a standard if advantageous to the state. ITS may modify a standard specification on an interim basis as deemed necessary or advantageous to the state.

History Note: Authority G.S. 143B-472.55; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0206 COPIES OF SPECIFICATIONS

ITS shall distribute copies of standard specifications to interested parties through electronic media and these shall be available for customer and public inspection at ITS and on the ITS IT procurement website.

History Note: Authority G.S. 143B-472.55; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0207 CONFIDENTIALITY

All information and documentation relative to the development of a specification/needs document shall be deemed confidential in nature until specification adoption or finalization of the procurement process for a specific contract.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .0300 - PROCUREMENT AUTHORIZATION AND PROCEDURES

.0301 PROCUREMENT PROCEDURES

All technology purchases involving the expenditure of public funds by agencies not covered by term, convenience, or service contracts shall be in conformity with the "Best Value" information technology procurement requirements in G.S. 143-135.9 and Rule .0308 of this Section. Exemptions may be granted by ITS where a waiver, special delegation, exemption or an emergency purchase is permitted by rule. Information technology procurements shall comply with the following delegations and procedures:

(1) Small Purchases: A small purchase is defined as the purchase of goods and services, where the expenditure of public funds is five thousand dollars ($5,000) or less and is not covered by term or convenience contracts established by ITS. The executive officer of each agency, or his designee, shall set forth in writing purchasing procedures for making small purchases. The using agency shall award contracts for small purchases.

(2) Purchases Governed by General Delegation or Statute:

(a) For purchases made by an agency involving an expenditure of public funds over five thousand dollars ($5,000) up to the benchmark established under the provisions of G.S. 143B-472.63 or the general delegation limit established by the CIO, the agencies shall use the following methodologies to encourage competition:

(i) The agency shall issue solicitation

documents requesting or inviting offers;

(ii) The agency shall include in solicitation documents standard language, including terms and conditions as published by ITS on its IT procurement website. If additional terms and conditions are used, they shall not conflict with ITS' standard terms and conditions unless prior written approval is obtained from ITS for unusual requirements; and

(iii) The agency may request distribution lists, if available from ITS, and use them in addition to distribution lists maintained by the agency for the purpose of soliciting competition.

(b) Agencies shall advertise their solicitations through ITS for purchases exceeding ten thousand dollars ($10,000) up to the general delegation established by the CIO. Agencies may advertise smaller dollar purchases through ITS.

(c) The agencies may award contracts under their general delegation.

(3) Procurement Procedure: Where the total requirements for goods or services involve an expenditure of public funds that exceed the benchmark established by the Secretary or the general delegation established by the CIO, offers in conformity with G.S. 143-135.9 shall be solicited as follows:

(a) Competitive offers for goods, excluding services, shall be solicited by ITS via advertisement, unless the advertising requirement is waived by the CIO or his designee subject to the provisions of Rule .0313 of this Section. This shall include offers for statewide term/convenience contracts.

(b) For service contracts exceeding twenty-five thousand dollars ($25,000), ITS shall engage in a review and approval process to ensure that proposed and actual acquisitions are advantageous to the state. Agencies shall submit drafts of acquisition documents to ITS for approval prior to proceeding with the acquisition process. The agency shall then solicit offers in accordance with the rules established for Sub-items (2)(a) and (2)(b) of this Rule. After completing the evaluation of offers received, the agency shall prepare a written recommendation for award, and if over the benchmark established by the Secretary or the general delegation established by the CIO, shall submit a copy of all offers received and their award recommendation or other action to ITS for approval or other action deemed necessary by the CIO or his designee (Examples: cancellation, negotiation, etc.). ITS shall send a notice of the ITS decision to the agency. The agency shall then award contracts for services. The contract shall not be for more than three years including extensions and renewals, without the prior approval of the CIO or his designee based on a determination that it is advantageous to the state.

(4) Notwithstanding any waiver, general delegation, exemption, or emergency purchase rules; all telecommunications goods and services shall be procured by ITS.

History Note: Authority G.S. 143-135.9; 143B-472.63; 143B-472.65; 143B-472.42(1);
Temporary Adoption Eff. January 1, 2000.

.0302 METHODS OF SOURCE SELECTION

Competitive source selection may be conducted in accordance with the following best value methods.

(1) The following steps describe the process for application of the best value procurement methodology:

(a) Appropriate best value bidding method is determined by purchasing authority.

(b) Solicitation document is developed and advertised in accordance with other rules of this Chapter.

(c) Scheduled conferences or site visits are held in accordance with solicitation requirements.

(d) Offers are received and a public bid opening is conducted. For solicitations that allow for negotiation after receipt of offers, only the names of responding bidders are revealed. Price information shall be made public after evaluation and award.

(e) An evaluation committee evaluates offers in accordance with the stated evaluation factors. For solicitations that include a best value ranking process, scoring and ranking may be determined by using any consistent rating methodology, including adjectival, numerical, or ordinal rankings. Relative strengths, deficiencies, weaknesses, and risks supporting the evaluation shall be documented in the contract file. Evaluation factors may include but are not limited to quality factors; delivery and implementation schedule; maximum facilitation of data exchange and systems integration; warranties, guarantees, and return policies; vendor financial stability; consistency of the proposed solution with the state's strategic program direction; effectiveness of business solution and approach; industry and program experience; prior record of vendor performance; vendor expertise with similar

projects; proven development methodologies and tools; and innovative use of technologies.

(f) Clarifications, communications to establish a competitive range, or negotiations may be conducted with offerors after receipt of offers in accordance with instructions and procedures set forth in the solicitation document and as appropriate to the method of source selection chosen. In those cases where negotiation is permitted by procedures set forth in the solicitation document, offerors may be allowed to submit best and final offers subsequent to negotiated changes in the initial offer or previous offer.

(g) The evaluation committee shall determine a final ranking of all offers under consideration using only the criteria set forth in the solicitation document. All offerors shall be ranked from most advantageous to least advantageous to the state.

(h) Award must be made to the responsive and responsible offeror whose offer is determined in writing to be the most advantageous to the state, using all evaluation factors set forth in the solicitation. If the lowest price technically acceptable method is used, award must be made to the responding and responsible offeror with the lowest price.

(i) The following types of solicitations may be used:

(i) One-step Invitation for Bids (IFB) or Request for Proposals (RFP) – Technical and price response is submitted at the same time.

(A) If the lowest priced technically acceptable method of source selection is used, only clarifications are allowed.

(B) If the trade off or ranking method of source selection is used, communications to establish competitive ranges or negotiations may be used.

(ii) Two step IFB or RFP – Technical responses (step one) and price responses (step two) to solicitation are submitted separately.

(A) If the lowest priced technically acceptable method is used, technical responses (step one) are evaluated for acceptability only. Only clarifications with offerors are allowed. Price offers are opened (step two) for only those offerors who submitted technically acceptable responses. Selection is made by low price analysis.

(B) If the trade off or ranking method of source selection is used, technical responses (step one) are submitted, after which clarifications, communications to establish a competitive range, and negotiations with offerors may be allowed as specified in the solicitation document. Price responses (step two) are requested only from offerors placed in the competitive range after the technical evaluation and discussion phase has concluded. Subsequent negotiations may be conducted with offerors after receipt of price responses. Final price adjustments or best and final offers may be allowed.

(2) A trade off method of source selection may be utilized when it is in the best interest of the state to consider award to other than the lowest priced offer or other than the highest technically qualified offer. For a solicitation using a trade off source selection method, the following shall apply:

(a) All evaluation factors that will affect the contract award decision and their relative importance shall be clearly stated in the solicitation.

(b) Price must be considered as an evaluation factor in the selection process. The solicitation shall state the importance or numerical weight of all evaluation factors including price.

(c) Offers are ranked using the evaluation factors and their relative importance or weight as defined in the solicitation document. The relative overall ranking of any offer may be adjusted up or down when considered with, or traded-off against, other non-price factors. For example, an offer with the lowest price when compared to other offers would normally receive the best ranking in the price evaluation category. However, if other non-price evaluation factors received low rankings, the overall ranking of the offer would be reduced.

(d) Clarifications are permitted. If specified in the solicitation, communications and negotiations may be permitted after receipt of offer.

(3) The lowest price technically acceptable source selection method may be used when best value is expected to result from selection of the technically acceptable offer with the lowest evaluated price. When using the lowest price technically acceptable method, the following shall apply:

(a) The evaluation factors that establish the requirements of acceptability shall be set forth

in the solicitation. Solicitations shall specify that award will be made on the basis of the lowest evaluated price of those proposals that meet or exceed the acceptability requirements for non-price factors.

(b) Trade offs between price and non-price factors are not permitted.

(c) Proposals are evaluated for acceptability but are not ranked using the non-price factors.

(d) Only clarifications are permitted.

(4) Other competitive best value source selection methodologies may be used if they are determined to be advantageous to the state and are approved for use by the CIO or his designee.

History Note: Authority G.S. 143-135.9; 143B-472.63; 143B-472.65; 143B-472.42(1);
Temporary Adoption Eff. January 1, 2000.

.0303 ELECTRONIC, FACSIMILE AND TELEPHONE OFFERS

ITS and agencies shall not accept electronic, facsimile, and telephone offers in response to solicitation documents that are required to be sealed, unless specifically approved by ITS procurement based on a determination that it is advantageous to the state.

History Note: Authority G.S. 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0304 RECALL OF OFFERS

An authorized agent of a company may recall an offer prior to opening, through a signed request.

History Note: Authority G.S. 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0305 PUBLIC OPENING

(a) ITS and agencies shall publicly open advertised sealed procurements using the lowest price technically acceptable source selection method at the time, date, and place identified in the solicitation document. At the time of opening, the names of the bidders shall become public record after compliance with all the requirements of the ITS sealed procurement process as in Rule .0302 of this Section.

(b) Under a two-step process, only those offerors that the agency that issued the solicitation determines to have acceptable technical offers shall be invited to submit price offers. The price offers shall be publicly opened and the offeror(s) with the acceptable technical offer(s) notified of the time and place for the opening. After opening, the price offer(s) shall become public record if no negotiation is permitted. At least two agency working days shall be given prior to the opening. There shall be at least two agency employees present at the opening.

(c) Under a two-step process where negotiations are anticipated, only those offerors determined by the agency that issued the solicitation to have acceptable technical offers shall be invited to submit price offer(s). The price offers shall be publicly opened and the offeror(s) with the acceptable technical offer(s) notified of the time and place for the opening. The price offer(s) shall become public record upon point of award. At least two agency working days shall be given prior to the opening. There shall be at least two agency employees present at the opening.

History Note: Authority G.S. 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0306 LATE OFFERS, MODIFICATIONS, OR WITHDRAWALS

The agency or ITS shall not consider late offers, modifications, or withdrawals unless these would have been timely except for the action or inaction of agency or ITS personnel directly serving the procurement process. Offerors shall deliver all offers on time, regardless of the mode of delivery used.

History Note: Authority G.S. 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0307 ERROR/CLARIFICATION

When the agency or ITS determines that an offer appears to contain an obvious error or otherwise where an error is suspected, the agency or ITS may investigate or act upon the circumstances. Any action taken shall not prejudice the rights of the public or other offering companies. Where offers are submitted substantially in accordance with the solicitation document but are not entirely clear as to intent or to some particular fact or where there are other ambiguities, the agency or ITS may seek and accept clarifications provided that, in doing so, no change is permitted in prices.

History Note: Authority G.S. 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0308 EXTENSION OF ACCEPTANCE TIME

When the agency or ITS determines it is in the public interest, the agency or ITS may request that the offerors extend the time offered for the acceptance of offers.

History Note: Authority G.S. 143B-472.65;
Temporary Adoption Eff. January 1, 2000.

.0309 EVALUATION

(a) In determining the award of contracts, the agency or ITS shall consider and evaluate bona fide offers as provided by statute and applicable rules. the agency or ITS shall identify in the solicitation document the evaluation criteria to be used in determining the award of contract.

(b) Unsigned offers shall be rejected by the awarding agency.

(c) During the period of evaluation and prior to award, only the information provided in the tabulation is public record. Only

persons in the agency who are responsible for handling the offers and accompanying information, and others determined necessary by the agency that issued the solicitation document, shall possess offers, including any accompanying information submitted with the offers for the purpose of evaluation and award of contract. Any communication with an offeror that may be necessary for purpose of clarification of its offer shall be conducted by the agency that issued the solicitation document. Further offeror participation in the evaluation process shall not be permitted except as deemed necessary by the CIO or his designee to effectively conclude the award process. After award of the contract or when the need for the item or service is canceled, the complete file shall be available to any interested party with the exception of trade secrets subject to the provisions G.S. 132-1.2(1)d.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0310 NOTIFICATION OF AWARD

If a solicitation is required to be advertised through ITS, then notice of the resulting contract award shall be posted via the ITS IT procurement website by the agency issuing the solicitation document. After contract award, successful companies shall be notified in writing or electronically by the agency issuing the solicitation document.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0311 LACK OF COMPETITION

Where only a single offer or a single acceptable offer is received, the agency or ITS shall ascertain the reason and make it a matter of record.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0312 SOLICITATION DOCUMENTS

All agencies shall use a solicitation document when soliciting sealed offers on contracts valued over twenty-five thousand dollars ($25,000) unless the CIO or his designee waives the requirement pursuant to rule. In their solicitation documents, the agencies and ITS shall require offerors to certify that each offer is submitted competitively and without collusion.

History Note: Authority G.S. 143B-472.61; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0313 DIVISION OF REQUIREMENTS

An agency shall not divide requirements to keep the expenditure under its benchmark or delegation and thereby avoid following the appropriate contracting requirement. In the case of similar and related items and groups of items, the dollar limits apply to the total cost rather than the cost of any single item.

History Note: Authority G.S. 143B-472.63; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0314 ADVERTISEMENT REQUIREMENTS

(a) All advertisements required by rule shall be through the ITS IT procurement website. Agencies shall advertise their solicitations at least once and at least 10 days prior to the date designated for opening unless the CIO or his designee waives advertising requirements. Conditions permitting waiver of advertising requirements shall include, but not be limited to the following:

(1) Acquisition of goods or services subject to rapid price fluctuations or immediate acceptance.
(2) Emergency situations (pressing need).
(3) Acquisition of goods or services needed for any ongoing job, task, or project.
(4) Acquisition of goods or services where performance or price competition is not available.
(5) Any determination that no useful purpose would be served by requiring advertisement.

(b) This Rule does not prevent solicitation of offers by additional direct mailings or additional advertisement by an agency.

(c) Agencies required by rule to advertise their solicitations shall electronically transmit the required data to the ITS IT procurement website. The required data shall include the complete solicitation document (specifications, requirements, terms and conditions, etc.) with agency name, buyer name, phone number and address for accessing hard copies of the solicitation; solicitation identification number; title (a short description of the good or service); and the opening date, time and place. If the solicitation requires potential offerors to attend a mandatory conference or mandatory site visit, this information shall also be furnished with the advertisement, to include date, time, location, contact person and the contact person's phone number.

(d) Within three agency working days from the award of an advertised contract, agencies shall electronically transmit an award notice directly to the ITS IT procurement website, unless there is a valid reason for not posting such information. The award notice shall be posted for at least 30 calendar days. This award notice shall identify the contract and award information.

(e) Exceptions to this Rule are as follows:

(1) When the agency's executive officer or his designee deems that there is a valid reason for the agency not to transmit the advertisement or award notice electronically, that agency may submit the data to ITS so ITS may transmit it electronically or the agency may place the advertisement (excluding the complete solicitation document) via newspaper. If advertised via newspaper, the agency that issued the solicitation document shall be responsible for the advertisement and the award notice shall not be required. Some valid reasons include, but are not limited to, computer equipment failure and networking difficulties. The rationale for waiver of electronic advertising requirements shall be documented and become part of the public record.

(2) If there is an attachment to a solicitation that the agency determines will not be electronically transmitted, then the solicitation document, when it is electronically transmitted, shall include instructions to contact the agency that issued the solicitation to obtain the attachment.

(3) If an agency determines that it is not feasible to electronically transmit a particular solicitation document through the ITS IT Procurement website, then the agency shall electronically transmit a summary notice in the same way as if it had electronically transmitted the solicitation document. The summary notice shall instruct anyone inquiring about the solicitation on the ITS IT procurement website to contact the agency for a hard copy.

History Note: Authority G.S .143B-472.50; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0315 MANDATORY CONFERENCES/SITE VISITS

(a) When a solicitation requires potential offerors to attend a mandatory conference or mandatory site visit, the date, time, location, and other pertinent details of the conference or site visit shall be given in the solicitation document and in the advertisement (if required by rule).

(b) If only one potential offeror attends the mandatory conference or mandatory site visit, the conference or site visit may be conducted, but the agency shall investigate why only one potential offeror was in attendance and ascertain if there is any competition available. If it is determined that competition is available, time permitting, the agency may schedule another conference or site visit, if deemed to be to the advantage of the state. If it is determined that there is no competition available, then the procurement may be handled as a waiver as permitted by rule.

(c) Any and all questions by a potential offeror regarding a solicitation document shall be addressed to the purchaser named on the document. Any and all revisions to the solicitation document shall be made only by written addendum from the purchaser. Verbal communications from whatever source are of no effect.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .0400 - REJECTION OF OFFERS

.0401 BASIS FOR REJECTION

In soliciting offers, the agency or ITS may reject any offer in whole or in part. Basis for rejection shall include, but not be limited to, the agency or ITS deeming the offer unsatisfactory as to quantity, quality, delivery, price or service offered; the offer not complying with conditions of the solicitation document or with the intent of the proposed contract; lack of competitiveness by reason of collusion or otherwise or knowledge that reasonably available competition was not received; error(s) in specifications or indication that revision(s) would be to the state's advantage; cancellation of or changes in the intended project or other determination that the proposed requirement is no longer needed; limitation or lack of available funds; circumstances that prevent determination of the lowest best value offer; and any determination that rejection would be to the best interest of the state.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0402 PUBLIC RECORD

Action in rejecting offers in whole or in part shall be made a matter of record.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0403 NEGOTIATION

If an agency does not receive an offer that is deemed to be advantageous to the state in response to a solicitation or all offers are rejected and if it is determined by the agency that issued the solicitation document that soliciting offers again would serve no purpose, negotiations may be conducted with sources of supply that may be capable of satisfying the requirement. The negotiations shall be conducted by that agency if under their benchmark or delegation. Negotiations shall be conducted in writing and shall include standard language and terms and conditions issued by ITS. If the negotiations are conducted with only one source or if only one source responds to the negotiations, the reason for lack of competition shall be documented in writing for public record. Negotiations may also be conducted under conditions that merit a waiver of competition or in other situations that are advantageous to the state as determined by the CIO or his designee.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .0500 - INSPECTION AND TESTING

.0501 RESPONSIBILITY

The receiving agency shall inspect all materials, supplies, and equipment upon delivery to ensure compliance with the contract requirements and specifications.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0502 SELECTION

ITS may periodically inspect any items to ensure that specifications are met. The agency must ensure that goods or services purchased comply with applicable codes, statutes, local ordinances, policies or safety requirements.

History Note: Authority G.S. 143B-472.65;

Temporary Adoption Eff. January 1, 2000.

.0503 SAMPLES

When samples are required in response to a solicitation document, ITS may test those samples or have them tested at other designated facilities. Samples shall not be sent directly to laboratories outside the agency or ITS unless it is determined by ITS that these facilities have the capability, time, or expertise needed.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0504 SPECIFICATIONS

When the agency that awarded the contract or ITS determines it to be advantageous to the state, it may authorize revisions to a contract specification, including any cost adjustment associated with any such revision, as part of contract administration. If an increase in cost results in the total contract value being more than the agency's benchmark or delegation, then the agency shall obtain prior written approval from ITS, regardless of what agency initially awarded the contract.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0505 REPORT OF DISCREPANCY

Where goods or services delivered fail to meet the specifications or contract requirements, the discrepancy shall be resolved by the agency that issued the solicitation document.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .0600 - GUARANTEES AND WARRANTIES

.0601 ENFORCEMENT

Using agencies shall enforce the contractual guarantee or warranty applying to the goods or services purchased.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0602 REPORT TO PURCHASING

If any agency has difficulty in obtaining satisfactory performance including service as provided for in a guarantee or warranty, under a contract handled by ITS; the agency shall refer the matter to ITS.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0603 RESPONSIBILITY OF USING AGENCY

The using agency must notify the vendor promptly when latent or other defects are discovered. In the event the vendor fails to remedy the condition reported and the contract was handled by ITS, the matter shall be referred to ITS.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .0700 - CONTRACTS

.0701 USE AND DESCRIPTION

State IT contracts are binding agreements between the state and successful offerors to provide information technology goods or services in accordance with stipulated terms and conditions.

(1) Term Contracts

(a) A term contract is a binding agreement between purchaser and seller to buy and sell certain goods or services for a period of time at prices established by the contract. Statewide term contracts consolidate normal, anticipated requirements of all agencies into one agreement and shall be handled by ITS. No agency may purchase goods or services covered by a statewide term contract from any other source unless authorized by the CIO or designee.

(b) A term contract shall be based upon competition, where available, with potential vendors being advised as to the actual business they are competing for and, if successful, the business they have earned.

(c) Agencies may handle agency specific term contracts for use by their agency if the estimated expenditure over the term of the contract is under their delegation and the good or service is not covered by a statewide term contract. If an agency documents to ITS a need to establish an agency specific term contract for which the expenditure over the term of the contract exceeds the agency's delegation and is not covered by a statewide term contract, ITS may issue a solicitation document for the purpose of awarding an agency specific term contract for use by the requesting agency in accordance with the determining factors set forth in Rule .0702 of this Section.

(2) Convenience Contracts

(a) Convenience contracts are indefinite quantity contracts that are awarded by ITS that may be used by state agencies to purchase goods or services at the agency's discretion. Convenience contracts function like statewide term contracts, but their use by agencies is not mandatory.

(b) If an agency elects not to purchase the goods or services it requires from an established convenience contract, the rules of competitive bidding apply to the acquisition.

(3) Master Agreements are an agreement between a

vendor and the state that applies to multiple contracts or purchase orders that include standard terms and conditions.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0702 DETERMINING FACTORS

In determining whether a good or service will be on a statewide term contract, ITS shall consider such factors as volume, nature of the good or service, repetitiveness of use, relative stability of prices, and transportation costs. In determining whether a good or service will be on an agency specific term contract, the agency shall consider such factors as volume, nature of the product or service, repetitiveness of use, relative stability of prices, and transportation costs.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0703 EXTENSION OF CONTRACT TERMINATION DATES

When in the public interest, contractors may be requested to extend the scheduled termination dates of contracts.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .0800 - PARTIAL AND MULTIPLE AWARDS

.0801 USE

(a) Partial, progressive or multiple awards may be made where it is advantageous to the state.

(b) Notwithstanding the necessity for awards to more than one supplier in the case of some indefinite quantity contracts, such awards shall be limited to the number of suppliers deemed necessary to reasonably satisfy the intended requirements. Quantities shall not be divided among companies on definite quantity requirements unless and except as provided in the solicitation document.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .0900 - WAIVER OF COMPETITION

.0901 POLICY

Under conditions listed in this Rule, and otherwise if deemed to be in the public interest by the CIO or his designee, competition may be waived. If the procurement is under the delegation of the agency, the agency may waive competition in conformance with this rule. If the procurement is over the agency delegation but under the benchmark, requests for waiver shall be submitted to ITS for appropriate determination. Competition may be waived under the following conditions: where competition is not available; where a needed product or service is available from only one source of supply; where emergency action is indicated; where competition has been solicited but no satisfactory offers received; where standardization or compatibility is the overriding consideration; where a donation predicates the source of supply; where personal or particular professional services are required; where a product or service is needed for a person with disabilities and there are overriding considerations for its use; where additional products or services are needed to complete an ongoing job or task; where a particular product or service is desired for educational, training, experimental, developmental or research work; where equipment is already installed, connected and in service, and it is determined advantageous to purchase it; where items are subject to rapid price fluctuation or immediate acceptance; where there is evidence of resale price maintenance or other control of prices, lawful or unlawful, or collusion on the part of companies that thwarts normal competitive procedures; where a purchase is being made and a price is available from a previous contract; where the requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organization(s); and where a used item(s) is available on short notice and subject to prior sale.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.0902 APPROVAL AND DOCUMENTATION

Although competition may be waived pursuant to Rule .0901 of this Section, the use of competition is required wherever practicable. Where waiver is contemplated, agencies may negotiate with a potential vendor(s) in an effort to acquire the quality of good or service needed at the best possible price, delivery, terms and conditions, when the expenditure is less than their respective benchmark or delegation. Documentation justifying waiving the competitive process must be attached to the record of this type of procurement. The procurement process of requesting or inviting an offer(s) shall be handled by the agency, including standard language terms and conditions issued by ITS. Under an emergency or pressing need situation, the procurement process requesting or inviting an offer(s) shall be handled by the agency, including standard language terms and conditions issued by ITS, unless circumstances prohibit their use. Negotiations may also be conducted with a potential vendor(s) for contracts exceeding the benchmark or delegation if the agency has received prior approval from ITS. All actions that exceed the benchmark or delegation are subject to the conditions of Rule .1102 of this Subchapter.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .1000 - MISCELLANEOUS PROVISIONS

.1001 CONFIDENTIALITY

(a) The offeror may designate information as a trade secret

pursuant to G.S. 132-1.2. Only documents meeting the criteria of North Carolina's Trade Secret Act may be so designated where a document meets the Trade Secret Act requirements. Trade secrets that the offeror does not wish disclosed shall be identified on each page in boldface at the top and bottom as "CONFIDENTIAL". Cost information shall not be deemed confidential.

(b) To promote maximum competition and to protect the public competitive procedure from being used to obtain information that would normally not be available otherwise, the agency that issued the solicitation document may maintain the confidentiality of trade secrets, as determined by North Carolina law, and like information as the CIO or his designee or the agency's executive officer or his designee may determine necessary to ensure the integrity of the public purchasing process.

History Note: Authority G.S. 132-1.2; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1002 PAYMENT PLANS

Purchase contracts may provide for payment over a period of time. Such instances shall carry written prior approval of the administrative head of the agency. Administrative heads and governing board of agencies shall see that statutory or other prohibitions are not violated. The intended plan of payment shall be included in the procurement document.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1003 CHANGE IN CORPORATE STRUCTURE

The state's contracts shall not be assigned. In cases where contractors are involved in corporate consolidations, acquisitions, or mergers; the agency that issued the solicitation document resulting in the contract may negotiate agreements for the transfer of contractual obligations and the continuance of contracts within the framework of the new corporate structures.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1004 PURCHASING FROM OR THROUGH AGENCY EMPLOYEES

Every reasonable effort shall be made to avoid making purchases from or through employees of any agency. Prior written approval from the CIO or his designee is required before doing business with such personnel. In deciding whether to grant approval, the CIO or his designee shall consider the type of item or service needed, the prevailing market conditions, whether competition is available, the cost involved, and the effects of doing business with the employee.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1005 ANTITRUST VIOLATIONS

In instances of identical offers, or where there are otherwise indications of collusion, awards may be made in a manner intended to discourage or prevent its continuance as deemed to represent the state's best interest. The agency that issued the solicitation documents shall report suspected antitrust violation to appropriate law enforcement authorities.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1006 COOPERATIVE PURCHASING

Where an agency or ITS is a participant in a cooperative project with another governmental entity or with a non-profit organization, goods and services necessary to the project shall be acquired according to rules in this Chapter. However, if the interest of the state would be better served by one of the following acquisition methods, the CIO or his designee may authorize that acquisition method to be used:

(1) by making or authorizing acquisition on behalf of such governmental activity or non-profit organization; or

(2) by authorizing acquisition on the state's behalf under the provisions of another state or another governmental entity, provided due consideration is given by the CIO or his designee to the differences in purchasing rules, regulations, and procedures of the contracting entity.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1007 RESERVED FOR FUTURE CODIFICATION

.1008 BOARD OF AWARDS

(a) When the dollar value of a contract for the purchase, lease, or lease/purchase of IT goods exceeds the benchmark, the Board of Awards (Board) shall canvass ITS' recommended action. This also includes reporting of emergency and pressing need purchases over the benchmark. The Secretary may elect to proceed with the award of a contract without a recommendation of the Board in cases of emergencies or in the event that the Board is not available. ITS shall submit the Board's recommendation (award, cancellation, approval, negotiation, etc.) to the Secretary. The Secretary may either concur with the recommendation of the Board by awarding contracts or approving other recommended action or take other action as deemed necessary.

(b) Exemptions: Review by the Board of Awards and approval by the Secretary is not required for the following purchase actions: exemption by statute, by rule, by special delegation, or where one agency is buying from another agency or through the State Surplus Property Agency or the State Agency for Federal Surplus Property.

History Note: Authority G.S. 143-52.1; 143B-472.63; 143B-472.65;

Temporary Adoption Eff. January 1, 2000.

.1009 PROTEST PROCEDURES

(a) To ensure fairness to all offerors and to promote open competition, agencies and ITS shall actively and consistently respond to an offeror's protest over contract awards.

(b) This Rule applies to contracts with an estimated value over ten thousand dollars ($10,000). Agencies may establish procedures to handle protests by offerors with less value.

(c) When an offeror wants to protest a contract awarded by an agency over ten thousand dollars ($10,000) in value, the agency and the offeror shall comply with the following:

(1) The offeror shall submit a written request for a protest meeting to the agency's executive officer or his designee within 15 calendar days from the date of contract award. The executive officer shall furnish a copy of the written request to the ITS Chief Procurement Officer (CPO) within ten calendar days of receipt. The offeror's request shall contain specific reasons and any supporting documentation regarding why there is a concern with the award. If the request does not contain this information or the executive officer determines that a meeting would serve no purpose, then the executive officer, within ten calendar days from the date of receipt, may respond in writing to the offeror and refuse the protest meeting request. A copy of the executive officer's letter shall be forwarded to the CPO.

(2) If the protest meeting is granted, the agency's executive officer shall attempt to schedule the meeting within 30 calendar days after receipt of the letter, or as soon as possible thereafter. Within 10 calendar days from the date of the protest meeting, the executive officer shall respond to the offeror in writing with an agency decision. A copy of the executive officer's letter shall be forwarded to the CPO.

(d) When an offeror wants to protest a contract awarded by ITS or the Secretary that is over ten thousand dollars ($10,000) in value, the CPO and the offeror shall comply with the following:

(1) The offeror shall submit a written request for a protest meeting to the CPO within 15 calendar days from the date of contract award. The offeror's request shall contain specific reasons and any supportive documentation regarding why there is a concern with the award. If the request does not contain this information or the CPO determines that a meeting would serve no purpose, then the CPO, within ten calendar days from the date of receipt of the letter, may respond in writing to the offeror and refuse the protest meeting request. A copy of the CPO's letter shall be forwarded to the ITS hearing officer.

(2) If the protest meeting is granted, the CPO shall attempt to schedule the meeting within 30 calendar days after receipt of the letter, or as soon as possible thereafter. Within 10 calendar days from the date of the protest meeting, the CPO shall respond to the offeror in writing with a decision. A copy of the decision shall be forwarded to the ITS hearing officer.

(e) If an offeror desires further administrative review after receiving a decision under Paragraph (c) or (d) of this Rule, the protesting party may request a final decision by the Secretary in accordance with Article 3A of G.S. 150B. When further administrative review involves a contract awarded by an agency that is over ten thousand dollars ($10,000) in value, the agency shall be a party in further review processes.

(f) The signature of an attorney or party on a request for protest constitutes a certification by the signer that the signer has read such document; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law; and that it is not interposed for any improper purpose such as to harass, cause unnecessary delay or needless increase in the cost of the procurement or of the litigation. If a protest is determined by the hearing officer or any subsequent appellate court proceeding to be frivolous or to have been filed without any substantial basis or reasonable expectation to believe that the protest was meritorious, the CIO, upon motion or upon his own initiative, may impose upon the person who signed it, a represented party, or both, prohibition upon the party from participation in any IT solicitation or award for a period of one year. Notification to the affected party shall be in writing.

History Note: Authority G.S. 143B-472.65; 150B-38; Temporary Adoption Eff. January 1, 2000.

.1010 RIGHT TO HEARING

Whenever the Department acts in such a way as to affect the rights, duties, or privileges of a party, the party may appeal for a final decision by the Department in accordance with this Section and Article 3A of G.S. 150B.

History Note: Authority G.S. 150B-38; Temporary Adoption Eff. January 1, 2000.

.1011 REQUEST FOR HEARING

(a) A request for an administrative hearing under Rule .1010 of this Section must be in writing and shall contain the following information:

(1) name and address of the person requesting the hearing,

(2) a concise statement of the departmental action being challenged,

(3) a concise statement of the manner in which the petitioner is aggrieved, and

(4) a clear and specific demand for a public hearing.

(b) The request for hearing shall be filed with: Secretary of Commerce, ATTENTION: ITS Hearing Officer, Information Technology Services Division, N.C. Department of Commerce, 4105 Mail Service Center, Raleigh, North Carolina 27699-4105.

History Note: Authority G.S. 150B-38(a); Temporary Adoption Eff. January 1, 2000.

.1012 DEFINITIONS

The definitions contained in G.S. 150B-2 are incorporated in this Section by reference. In addition to those definitions, the following definitions apply to this Section:

(1) "File or filing" means to place or the placing of the paper or item to be filed into the care and custody of the hearing officer, and acceptance thereof by him. All documents filed with the hearing officer, except exhibits, shall be in duplicate in letter size 8 1/2" by 11".

(2) "Hearing officer" means the Secretary, a member of the Secretary's staff appointed by the Secretary under G.S. 150B-40, or an administrative law judge assigned under G.S. 150B-40.

(3) "Party" means the Department, the offeror, the agency or an intervenor who qualifies under Rule .1024 of this Section.

(4) "Service or serve" means personal delivery or, unless otherwise provided by law or rule, delivery by first class United States Postal Service mail or a licensed overnight express mail service, postage prepaid and addressed to the person to be served at his or her last known address. A certificate of service by the person making the service shall be appended to every document requiring service under this Section. Service by mail or licensed overnight express mail is complete upon placing the item to be served, enclosed in a wrapper addressed to the person to be served, in an official depository of the United States Postal Service; or postage prepaid and wrapped in a wrapper addressed to the person to be served, to an agent of the overnight express mail service.

History Note: Authority G.S. 150B-40; Temporary Adoption Eff. January 1, 2000.

.1013 GENERAL PROVISIONS

The following general provisions apply to this Section:

(1) The Rules of Civil Procedure as contained in G.S. 1A-1 and the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes apply in contested cases before the Hearing Officer unless another specific statute or rule provides otherwise.

(2) The Department may supply, at the cost for copies, forms for use in contested cases.

(3) Every document filed with the hearing officer shall be signed by the author of the document, and shall contain his name, address, telephone number, and North Carolina State Bar number if the author is an attorney. An original and one copy of each document shall be filed.

(4) Except as otherwise provided by statute, the rules contained in this Section govern the conduct of contested case hearing under Article 3 of G.S. 150B.

(5) Hearings shall be conducted, as nearly as practical, in accordance with the practice in the Trial Division of the General Court of Justice.

(6) This Section and copies of all matter adopted by reference in this Section are available from the Department at cost.

(7) The rules of statutory construction contained in Chapter 12 of the General Statutes apply in the construction of this Section.

(8) Unless otherwise provided in a specific statute, time computations in contested cases under this Section are governed by G.S. 1A-1, Rule 6.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1014 ORDER FOR PREHEARING STATEMENTS

The hearing officer may serve all parties with an order for prehearing statements together with, or after service of, the notice of hearing. Every party thus served shall, within 30 days after service, file the requested statements setting out the party's present position on the following:

(1) The nature of the proceeding and the issues to be resolved;

(2) A brief statement of the facts and reasons supporting the party's position on each matter in dispute;

(3) A list of proposed witnesses with a brief description of his or her proposed testimony;

(4) A description of what discovery, if any, the party will seek to conduct prior to the contested case hearing and an estimate of the time needed to complete discovery;

(5) Venue considerations;

(6) Estimation of length of the hearing;

(7) The name, address, and telephone number of the party's attorney, if any; and

(8) Other special matters.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1015 DUTIES OF THE HEARING OFFICER

In conjunction with the powers in this Section, in G.S. 143B, and in Article 3A of G.S. 150B, the hearing officer shall perform the following duties, consistent with law:

(1) Hear and rule on motions;

(2) Grant or deny continuances;

(3) Issue orders regarding prehearing matters, including directing the appearance of the parties at a prehearing conference;

(4) Examine witnesses when deemed to be necessary to make a complete record and to aid in the full development of material facts in the case;

(5) Make preliminary, interlocutory, or other orders as deemed to be appropriate;

(6) Recommend a summary disposition of the case or any part thereof when there is no genuine issue as to any material fact or recommend dismissal when the case or any part thereof has become moot or for other reasons; and

(7) Apply sanctions in accordance with Rule .1022 of this Section.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1016 CONSENT ORDER; SETTLEMENT; STIPULATION

Informal disposition may be made of a contested case or an issue in a contested case by stipulation, agreement, or consent order at any time during the proceedings. Parties may enter into such agreements on their own or may ask for a settlement conference with the hearing officer to promote consensual disposition of the case.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1017 SETTLEMENT CONFERENCE

(a) A settlement conference is for the primary purpose of assisting the parties in resolving disputes and for the secondary purpose of narrowing the issues and preparing for hearing.

(b) Upon the request of any party, the hearing officer shall assign the case to another hearing officer appointed by the Secretary under G.S. 150B-38(h) for the purpose of conducting a settlement conference. Unless the parties and the other hearing officer agree, a unilateral request for a settlement conference does not constitute good cause for a continuance. The conference shall be conducted at a time and place agreeable to all parties and the hearing officer. It shall be conducted by telephone if any party would be required to travel more than 50 miles to attend, unless that party agrees to travel to the location set for the conference. If a telephone conference is scheduled, the parties must be available by telephone at the time of the conference.

(c) All parties shall attend or be represented at a settlement conference. Parties or their representatives shall be prepared to participate in settlement discussions.

(d) The parties shall discuss the possibility of settlement before a settlement conference if they believe that a reasonable basis for settlement exists.

(e) At the settlement conference, the parties shall be prepared to provide information and to discuss all matters required in Rule .1014 of this Section.

(f) If, following a settlement conference, a settlement has not been reached but the parties have reached an agreement on any facts or other issues, the hearing officer presiding over the settlement conference shall issue an order confirming and approving, if necessary, those matters agreed upon. The order is binding on the hearing officer who is assigned to hear the case.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1018 PREHEARING CONFERENCE

(a) The purpose of the prehearing conference is to simplify the issues to be determined; to obtain stipulations in regard to foundations for testimony or exhibits; to obtain stipulations of agreement on undisputed facts or the application of particular laws; to consider the proposed witnesses for each party; to identify and exchange documentary evidence intended to be introduced at the hearing; to determine deadlines for the completion of any discovery; to establish hearing dates and locations if not previously set; to consider such other matters that may be necessary or advisable; and, if possible, to reach a settlement without the necessity for further hearing. Any final settlement shall be set forth in a settlement agreement or consent order and made a part of the record.

(b) Upon the request of any party or upon the hearing officer's own motion, the hearing officer may hold a prehearing conference before a contested case hearing. The hearing officer may require the parties to file prehearing statements in accordance with Rule .1014 of this Section. A prehearing conference on the simplification of issues, amendments, stipulations, or other matters may be entered on the record and may be made the subject of an order by the hearing officer. Venue for purposes of a prehearing conference shall be determined in accordance with G.S. 150B-38(e).

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1019 CONSOLIDATION OF CASES

(a) The hearing officer may order a joint hearing of any matters at issue in contested cases involving common questions of law or fact or multiple proceedings involving the same or related parties, or may order the cases consolidated or make other orders to reduce costs or delay in the proceedings.

(b) A party requesting consolidation shall serve a petition for consolidation on all parties to the cases to be consolidated and shall file the original with the hearing officer, together with a certificate of service showing service on all parties as herein required. Any party objecting to the petition shall serve and file his objections within 10 days after service of the petition for consolidation.

(c) Upon determining whether cases should be consolidated, the hearing officer shall serve a written order on all parties that contains a description of the cases for consolidation and the reasons for the decision.

(d) Nothing contained in this Rule prohibits the parties from stipulating and agreeing to a consolidation, which shall be granted upon submittal of a written stipulation, signed by every party, to the hearing officer.

(e) Following receipt of a notice of or order for consolidation, any party may petition for severance by serving it on all other parties and filing with the hearing officer at least seven days before the first scheduled hearing date. If the hearing officer

finds that the consolidation will prejudice any party, he shall order the severance or other relief that will prevent the prejudice from occurring.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1020 DISCOVERY

(a) Discovery methods are means designed to assist parties in preparing to meet their responsibilities and protect their rights during hearings without unduly delaying, burdening, or complicating the hearings process and with due regard to the rights and responsibilities of other parties and persons affected. Accordingly, parties shall exhaust all less formal opportunities to obtain discoverable material before utilizing this Rule.

(b) Any means of discovery available pursuant to the North Carolina Rules of Civil Procedure, G.S. 1A-1, is allowed. If the party from whom discovery is sought objects to the discovery, the party seeking the discovery may file a motion with the hearing officer to obtain an order compelling discovery. In the disposition of the motion, the party seeking discovery shall have the burden of showing that the discovery is needed for the proper presentation of the party's case, is not for purposes of delay, and that the issues in controversy are significant enough to warrant the discovery. In ruling on a motion for discovery, the hearing officer shall recognize all privileges recognized at law.

(c) When a party serves another party with a request for discovery, that request need not be filed with the hearing officer but shall be served upon all parties.

(d) The parties shall immediately commence to exchange information voluntarily, to seek access as provided by law to public documents, and to exhaust other informal means of obtaining discoverable material.

(e) All discovery shall be completed no later than the first day of the hearing. The hearing officer may shorten or lengthen the period for discovery and adjust hearing dates accordingly and, at the discretion of the hearing officer, allow discovery during the pendency of the hearing.

(f) No later than 15 days after receipt of a notice requesting discovery, the receiving party shall:

(1) move for relief from the request;
(2) provide the requested information, material or access; or
(3) offer a schedule for reasonable compliance with the request.

(g) Sanctions for failure of a party to comply with an order of the hearing officer made pursuant to this Rule shall be as provided for by G.S. 1A-1, Rule 37, to the extent that a hearing officer may impose such sanctions, and Rule .1022 of this Section.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1021 SUBPOENAS

The cost of service, fees, and expenses of any witnesses subpoenaed shall be paid by the party at whose request the witness appears. A party seeking an order imposing sanctions for failure to comply with any subpoena issued under this Rule must prove proper service of the subpoena.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1022 SANCTIONS

(a) If a party fails to appear at a hearing or fails to comply with an interlocutory order of the hearing officer, the hearing officer may:

(1) Find that the allegations of or the issues set out in the notice of hearing or other pleading may be taken as true or deemed to be proved without further evidence;
(2) Dismiss or grant the motion or petition;
(3) Suppress a claim or defense; or
(4) Exclude evidence.

(b) In the event that any party, attorney at law, or other representative of a party engages in behavior that obstructs the orderly conduct of proceedings or would constitute contempt if done in the General Court of Justice, the hearing officer may enter a show cause order returnable in Superior Court for contempt proceedings in accordance with G.S. 150B-40(c)(6).

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1023 MOTIONS

(a) Any application to the hearing officer for an order shall be by motion, which shall be in writing unless made during a hearing, and must be filed and served upon all parties not less than 10 days before the hearing, if any, is to be held either on the motion or the merits of the case. The nonmoving party has 10 days after the date of service of the motion to file a response, which must be in writing. Motions practice in contested cases before the hearing officer pursuant to Article 3 of G.S. 150B are governed by Rule 6 of the General Rules of Practice for the Superior and District Court.

(b) If any party desires a hearing on the motion, he shall make a request for a hearing at the time of the filing of his motion or response. A response shall set forth the nonmoving party's objections. All motions in writing shall be decided without oral argument unless an oral argument is directed by the hearing officer. When oral argument is directed by the hearing officer, a motion shall be considered submitted for disposition at the close of the argument. A hearing on a motion shall be directed by the hearing officer only if it is determined that a hearing is necessary to the development of a full and complete record on which a proper decision can be made. All orders on such motions, other than those made during the course of a hearing, shall be in writing and shall be served upon all parties of record not less than five days before a hearing, if any, is held.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1024 INTERVENTION

(a) Any person not named in the notice of hearing who desires to intervene in a contested case as a party shall file a timely motion to intervene and shall serve the motion upon all existing parties. Timeliness shall be determined by the hearing officer in each case based on circumstances at the time of filing. The motion shall show how the movant's rights, duties, or privileges may be determined or affected by the contested case; shall show how the movant may be directly affected by the outcome or show that the movant'sparticipation is authorized by statute, rule, or court decision; shall set forth the grounds and purposes for which intervention is sought; and shall indicate movant's statutory right to intervene if one exists.

(b) Any party may object to the motion for intervention by filing a written notice of objections with the hearing officer within five days after service of the motion if there is sufficient time before the hearing. The notice of objection shall state the party'sreasons for objection and shall be served upon all parties. If there is insufficient time before the hearing for a written objection, the objection may be made at the hearing.

(c) When the hearing officer deems it to be necessary to develop a full record on the question of intervention, he may conduct a hearing on the motion to determine specific standards that will apply to each intervenor and to define the extent of allowed intervention.

(d) The hearing officer shall allow intervention upon a proper showing under this Rule, unless he finds that the movant's interest is adequately represented by one or more parties participating in the case or unless intervention is mandated by statute, rule, or court decision. An order allowing intervention shall specify the extent of participation permitted the intervenor and shall state the hearing officer'sreason. An intervenor may be allowed to:

(1) File a written brief without acquiring the status of a party;

(2) Intervene as a party with all the rights of a party; or

(3) Intervene as a party with all the rights of a party but limited to specific issues and to the means necessary to present and develop those issues.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1025 CONTINUANCES

(a) As used in this Rule, "good cause" includes death or incapacitating illness of a party, representative, or attorney of a party, a court order requiring a continuance; lack of proper notice of the hearing; a substitution of the representative or attorney of a party if the substitution is shown to be required; a change in the parties or pleadings requiring postponement; and agreement for a continuance by all parties if either more time is clearly necessary to complete mandatory preparation for the case, such as authorized discovery, and the parties and the hearing officer have agreed to a new hearing date or the parties have agreed to a settlement of the case that had been or is likely to be approved by the final decision maker.

(b) As used in this Rule, "good cause" does not include: intentional delay, unavailability of counsel or other representative because of engagement in another judicial or administrative proceeding unless all other members of the attorney's or representative's firm familiar with the case are similarly engaged; unavailability of a witness if the witness' testimony can be taken by deposition; or failure of the attorney or representative to properly utilize the statutory notice period to prepare for the hearing.

(c) A request for a continuance of a hearing shall be granted upon a showing of good cause. Unless time does not permit, a request for a continuance of a hearing shall be made in writing to the hearing officer and shall be served upon all parties of record. In determining whether good cause exists, due regard shall be given to the ability of the party requesting a continuance to proceed effectively without a continuance. A request for a continuance filed within five days before a hearing shall be denied unless the reason for the request could not have been ascertained earlier.

(d) During a hearing, if it appears in the interest of justice that further testimony should be received and sufficient time does not remain to conclude the testimony, the hearing officer shall either order the additional testimony taken by deposition or continue the hearing to a future date for which oral notice on the record is sufficient.

(e) A continuance shall not be granted if granting it would prevent the case from being concluded within any statutory or regulatory deadline.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1026 RIGHTS AND RESPONSIBILITIES OF PARTIES

(a) A party has the right to present evidence, rebuttal testimony, and argument with respect to the issues of law and policy, and to cross-examine witnesses, including the author of a document prepared by, on behalf of, or for use of the Department and offered in evidence.

(b) A party shall have all evidence to be presented, both oral and written, available on the date for hearing. Requests for subpoenas, depositions, or continuances shall be made within a reasonable time after their needs become evident to the requesting party. In cases when the hearing time is expected to exceed one day, the parties shall be prepared to present their evidence at the date and time ordered by the hearing officer or agreed upon at a prehearing conference.

(c) The hearing officer shall send copies of all orders or decisions to all parties simultaneously. Any party sending a letter, exhibit, brief, memorandum, or other document to the hearing officer shall simultaneously send a copy to all other parties.

(d) All parties have the continuing responsibility to notify the hearing officer of their current addresses and telephone numbers.

(e) A party need not be represented by an attorney. If a party has notified other parties of that party's representation by an attorney, all communications shall be directed to that attorney.

(f) With the approval of the hearing officer, any person may offer testimony or other evidence relevant to the case. Any nonparty offering testimony or other evidence may be questioned by parties to the case and by the hearing officer.

(g) Before issuing a recommended decision, the hearing officer may order any party to submit proposed findings of fact and written arguments. Before issuing a final decision, the hearing officer may order any party to submit proposed findings of fact and written arguments.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1027 WITNESSES

Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded. At the request of a party or upon the hearing officer's own motion, the hearing officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1028 EVIDENCE

(a) The North Carolina Rules of Evidence as found in G.S. 8C govern in all contested case proceedings, except as provided otherwise in this Section and G.S. 150B-41.

(b) The hearing officer may admit all evidence that has probative value. Irrelevant, incompetent, immaterial, or unduly repetitious evidence shall be excluded. The hearing officer may, in his discretion, exclude any evidence if its probative value is substantially outweighed by the risk that its admission will require undue consumption of time or create substantial danger of undue prejudice or confusion.

(c) Contemporaneous objections by a party or a party's attorney are not required in the course of a hearing to preserve the right to object to the consideration of evidence by the hearing officer in reaching a decision or by the court upon judicial review.

(d) All evidence to be considered in the case, including all records and documents or true and accurate photocopies thereof, shall be offered and made a part of the record in the case. Except as provided in Paragraph (f) of this Rule, factual information or evidence that is not offered shall not be considered in the determination of the case. Documentary evidence incorporated by reference may be admitted only if the materials so incorporated are available for examination by the parties.

(e) Documentary evidence in the form of copies or excerpts may be received in the discretion of the hearing officer or upon agreement of the parties. Copies of a document shall be received to the same extent as the original document unless a genuine question is raised about the accuracy or authenticity of the copy or, under the circumstances, it would be unfair to admit the copy instead of the original.

(f) The hearing officer may take notice of judicially cognizable facts by entering a statement of the noticed fact and its source into the record. Upon a timely request, any party shall be given the opportunity to contest the facts so noticed through submission of evidence and argument.

(g) A party may call an adverse party; or an officer, director, managing agent, or employee of the state or any local government, of a public or private corporation, or of a partnership or association or body politic that is an adverse party, and may interrogate that party by leading questions and may contradict and impeach that party on material matters in all respects as if that party had been called by the adverse party. The adverse party may be examined by that party's counsel upon the subject matter of that party's examination in chief under the rules applicable to direct examination, and may be cross-examined, contradicted, and impeached by any other party adversely affected by the testimony.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1029 OFFICIAL RECORD

(a) The hearing officer may, consistent with law, order part or all of an official record sealed.

(b) The official record shall be prepared in accordance with G.S. 150B-42.

(c) Contested case hearings shall be recorded either by a recording system or a professional court reporter using stenomask or stenotype.

(d) Transcript costs incurred by the Department shall be charged to or apportioned equally among the party or parties requesting a transcript.

(e) Any other costs incurred by the Department when using a professional court reporter shall be charged to or apportioned equally among the requesting party or parties.

(f) A 24-hour cancellation notice is required in all cases. The party or parties responsible for the cancellation shall be liable for any cancellation fees.

(g) Transcripts of proceedings during which oral evidence is presented shall be made only upon request of a party. Transcript costs shall include the cost of an original for the Department. An attorney requesting a transcript on behalf of a party is a guarantor of payment of the cost. Cost shall be determined under supervision of the hearing officer who, in cases deemed to be appropriate by him, may require an advance security deposit to cover the prospective cost. The security deposit shall be applied to the actual cost and any excess shall be returned to the party that submitted it.

(h) Copies of tapes are available upon written request at a cost of five dollars ($5.00) per tape.

(i) Copies of Department hearing tapes or Non-Department certified transcripts from those tapes are not part of the official record.

History Note: Authority G.S. 150B-38(h); Temporary Adoption Eff. January 1, 2000.

.1030 DEFAULT PROCEEDINGS; DEBARMENT

(a) The agency that issued the solicitation document resulting

in the contract may find a contractor in default of contract for failing to perform in accordance with the contract requirements, terms and conditions. If a contractor is found in default of contract, the agency that issued the solicitation document resulting in the contract may take action, immediate if necessary, to purchase the needed goods or services on the open market and charge any additional cost for the goods or services and expense for doing so to the defaulting contractor. If an agency finds a contractor in default, such action and the circumstances shall be reported by the agency to ITS in writing. This does not limit any other remedies that may be available to the state or agency.

(b) ITS may remove the contractor from any distribution lists that may be utilized and debar the contractor from doing IT procurements with the state for a period a period of one year. ITS shall notify any contractor of debarment action in writing.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1031 FAITHFUL PERFORMANCE

(a) A bond, or other means of ensuring faithful performance, may be required of the contractor at the contractor's expense.

(b) Liquidated damages may be provided for in the contract, as a means of ensuring faithful performance from the contractor.

(c) The agency may hold as a retainage a percentage of the contract value to be remitted upon final acceptance by the agency.

(d) The agency may withhold final payment contingent on acceptance of the final deliverable.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .1100 - EXEMPTIONS, EMERGENCIES, AND SPECIAL DELEGATIONS

.1101 EXEMPTIONS

(a) It is not mandatory for items listed in this Rule to be purchased through the ITS procurement office.

(1) Packaged copyrighted software products;

(2) Services provided by individuals through direct employment contracts with the state;

(3) Services that are merely incidental to the purchase of supplies, materials, or equipment such as installation services;

(4) Personal services provided by a professional individual (person) on a temporary or occasional basis; and

(5) Services provided directly by an agency of the state, federal or local government, or their employees when performing the service as part of their normal governmental function.

(b) In addition to products and services noted in Paragraph (a) of this Rule, the CIO or his designee may exempt other products and services from purchase through ITS provided the CIO or his designee determines that no price or quality advantage would be gained by handling a particular acquisition through ITS.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1102 EMERGENCIES

(a) An agency may make purchases of goods or services in the open market in cases of emergency or pressing need. For this purpose, a pressing need is one arising from unforeseen causes including, but not limited to, delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work. Emergencies are defined as situations that endanger lives, property or the continuation of a vital program, as determined by the agency executive officer, and that can be rectified only by immediate, on-the-spot purchases or rental of goods or services.

(b) Agencies may negotiate with a potential vendor(s) in an effort to acquire the quality of good or service needed at the best possible price, delivery, terms and conditions. A solicitation document requesting or inviting an offer(s) shall be issued, including standard language terms and conditions issued by ITS, unless circumstances prohibit their use.

(c) When emergency or pressing need action is necessary, and the expenditure is over the delegation, prior verbal approval shall be obtained from ITS if time permits. Subsequently, whether or not such prior approval was possible, if the expenditure is over the delegation, an explanation of the emergency or pressing need purchase shall be reported in writing to ITS. ITS shall report such purchases of goods that exceed the benchmark to the Board as a matter of record.

History Note: Authority G.S. 143-52.1; 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1103 SPECIAL DELEGATIONS

(a) The CIO or his designee may authorize, by special delegation, any agency to purchase specific goods or services even if the expenditure exceeds the benchmark. Every such delegation shall be in writing and made a matter of record.

(b) The CIO or his designee may require that offers received under such delegations be sent to ITS for determination of the successful vendor.

(c) ITS shall periodically review its special delegations of purchase to ascertain the availability of these goods or services and their continued suitability for delegation.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1104 GENERAL DELEGATIONS

The general purchasing delegation for agencies shall be not more than twenty five thousand dollars ($25,000) unless specific authorization is given by the CIO. The CIO may lower or raise this general delegation for a specific agency, up to the benchmark established by the Secretary, upon consideration of the agency's overall capabilities, including staff resources,

organizational structure, training, purchasing compliance reviews, electronic communication capabilities, and audit reports. If an agency wishes to obtain an increase in its general delegation, it shall submit a request in writing, outlining its overall capabilities, to the CIO for the CIO's consideration.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1105 COMPLIANCE REVIEWS

(a) ITS shall be responsible for compliance reviews on purchasing practices at all agencies. The purpose of the compliance review shall be for determining if an agency is complying with ITS' purchasing statues and rules adopted thereunder, and whether it should continue having the same level of delegation, have it reduced, or if it qualifies for an increase. A copy of the compliance report shall be provided to the agency's executive officer, the State Auditor, and the State Budget Officer.

(b) ITS staff may enter the premises and obtain an agency's purchasing records for the purpose of the compliance review. The agency shall cooperate with ITS staff, providing them with requested records, adequate office space for conducting the review and agency purchasing staff for discussion of purchase transactions. ITS shall not unnecessarily require of the agency any more than is needed to complete the review.

(c) The CIO may lower, or raise if requested, an agency's general delegation if the results of a compliance review by the compliance staff of ITS merit such action as determined by the CIO. The CIO may lower the delegation to any level, including the complete removal of the delegation, depending on the nature of any violations found.

(d) The CIO or his designee shall provide to each agency, upon request, ITS' assistance in educational training for the agency's staff to better acquaint them with ITS' purchasing statutes and rules.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

SECTION .1200 - RECORDS

.1201 RECORD MAINTENANCE

Except where state law provides to the contrary, after the award of a contract, the purchasing records of an agency are public documents, and these documents shall be maintained for a period of five years after the expiration date of the contract. Record retention shall be in accordance with G.S. 121-5.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

.1202 RECORDS

(a) The agency or ITS shall identify each paper or electronic contract record individually so it can be readily located and referenced.

(b) The agency or ITS shall document all purchase transactions. As applicable, each paper or electronic record shall include:

(1) Requisition;
(2) Required approval to proceed with acquisition;
(3) Original offers if in writing, or written documentation of verbal offers received;
(4) Selection justification or reason for cancellation;
(5) Worksheets/evaluations;
(6) Distribution list, if used;
(7) Written justification for waiver or emergency purchase;
(8) Tabulation of offers received;
(9) Copy of purchase order(s) or certification to agency authorizing placing of order;
(10) Related correspondence;
(11) Reason(s) for receiving only one offer in response to a solicitation;
(12) Negotiated contracts;
(13) Reasons for not accepting technical proposals; and
(14) Board decision record.

(b) After award of contract all material in the contract record, except confidential information, shall be open to interested persons during normal office hours, may be hand copied, or copies shall be furnished in accordance with the Public Records Act.

History Note: Authority G.S. 143B-472.65; Temporary Adoption Eff. January 1, 2000.

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: *Division of Facility Services*

Rule Citation: *10 NCAC 3R .0213, .0304 -.0305 .1613, .1615, .1713 -.1715, .1912 -.1914, .2113, .2713, .2715, .4203, .6250, .6252 -.6261, .6263 -.6293.*

Effective Date: *January 1, 2000*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 131E-176(25); 131E-177(1); 131E-183(b)*

Reason for Proposed Action: *To adopt rules to implement the 2000 State Medical Facilities Plan.*

Comment Procedures: *Questions or comments concerning the rules should be directed to Jackie Sheppard, Rule-making Coordinator, Division of Facility Services, 701 Barbour Drive, Raleigh, NC 27603.*

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .0200 - EXEMPTIONS

.0213 HEALTH MAINTENANCE ORGANIZATIONS

(a) Applications for an exemption under G.S. 131E-180 shall be reviewed pursuant to the review schedule in ~~10 NCAC 3R .3020~~ Section .6200 of this Subchapter that is applicable for the new institutional health service for which the inpatient health service facility is requesting the exemption.

(b) An applicant proposing to request an exemption under G.S. 131E-180 shall complete the certificate of need application form for the new institutional health service for which the exemption is requested and the supplemental form for a health maintenance organization exemption.

(c) Applications for an exemption shall be filed and reviewed in accordance with 10 NCAC 3R .0305-.0309.

(d) The Agency shall determine whether the applicant for the exemption is a qualified applicant and whether the application for exemption demonstrates that the proposed new institutional health service:

(1) is required to meet the needs of what the Agency determines to be a reasonably projected membership of the HMO; and

(2) is a cost-effective alternative to providing the service to the projected membership of the HMO.

(e) If the Agency decision is to not grant the exemption, the applicant shall not develop or offer the new institutional health service without first obtaining a certificate of need.

(f) If a decision is made that a certificate of need is required, the review for the certificate of need shall be conducted in the same review period as for the exemption. The Agency shall determine if the application conforms with the applicable review criteria of G.S. 131E-183(a) and (b). The Agency shall determine which plans, standards and criteria are applicable to the review of the proposal. If the proposal is not consistent with all applicable criteria in G.S. 131E-183(a), the Agency may approve or conditionally approve the proposal for a certificate of need if it conforms with the criteria set forth in G.S. 131E-180(e)(i)-(ii) and G.S. 131E-183(a)(10).

History Note: Authority G.S. 131E-177; 131E-180;
Eff. January 1, 1982;
Amended Eff. November 1, 1996; January 1, 1990; November 1, 1989; February 1, 1986;
Temporary Amendment Eff. January 1, 2000.

SECTION .0300 - APPLICATION AND REVIEW PROCESS

.0304 DETERMINATION OF REVIEW

(a) After receipt of a letter of intent, the agency shall determine whether the proposed project requires a certificate of need.

(b) When any of the equipment listed in G.S. 131E-176(16)(f1) or (p) is acquired in parts or piecemeal fashion, the acquisition shall be determined to require a certificate of need on the date that the components are assembled.

(c) If the agency determines that the project requires a certificate of need, the agency shall determine the appropriate review category or categories for the proposed project, the type or types of application forms to be submitted, the number of separate applications to be submitted, the applicable review period for each application, and the deadline date for submitting each application, as contained in this Subchapter.

(d) Copies of the application forms may be obtained from the agency.

(e) Proposals requiring review shall be reviewed according to the categories and schedule set forth in the duly adopted State Medical Facilities Plan in effect at the time the scheduled review period commences, as contained in Section ~~.3000~~ .6200 of this Subchapter.

(f) Applications are competitive if they, in whole or in part, are for the same or similar services and the agency determines that the approval of one or more of the applications may result in the denial of another application reviewed in the same review period.

History Note: Filed as a Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131E-177;
Eff. October 1, 1981;
Amended Eff. November 1, 1996; January 4, 1994; January 1, 1990; January 1, 1987;
Temporary Amendment Eff. January 1, 2000.

.0305 FILING APPLICATIONS

(a) An application shall not be reviewed by the agency until it is filed in accordance with this Rule.

(b) An original and a copy of the application shall be received by the agency no later than 5:00 p.m. on the ~~last working day prior to 15 days before the first day of~~ 15th day of the month preceding the scheduled review period. An application shall not be included in a scheduled review if it is not received by the agency by this deadline. Each applicant shall transmit, with the application, a fee to be determined according to the following formula:

(1) With each application proposing the addition of a sixth bed to an existing or approved five bed intermediate care facility for the mentally retarded, the proponent shall transmit a fee in the amount of two thousand dollars ($2,000).

(2) With each application, other than those referenced in Subparagraph ((b)(1) of this Rule, proposing no capital expenditure or a capital expenditure of up to, but not including, one million dollars ($1,000,000), the proponent shall transmit a fee in the amount of three thousand five hundred dollars ($3,500).

(3) With each application, other than those referenced in Subparagraph (b)(1) of this Rule, proposing a capital

expenditure of one million dollars ($1,000,000) or greater, the proponent shall transmit a fee in the amount of three thousand five hundred dollars ($3,500), plus an additional fee equal to .003 of the amount of the proposed capital expenditure in excess of one million dollars ($1,000,000). The additional fee shall be rounded to the nearest whole dollar. In no case shall the total fee exceed seventeen thousand five hundred dollars ($17,500).

(c) After an application is filed, the agency shall determine whether it is complete for review. An application shall not be considered complete if:

(1) the requisite fee has not been received by the agency; or

(2) a signed original and copy of the application have not been submitted to the agency on the appropriate application form.

(d) If the agency determines the application is not complete for review, it shall mail notice of such determination to the applicant within five business days after the application is filed and shall specify what is necessary to complete the application. If the agency determines the application is complete, it shall mail notice of such determination to the applicant prior to the beginning of the applicable review period.

(e) Information requested by the agency to complete the application must be received by the agency no later than 5:00 p.m. on the last working day before the first day of the scheduled review period. The review of an application shall commence in the next applicable review period that commences after the application has been determined to be complete.

(f) If an application is withdrawn by the applicant before the first day of the applicable review period, the application fee, if paid, shall be refunded to the applicant.

History Note: Filed as a Temporary Amendment Eff. August 12, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Filed as a Temporary Amendment Eff. August 11, 1993, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Filed as a Temporary Amendment Eff. July 15, 1983, for a Period of 118 Days, to Expire on November 10, 1983;
Authority G.S. 131E-177; 131E-182; 1993 S.L. c. 383;
Eff. October 1, 1981;
Amended Eff. December 1, 1994; January 4, 1994; November 1, 1990; January 1, 1990;
Temporary Amendment Eff. January 1, 2000.

SECTION .1600 - CRITERIA AND STANDARDS FOR CARDIAC CATHETERIZATION EQUIPMENT AND CARDIAC ANGIOPLASTY EQUIPMENT

.1613 DEFINITIONS

The following definitions shall apply to all rules in this Section:

(1) "Approved" means the equipment was not in operation prior to the beginning of the review period and had been issued a certificate of need or had been acquired prior to March 18, 1993 in accordance with 1993 N.C. Sess. Laws c. 7, s. 12.

(2) "Capacity" of an item of cardiac catheterization equipment or cardiac angioplasty equipment means ~~1270~~ 1370 diagnostic-equivalent procedures per year. One therapeutic cardiac catheterization procedure is valued at ~~1.67~~ 1.75 diagnostic-equivalent procedures. One cardiac catheterization procedure performed on a patient age 14 or under is valued at two diagnostic-equivalent procedures. All other procedures are valued at one diagnostic-equivalent procedure.

(3) "Cardiac angioplasty equipment" shall have the same meaning as defined in G.S. 131E-176(2e).

(4) "Cardiac catheterization equipment" shall have the same meaning as defined in G.S. 131E-176(2f).

(5) "Cardiac catheterization procedure", for the purpose of determining utilization in a certificate of need review, means a single episode of diagnostic or therapeutic catheterization which occurs during one visit to a cardiac catheterization room, whereby a flexible tube is inserted into the patient's body and advanced into the heart chambers to perform a hemodynamic or angiographic examination or therapeutic intervention of the left or right heart chamber, or coronary arteries. A cardiac catheterization procedure does not include a simple right heart catheterization for monitoring purposes as might be done in an electrophysiology laboratory, pulmonary angiography procedure, cardiac pacing through a right electrode catheter, temporary pacemaker insertion, or procedures performed in dedicated angiography or electrophysiology rooms.

(6) "Cardiac catheterization room" means a room or a mobile unit in which there is cardiac catheterization or cardiac angioplasty equipment for the performance of cardiac catheterization procedures. Dedicated angiography rooms and electrophysiology rooms are not cardiac catheterization rooms.

(7) "Cardiac catheterization service area" means a geographical area defined by the applicant, which has boundaries that are not farther than 90 road miles from the facility, if the facility has a comprehensive cardiac services program; and not farther than 45 road miles from the facility if the facility performs only diagnostic cardiac catheterization procedures; except that the cardiac catheterization service area of an academic medical center teaching hospital designated in 10 NCAC 3R shall not be limited to 90 road miles.

(8) "Cardiac catheterization services" means the provision of diagnostic cardiac catheterization procedures or therapeutic cardiac catheterization procedures performed utilizing cardiac catheterization equipment or cardiac angioplasty equipment in a

cardiac catheterization room.

(9) "Comprehensive cardiac services program" means a cardiac services program which provides the full range of clinical services associated with the treatment of cardiovascular disease including community outreach, emergency treatment of cardiovascular illnesses, non-invasive diagnostic imaging modalities, diagnostic and therapeutic cardiac catheterization procedures, open heart surgery and cardiac rehabilitation services. Community outreach and cardiac rehabilitation services shall be provided by the applicant or through arrangements with other agencies and facilities located in the same city. All other components of a comprehensive cardiac services program shall be provided within a single facility.

(10) "Diagnostic cardiac catheterization procedure", for the purpose of determining utilization in a certificate of need review, means a cardiac catheterization procedure performed for the purpose of detecting and identifying defects or diseases in the coronary arteries or veins of the heart, or abnormalities in the heart structure, but not the pulmonary artery.

(11) "Electrophysiology procedure" means a diagnostic or therapeutic procedure performed to study the electrical conduction activity of the heart and characterization of atrial ventricular arrhythmias.

(12) "Existing" means the equipment was in operation prior to the beginning of the review period.

(13) "High-risk patient" means a person with reduced life expectancy because of left main or multi-vessel coronary artery disease, often with impaired left ventricular function and with other characteristics as referenced in the American College of Cardiology/American Heart Association Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories (1991) report.

(14) "Mobile equipment" means cardiac angioplasty equipment or cardiac catheterization equipment and transporting equipment which is moved to provide services at two or more host facilities.

(15) "Percutaneous transluminal coronary angioplasty (PTCA)" is one type of therapeutic cardiac catheterization procedure used to treat coronary artery disease in which a balloon-tipped catheter is placed in the diseased artery and then inflated to compress the plaque blocking the artery.

(16) "Primary cardiac catheterization service area" means a geographical area defined by the applicant, which has boundaries that are not farther than 45 road miles from the facility, if the facility has a comprehensive cardiac services program; and not farther than 23 road miles from the facility if the facility performs only diagnostic cardiac catheterization procedures; except that the primary cardiac catheterization service area of an academic medical center teaching hospital designated in 10 NCAC 3R shall not be limited to 45 road miles.

(17) "Therapeutic cardiac catheterization procedure", for the purpose of determining utilization in a certificate of need review, means a cardiac catheterization procedure performed for the purpose of treating or resolving certain anatomical or physiological conditions which have been determined to exist in the heart or coronary arteries or veins of the heart, but not the pulmonary artery.

History Note: Filed as Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131E-177(1); 131E-183;
Eff. January 1, 1987;
Amended Eff. November 1, 1996; February 1, 1994;
Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

.1615 REQUIRED PERFORMANCE STANDARDS

(a) ~~The~~ An applicant shall demonstrate that the project is capable of meeting the following standards:

(1) each proposed item of cardiac catheterization equipment or cardiac angioplasty equipment, including mobile equipment, shall be utilized at an annual rate of at least 60 percent of capacity, measured during the fourth quarter of the third year following completion of the project;

(2) if the applicant proposes to perform therapeutic cardiac catheterization procedures, each of the applicant's therapeutic cardiac catheterization teams shall be performing at an annual rate of at least 100 therapeutic cardiac catheterization procedures, during the third year of operation following completion of the project;

(3) if the applicant proposes to perform diagnostic cardiac catheterization procedures, each diagnostic cardiac catheterization team shall be performing at an annual rate of at least 200 diagnostic-equivalent cardiac catheterization procedures by the end of the third year following completion of the project;

~~(3)~~(4) at least 50 percent of the projected cardiac catheterization procedures shall be performed on patients residing within the primary cardiac catheterization service ~~area;~~ area.

(b) An applicant proposing to acquire mobile cardiac catheterization or mobile cardiac angioplasty equipment shall:

~~(4)~~(1) demonstrate that each existing item of cardiac catheterization equipment and cardiac angioplasty ~~equipment in each facility which has a primary cardiac catheterization service area that overlaps~~ equipment, excluding mobile equipment, located in the proposed primary cardiac catheterization service area of each host facility shall have been operated at a level of at least 80 percent of capacity during the 12

month period reflected in the most recent licensure form on file with the Division of Facility Services;

~~(5)~~(2) demonstrate that the utilization of each existing or approved item of cardiac catheterization equipment and cardiac angioplasty ~~equipment;~~ equipment, excluding mobile equipment, located in ~~each facility which has a primary cardiac catheterization service area that overlaps~~ the proposed primary cardiac catheterization service area of each host facility shall not be expected to fall below 60 percent of capacity due to the acquisition of the proposed cardiac catheterization, cardiac angioplasty, or mobile equipment;

~~(6) if the applicant proposes to perform diagnostic cardiac catheterization procedures, each diagnostic cardiac catheterization team shall be performing at an annual rate of at least 200 diagnostic-equivalent cardiac catheterization procedures by the end of the third year following completion of the project;~~

~~(7)~~(3) demonstrate that each item of existing mobile equipment operating in the proposed primary cardiac catheterization service area of each host facility shall have been performing at least an average of four diagnostic-equivalent cardiac catheterization procedures per day per site in the proposed cardiac catheterization service area in the 12 month period preceding the submittal of the application;

~~(8)~~(4) demonstrate that each item of existing or approved mobile equipment to be operating in the proposed primary cardiac catheterization service area of each host facility shall be performing at least an average of four diagnostic-equivalent cardiac catheterization procedures per day per site in the proposed cardiac catheterization service area in the applicant's third year of operation; and

(5) provide documentation of all assumptions and data used in the development of the projections required in this Rule.

(c) An applicant proposing to acquire cardiac catheterization or cardiac angioplasty equipment that is not mobile cardiac catheterization equipment shall:

(1) demonstrate that each of its existing items of cardiac catheterization and cardiac angioplasty equipment, except mobile equipment, located in the proposed cardiac catheterization service area operated at a level of at least 80% of capacity during the 12 month period reflected in the most recent licensure renewal application form on file with the Division of Facility Services;

(2) demonstrate that each of its existing items of cardiac catheterization equipment or cardiac angioplasty equipment, except mobile equipment, shall be utilized at an annual rate of at least 60 percent of capacity, measured during the fourth quarter of the third year following completion of the project; and

(3) provide documentation of all assumptions and data used in the development of the projections required in this Rule.

~~(b)~~(d) If the applicant proposes to perform cardiac catheterization procedures on patients age 14 and under, the applicant shall demonstrate that it meets the following additional criteria:

(1) the facility has the capability to perform diagnostic and therapeutic cardiac catheterization procedures and open heart surgery services on patients age 14 and under;

(2) the proposed project shall be performing at an annual rate of at least 100 cardiac catheterization procedures on patients age 14 or under during the fourth quarter of the third year following initiation of the proposed cardiac catheterization procedures for patients age 14 and under.

~~(c) An applicant shall provide documentation of all assumptions and data used in the development of the projections required in this Rule.~~

History Note: Filed as a Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131E-177(1); 131E-183;
Eff. January 1, 1987;
Amended Eff. November 1, 1996; February 1, 1994;
Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

SECTION .1700 - CRITERIA AND STANDARDS FOR OPEN-HEART SURGERY SERVICES AND HEART-LUNG BYPASS MACHINES

.1713 DEFINITIONS

The following definitions shall apply to all rules in this Section:

(1) "Capacity" of ~~an open heart surgery room~~ a heart-lung bypass machine means 400 adult-equivalent open heart surgical procedures per year. One open heart surgical procedure on persons age 14 and under is valued at two adult open heart surgical procedures. For purposes of determining capacity, one open heart surgical procedure is defined to be one visit or trip by a patient to ~~the open heart surgery~~ an operating room for an open heart operation.

(2) "Cardiac Surgical Intensive Care Unit" means a distinct intensive care unit as defined in 10 NCAC 3R .1213(2) and which is for exclusive use by post-surgical open heart patients.

(3) "Heart-lung bypass machine" shall have the same meaning as defined in G.S. 131E-176(10a).

(4) "Open heart surgery service area" means a geographical area defined by the applicant, which has boundaries that are not farther than 90 road miles from the facility, except that the open heart surgery service area of an academic medical center teaching hospital designated in 10 NCAC 3R .3050 shall not be limited to 90 road miles.

(5) "Open heart surgery services" shall have the same meaning as defined in G.S. 131E-176(18b).

(6) "Open heart surgical procedures" means highly specialized surgical procedures which:

(A) utilize a heart-lung bypass machine (the "pump") to perform extra-corporeal circulation and oxygenation during surgery;

(B) are designed to correct congenital and acquired cardiac and coronary disease; and

(C) are identified by Medicare Diagnostic Related Group ("DRG") numbers 104, 105, 106, 107, and 108.

~~(7) "Open heart surgery room" means an operating room primarily used to perform open heart surgical procedures, as reported on the most current hospital licensure application.~~

~~(8)~~ (7) "Open heart surgery program" means all of the open heart surgery rooms operated in one hospital.

~~(9)~~ (8) "Primary open heart surgery service area" means a geographical area defined by the applicant, which has boundaries that are not farther than 45 road miles from the facility, except that the primary open heart surgery service area of an academic medical center teaching hospital designated to 10 NCAC 3R .3050 shall not be limited to 45 road miles.

History Note: Filed as a Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131E-177(1); 131E-183.
Eff. January 1, 1987;
Amended Eff. November 1, 1996; January 4, 1994; November 1, 1989;
Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

.1714 INFORMATION REQUIRED OF APPLICANT

(a) An applicant that proposes to add an open heart surgery room or to acquire a heart-lung bypass machine shall use the acute care facility/medical equipment application form.

(b) The applicant shall also provide the following additional information:

(1) ~~the projected number of open heart surgical procedures to be completed in each open heart surgery room and~~ the projected number of open heart surgical procedures to be performed on each heart-lung bypass machine owned by or operated in the facility for each of the first 12 calendar quarters following completion of the proposed project, including the methodology and assumptions used to make these projections;

(2) the projected number of cardiac catheterization procedures to be completed in the facility for each of the first 12 calendar quarters following completion of the proposed project, including the methodology and assumptions used for these projections;

(3) the applicant's experience in treating cardiovascular patients at the facility during the past 12 months, including:

(A) the number of patients receiving stress tests;

(B) the number of patients receiving intravenous thrombolytic therapies;

(C) the number of patients presenting in the Emergency Room or admitted to the hospital with suspected or diagnosed acute myocardial infarction;

(D) the number of cardiac catheterization procedures performed, by type of procedure;

(E) the number of patients referred to other facilities for cardiac catheterization or open heart surgical procedures, by type of procedure;

(F) the number of patients referred to the applicant'sfacility for cardiac catheterization or open heart surgical procedures, by type of procedure;

(G) the number of open heart surgery procedures performed by type of procedure during the twelve month period reflected in the most recent licensure form on file with the Division of Facility Services;

(4) the number of patients from the proposed open heart surgery service area who are projected to receive open heart surgical procedures by patient's county of residence in each of the first 12 quarters of operation including the methodology and assumptions used to make the projections;

(5) the number of patients from the proposed primary open heart surgery service area who are projected to receive open heart surgical procedures by patient's county of residence in each of the first 12 quarters, including the methodology and assumptions used to make these projections;

(6) the projected patient referral sources;

(7) evidence of the applicant's capability to communicate efficiently with emergency transportation agencies and with all hospitals serving the proposed service area;

(8) the number and composition of open heart surgical teams available to the applicant;

(9) a brief description of the applicant's in-service training or continuing education programs for open heart surgical team members; and

(10) evidence of the applicant's capability to perform both cardiac catheterization and open heart surgical procedures 24 hours per day, 7 days per week.

History Note: Filed as Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131E-177(1); 131E-183;
Eff. January 1, 1987;

Amended Eff. November 1, 1996; January 4, 1994; November 1, 1989;
Temporary Amendment January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

.1715 REQUIRED PERFORMANCE STANDARDS

The applicant shall demonstrate that the proposed project is capable of meeting the following standards:

~~(1)~~ ~~each open heart surgery room shall be utilized at an annual rate of at least 50 percent of capacity; measured during the twelfth quarter following completion of the project;~~

~~(2)~~ (1) the applicant shall perform at least 4 diagnostic catheterizations per open heart surgical procedure during each quarter;

~~(3)~~ (2) ~~a~~ an applicant's existing and new or additional heart-lung bypass ~~machine~~ machines shall be utilized at an annual rate of 200 open heart surgical procedures ~~per year~~ per machine, measured during the twelfth quarter following completion of the ~~project;~~ project, with the exception that this standard may be waived for a second machine exclusively used for backup and owned by any hospital that is proposing to develop new open heart surgery services and acquired its heart-lung bypass machines prior to March 18, 1993, but was unable to use such machines because it did not have a certificate of need authorizing it to provide open heart surgery services;

~~(4)~~ (3) at least 50 percent of the projected open heart surgical procedures shall be performed on patients residing within the primary open heart surgery service area;

~~(5)~~ (4) each existing open heart surgery program in each facility which has a primary open heart surgery service area that overlaps the proposed primary open heart surgery service area operated at a level of at least 80 percent of capacity during the 12 month period reflected in the most recent licensure form on file with the Division of Facility Services;

~~(6)~~ (5) the utilization of existing open heart surgery programs whose primary open heart surgery service area overlaps the proposed primary open heart surgery service area is not expected to fall below 50 percent of capacity due to the institution of the new or expanded open heart surgery program;

~~(7)~~ (6) the applicant's projected utilization and proposed staffing patterns are such that each open heart surgical team shall perform at an annual rate of at least 150 open heart surgical procedures by the end of the third year following completion of the project;

~~(8)~~ (7) the applicant shall document the assumptions and provide data supporting the methodology used to make these projections; and

~~(9)~~ (8) heart-lung bypass machines that have been acquired for non-surgical use, or for non-heart surgical procedure use, and that are dedicated for services that are not related to the open heart surgery ~~program;~~ services, shall not be utilized in the performance of open heart surgical procedures.

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Eff. January 1, 1987;
Amended Eff. January 4, 1994; November 1, 1989;
Temporary Amendment January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

SECTION .1900 - CRITERIA AND STANDARDS FOR RADIATION THERAPY EQUIPMENT

.1912 DEFINITIONS

These definitions shall apply to all rules in this Section:

(1) "Approved linear accelerator" means a linear accelerator which was not operational prior to the beginning of the review period but which had been issued a certificate of need or had been acquired prior to March 18, 1993 in accordance with 1993 N.C. Sess. Laws c. 7, s. 12.

(2) "Complex Radiation treatment" is equal to ~~2~~ 1.25 ESTVs and means: treatment on three or more sites on the body; use of special techniques such as tangential fields with wedges, rotational or arc techniques; or use of custom blocking.

(3) "Equivalent Simple Treatment Visit [ESTV]" means one basic unit of radiation therapy which normally requires up to 15 minutes for the uncomplicated set-up and treatment of a patient on a modern megavoltage teletherapy unit including the time necessary for portal filming.

(4) "Existing linear accelerator" means a linear accelerator in operation prior to the beginning of the review period.

(5) "Intermediate Radiation treatment" means treatment on two separate sites on the body, three or more fields to a single treatment site or use of multiple blocking and is equal to ~~2~~ 1.10 ESTVs.

(6) "Linear accelerator" means MRT equipment which is used to deliver a beam of electrons or photons in the treatment of cancer patients.

(7) "Linear accelerator service area" means a ~~geographical area, defined by the applicant, in which a linear accelerator provides services and in which no less than 120,000 persons reside.~~ single or multi-county area as used in the development of the need determination in the applicable State Medical Facilities Plan.

(8) "Megavoltage unit" means MRT equipment which provides a form of teletherapy that involves the delivery of energy greater than, or equivalent to, one million volts by the emission of x-rays, gamma rays, electrons, or other radiation.

(9) "Megavoltage radiation therapy (MRT)" means the

use of ionizing radiation in excess of one million electron volts in the treatment of cancer.

(10) "MRT equipment" means a machine or energy source used to provide megavoltage radiation therapy including linear accelerators and other particle accelerators.

(11) "Radiation therapy equipment" means medical equipment which is used to provide radiation therapy services.

(12) "Radiation therapy services" means those services which involve the delivery of precisely controlled and monitored doses of radiation to a well defined volume of tumor bearing tissue within a patient. Radiation may be delivered to the tumor region by the use of radioactive implants or by beams of ionizing radiation or it may be delivered to the tumor region systemically.

(13) "Radiation therapy service area" means ~~the geographic area in which radiation therapy services are proposed to be provided by the applicant.~~ a single or multi-county area as used in the development of the need determination in the applicable State Medical Facilities Plan.

(14) "Simple Radiation treatment" means treatment on a single site on the body, single treatment field or parallel opposed fields with no more than simple blocks and is equal to 1 ESTV.

(15) "Simulator" means a machine that precisely reproduces the geometric relationships of the MRT equipment to the patient.

(16) "Special technique" means radiation therapy treatments that may require increased time for each patient visit including:

(a) total body irradiation (photons or electrons) which equals 4.0 ESTVs;

(b) hemi-body irradiation which equals 2.0 ESTVs;

(c) intraoperative radiation therapy which equals 10.0 ESTVs;

(d) particle radiation therapy which equals 2.0 ESTVs;

(e) dynamic conformational radiation therapy with moving gantry, collimators or couch which equals 1.5 ESTVs;

(f) limb salvage irradiation at lengthened SSD which equals ~~2.0~~ 1.0 ESTV;

(g) additional field check radiographs which equals ~~.05~~ .50 ESTV; and

(h) stereotactic radiosurgery treatment management which equals ~~6.0~~ 3.0 ESTVs.

History Note: Filed as Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
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Eff. January 4, 1994;
Amended Eff. November 1, 1996;
Temporary Amendment January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

.1913 INFORMATION REQUIRED OF APPLICANT

(a) An applicant proposing to acquire radiation therapy equipment shall use the Acute Care Facility/Medical Equipment application form.

(b) An applicant proposing to acquire radiation therapy equipment shall also provide the following additional information:

~~(1) a description of the boundaries of the proposed radiation therapy service area or the proposed linear accelerator service area if the applicant proposes to acquire a linear accelerator;~~

~~(2) a list of the existing radiation therapy equipment in the proposed radiation therapy service area or linear accelerator service area;~~

~~(3)~~ (1) a list of all the radiation therapy equipment to be acquired and documentation of the capabilities and capacities of each item of equipment;

~~(4)~~ (2) documentation of the purchase price and fair market value of each piece of radiation therapy equipment, each simulator, and any other related equipment proposed to be acquired;

~~(5)~~ (3) the projected number of patient treatments by county and by simple, intermediate and complex treatments to be performed on each piece of radiation therapy equipment for each of the first eight calendar quarters following the completion of the proposed project and documentation of all assumptions by which utilization is projected;

~~(6)~~ (4) documentation that the proposed radiation therapy equipment shall be operational at least seven hours per day, five days a week;

~~(7)~~ (5) documentation that no more than one simulator is available for every two linear accelerators in the applicant's facility, except that an applicant that has only one linear accelerator may have one simulator;

~~(8)~~ (6) documentation that the services shall be offered in a physical environment that conforms to the requirements of federal, state, and local regulatory bodies; and

~~(9)~~ (7) the projected number of patients that will be treated for cure and the number of patients that will be treated for palliation on each linear accelerator on an annual basis.

History Note: Filed as Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
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Amended Eff. November 1, 1996;
Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

.1914 REQUIRED PERFORMANCE STANDARDS

(a) An applicant proposing to acquire a linear accelerator shall demonstrate that each of the following standards shall be met:

(1) ~~each~~ an applicant's existing linear accelerator ~~in the proposed service area~~ served at least 250 patients or provided 6,500 ESTV treatments in the twelve months prior to the date the application was submitted;

(2) each proposed new linear accelerator shall be utilized at an annual rate of 250 patients or 6,500 ESTV treatments during the third year of operation of the new equipment; and

(3) ~~each~~ an applicant's existing ~~and approved~~ linear accelerator shall be projected to be utilized at an annual rate of 250 patients or 6,500 ESTV treatments during the third year of operation of the new equipment.

(b) A linear accelerator shall not be held to the standards in Paragraph (a) of this Rule if the applicant provides documentation that the linear accelerator has been or shall be used exclusively for clinical research and teaching.

(c) An applicant proposing to acquire radiation therapy equipment other than a linear accelerator shall provide the following information:

(1) the number of patients that are projected to receive treatment from the proposed radiation therapy equipment, classified by type of equipment, diagnosis, treatment procedure, and county of residence; and

(2) the maximum number and type of procedures that the proposed equipment is capable of performing.

(d) The applicant shall document all assumptions and provide data supporting the methodology used to determine projected utilization as required in this Rule.

History Note: Filed as Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
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Eff. January 4, 1994;
Amended Eff. November 1, 1996;
Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

SECTION .2100 - CRITERIA AND STANDARDS FOR AMBULATORY SURGICAL SERVICES

.2113 DEFINITIONS

The following definitions shall apply to all rules in this Section:

(1) "Ambulatory surgical case" means an individual who receives one or more ambulatory surgical procedures in an ambulatory surgical operating room during a single operative encounter.

(2) "Ambulatory surgical service area" means a single or multi-county area as used in the development of ~~10 NCAC 3R .3030~~ the ambulatory surgical facility need determination in the applicable State Medical Facilities Plan.

(3) "Ambulatory surgical services" means those surgical services provided to patients as part of an ambulatory surgical program within a licensed ambulatory surgical facility or a general acute care hospital licensed under G.S. Chapter 131E, Article 5, Part A.

(4) "Ambulatory surgical facility" means a facility as defined in G.S. 131E-176(1a).

(5) "Ambulatory surgical operating room" means a dedicated or shared operating room in a licensed ambulatory surgical facility, or a general acute care hospital licensed under G.S. 131E, Article 5, Part A, that is fully equipped to perform surgical procedures and is constructed to meet the specifications and standards, including fire and life safety code requirements, appropriate to the type of facility as utilized by the Construction Section of the Division of Facility Services. Ambulatory surgical operating rooms exclude operating rooms dedicated for the performance of inpatient surgical procedures, cast rooms, procedures rooms that do not meet operating room specifications, suture rooms, YAG laser rooms, and cystoscopy and endoscopy procedure rooms that do not meet the specifications of an operating room.

(6) "Ambulatory surgical program" means a program as defined in G.S. 131E-176(1b).

(7) "Ambulatory surgical procedure" means a surgical procedure performed in a surgical operating room which requires local, regional or general anesthesia and a period of post-operative observation of less than 24 hours. Ambulatory surgical procedures exclude those procedures which are generally performed more than 50 percent of the time in a physician's office.

(8) "Existing ambulatory surgical operating rooms" means those ambulatory surgical operating rooms in ambulatory surgical facilities and hospitals which were reported in the License Application for Ambulatory Surgical Facilities and Programs and in Part III of Hospital Licensure Renewal Application Form submitted to the Licensure Section of the Division of Facility Services and which were licensed and certified prior to the beginning of the review period.

(9) "Approved ambulatory surgical operating rooms" means those ambulatory surgical operating rooms that were approved for a certificate of need by the Certificate of Need Section prior to the date on which the applicant's proposed project was submitted to the Agency but that have not been licensed and certified. The term also means those operating rooms which the Certificate of Need Section determined were not subject to certificate of need review and which were under construction prior to the date the applicant's

proposal was submitted to the Agency.

(10) "Dedicated ambulatory surgical operating room" means an ambulatory surgical operating room used solely for the performance of ambulatory surgical procedures.

(11) "Multispecialty ambulatory surgical program" means a program as defined in G.S. 131E-176(15a).

(12) "Shared surgical operating room" means an ambulatory surgical operating room that is used for the performance of both ambulatory and inpatient surgical procedures.

(13) "Specialty area" means an area of medical practice in which there is an approved medical specialty certificate issued by a member board of the American Board of Medical Specialties and includes, but is not limited to the following: gynecology, otolaryngology, plastic surgery, general surgery, ophthalmology, urology, orthopedics, and oral surgery.

(14) "Specialty ambulatory surgical program" means a program as defined in G.S. 131E-176(24c).

(15) "Practical utilization" is 4.3 surgical cases per day for a dedicated ambulatory surgical operating room and 3.5 surgical cases per day for a shared surgical operating room.

History Note: Filed as Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131E-177(1); 131E-183;
Eff. November 1, 1990;
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Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

SECTION .2700 - CRITERIA AND STANDARDS FOR MAGNETIC RESONANCE IMAGING SCANNER

.2713 DEFINITIONS

The following definitions shall apply to all rules in this Section:

(1) "Approved MRI scanner" means an MRI scanner which was not operational prior to the beginning of the review period but which had been issued a certificate of need or had been acquired prior to March 18, 1993 in accordance with 1993 N.C. Sess. Laws c. 7, s. 12.

(2) "Existing MRI scanner" means an MRI scanner in operation prior to the beginning of the review period.

(3) "Magnetic Resonance Imaging" (MRI) means a non-invasive diagnostic modality in which electronic equipment is used to create tomographic images of body structure. The MRI scanner exposes the target area to nonionizing magnetic energy and radio frequency fields, focusing on the nuclei of atoms such as hydrogen in the body tissue. Response of selected nuclei to this stimulus is translated into images for evaluation by the physician.

(4) "Magnetic resonance imaging scanner" (MRI Scanner) is defined in G.S. 131E-176(14e).

(5) "Mobile MRI scanner" means an MRI scanner and transporting equipment which is moved to provide services at two or more host facilities.

(6) "MRI procedure" means a single discrete MRI study of one patient.

(7) "MRI service area" means ~~the geographic area defined by the applicant~~ the Magnetic Resonance Imaging Planning Areas, as defined in 10 NCAC 3R .6253(f).

(8) "MRI study" means one or more scans relative to a single diagnosis or symptom.

History Note: Filed as Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131E-177(1); 131E-183;
Eff. February 1, 1994;
Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

.2715 REQUIRED PERFORMANCE STANDARDS

(a) An applicant proposing to acquire a mobile magnetic resonance imaging (MRI) scanner, ~~including a mobile MRI scanner,~~ shall:

(1) demonstrate that all existing MRI scanners, ~~except mobile MRI scanners,~~ except those moved to provide services at more than one site, operating in the ~~proposed~~ MRI service ~~area~~ area(s) in which the proposed MRI scanner will be located performed at least ~~2,032~~ 2900 MRI procedures in the last year;

(2) project annual utilization in the third year of operation of at least ~~2,032~~ 2900 MRI procedures per year, for each ~~proposed~~ MRI scanner or mobile MRI scanner to be operated by the applicant in the ~~proposed~~ MRI service ~~area~~ area(s) in which the proposed MRI scanner will be located;

(3) demonstrate that all of the existing MRI ~~scanners~~ scanners, except mobile, operating in the proposed MRI service ~~area~~ area(s) in which the proposed MRI scanner will be located, shall be performing at least ~~2,032~~ 2,900 MRI procedures per year in the applicant's third year of operation;

(4) demonstrate that all of the approved MRI ~~scanners~~ scanners, except mobile, in the ~~proposed~~ MRI service ~~area~~ area(s) in which the proposed MRI scanner will be located, shall be performing at least ~~2,032~~ 2,900 MRI procedures per year in the applicant's third year of operation;

(5) demonstrate that all existing mobile MRI scanners operating in the ~~proposed~~ MRI service ~~area~~ area(s) in which the proposed MRI scanner will be located, performed at least an average of eight procedures per

day per site in the ~~proposed~~ MRI service ~~area~~ area(s) in the last year and shall be performing at least an average of eight procedures per day per site in the ~~proposed~~ MRI service ~~area~~ area(s) in the applicant's third year of operation;

(6) demonstrate that all approved mobile MRI scanners to be operating in the ~~proposed~~ MRI service ~~area~~ area(s) in which the proposed MRI scanner will be located, shall be performing at least an average of eight procedures per day per site in the ~~proposed~~ MRI service ~~area~~ area(s) in the applicant's third year of operation; and

(7) document the assumptions and provide data supporting the methodology used for each projection required in this Rule.

(b) An applicant proposing to acquire a magnetic resonance imaging (MRI) scanner that is not a mobile MRI scanner shall:

(1) demonstrate that its existing MRI scanners, except mobile MRI scanners, operating in the proposed MRI service area in which the proposed MRI scanner will be located performed at least 2900 MRI procedures in the last year, with the exception that applicants proposing to acquire an MRI scanner to replace MRI services provided pursuant to a service agreement with a mobile provider shall demonstrate that 2080 MRI procedures were performed at the applicant's facility in the last year;

(2) project annual utilization in the third year of operation of at least 2900 MRI procedures per year, for each MRI scanner or mobile MRI scanner to be operated by the applicant in the MRI service area(s) in which the proposed equipment will be located; and

(3) document the assumptions and provide data supporting the methodology used for each projection required in this Rule.

History Note: Filed as Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131E-177(1); 131E-183(b);
Eff. February 4, 1994;
Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

SECTION .4200 - CRITERIA AND STANDARDS FOR HOSPICES, HOSPICE INPATIENT FACILITIES, AND HOSPICE RESIDENTIAL CARE FACILITIES

.4203 REQUIRED PERFORMANCE STANDARDS

(a) An applicant proposing to develop hospice inpatient facility beds or hospice residential care facility beds shall demonstrate that:

(1) the average occupancy rate of the licensed beds in the facility is projected to be at least 50% for the last six months of the first operating year following completion of the project;

(2) the average occupancy rate for the licensed beds in the facility is projected to be at least 65% for the second operating year following completion of the project; and

(3) if the application is submitted to address the need for a hospice residential care facility or hospice inpatient facility for a contiguous grouping of counties, each existing facility which is located in the hospice service area and which has licensed beds of the type proposed by the applicant attained an occupancy rate of at least 65% for the 12 month period reported on that facility's most recent Licensure Renewal Application Form.

(b) An applicant proposing to add beds to an existing hospice inpatient facility or hospice residential care facility shall document that the average occupancy of the licensed hospice inpatient and hospice residential care facility beds in its existing facility was at least 65% for the nine months immediately preceding the submittal of the proposal.

(c) An applicant proposing to develop a hospice shall demonstrate that no less than 80% of the total number of days of hospice care furnished to Medicaid and Medicare patients will be provided in the patient's residence in accordance with 42 CFR 418.302(f)(2).

History Note: Authority G.S. 131E-177(1);
Eff. July 1, 1994;
Temporary Amendment Eff. January 1, 1999;
Temporary Amendment Eff. January 1, 2000.

SECTION .6200 - PLANNING POLICIES AND NEED DETERMINATIONS FOR 2000

.6250 APPLICABILITY OF RULES RELATED TO THE 2000 STATE MEDICAL FACILITIES PLAN

Rules .6250 through .6254 and .6256 through .6293 of this Section apply to certificate of need applications for which the scheduled review period begins during calendar year 2000. In addition, Rule .6255 of this Section shall be used to implement procedures described within it during calendar year 2000.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6251 (RESERVED FOR FUTURE CODIFICATION)

.6252 CERTIFICATE OF NEED REVIEW SCHEDULE

The Department of Health and Human Services (DHHS) has established the following review schedules for certificate of need applications.

(1) Acute Care Beds (in accordance with the need determination in 10 NCAC 3R .6256)

Hospital Service System	CON Beginning Review Date
Onslow County	March 1, 2000

(2) Fixed Cardiac Catheterization Equipment (in accordance with the need determination in 10 NCAC 3R .6261)

Hospital Service System	CON Beginning Review Date
Cabarrus County	October 1, 2000

(3) Radiation Oncology Treatment Centers (in accordance with the need determination in 10 NCAC 3R .6269)

Radiation Oncology Treatment Center Service Area	CON Beginning Review Date
13 (Durham, Caswell, Granville, Person, Vance, Warren)	October 1, 2000

(4) Magnetic Resonance Imaging Scanners (in accordance with the need determination in 10 NCAC 3R .6270)

Magnetic Resonance Imaging Planning Area	CON Beginning Review Date
3 (Buncombe, Madison, McDowell, Mitchell, Yancey)	April 1, 2000
9 (Cabarrus, Montgomery, Rowan, Stanly)	October 1, 2000
12 (Alamance)	April 1, 2000
13 (Caswell, Durham, Granville, Person, Vance, Warren)	April 1, 2000
15 (Davidson, Guilford, Randolph, Rockingham)	October 1, 2000
21 (Bladen, Brunswick, Columbus, Duplin, New Hanover, Pender)	April 1, 2000

(5) Magnetic Resonance Imaging Scanners (in accordance with the need determination in 10 NCAC 3R .6271)

Magnetic Resonance Imaging Planning Area	CON Beginning Review Date
13 (Caswell, Durham, Granville, Person, Vance, Warren)	October 1, 2000

(6) Nursing Care Beds (in accordance with the need determinations in 10 NCAC 3R .6272 and .6273)

County	CON Beginning Review Date
Caswell	October 1, 2000
Rockingham	April 1, 2000
Perquimans	September 1, 2000
Statewide Demonstration Project	June 1, 2000

(7) Home Health Agencies or Offices (in accordance with the need determination in 10 NCAC 3R .6274)

	CON Beginning

County	Review Date
Pamlico	April 1, 2000

(8) Dialysis Stations Adjusted Need Determination (in accordance with the need determination in 10 NCAC 3R .6276)

County	CON Beginning Review Date
McDowell	March 1, 2000

(9) Chemical Dependency (SubstanceAbuse) Beds - Adult Detox-Only Beds (in accordance with the need determination in 10 NCAC 3R .6280)

Mental Health Planning Area		CON Beginning Review Date
1	(Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain)	June 1, 2000
4	(Henderson, Transylvania)	June 1, 2000
5	(Alexander, Burke, Caldwell, McDowell)	June 1, 2000
6	(Rutherford, Polk)	June 1, 2000
7	(Cleveland)	June 1, 2000
11	(Rowan, Stanly, Cabarrus, Union)	June 1, 2000
12	(Surry, Yadkin, Iredell)	June 1, 2000
14	(Rockingham)	June 1, 2000
16	(Alamance, Caswell)	June 1, 2000
17	(Orange, Person, Chatham)	June 1, 2000
19	(Vance, Granville, Franklin, Warren)	June 1, 2000
20	(Davidson)	March 1, 2000
22	(Bladen, Columbus, Robeson, Scotland)	March 1, 2000
25	(Johnston)	March 1, 2000
26	(Wake)	March 1, 2000
30	(Wayne)	June 1, 2000
31	(Wilson, Greene)	June 1, 2000
32	(Edgecombe, Nash)	June 1, 2000
33	(Halifax)	June 1, 2000
34	(Carteret, Craven, Jones, Pamlico)	June 1, 2000
35	(Lenoir)	June 1, 2000
37	(Bertie, Gates, Hertford, Northampton)	June 1, 2000
38	(Beaufort, Hyde, Martin, Tyrrell, Washington)	June 1, 2000
39	(Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans)	June 1, 2000
40	(Duplin, Sampson)	June 1, 2000

(10) There are ten categories of facilities and services for certificate of need review. The DHHS shall determine the appropriate review category or categories for all applications submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the DHHS may require the applicant to submit separate applications. If it is not practical to submit separate applications, the DHHS shall determine in which category the application shall be reviewed. The review of an application for a certificate of need shall commence in the next applicable review schedule after the application has been determined to be complete. The ten categories of facilities and services are:

(a) Category A. Proposals submitted by acute care hospitals, except those proposals included in Categories B through H and Category J, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.

(b) Category B. Proposals for nursing care beds; new continuing care retirement communities applying for exemption under 10 NCAC 3R .6286; and relocations of nursing care beds under 10 NCAC 3R .6288.

(c) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care facilities; new substance abuse and chemical dependency treatment facilities; substance abuse and chemical dependency treatment beds in existing health care facilities, with the exception of proposals in Category G.

(d) Category D. Proposals for new dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county, with the exception of proposals in Category G.

(e) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.

(f) Category F. Proposals for new home health agencies or offices, new hospices, new hospice inpatient facility beds, and new hospice residential care facility beds.

(g) Category G. Proposals for conversion of hospital beds to nursing care under 10 NCAC 3R .6285; new dialysis stations as the result of an "adjusted need determination" in McDowell County; and Adult Detox-Only beds in the South Central Mental Health Region.

(h) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, cardiac catheterization equipment, cardiac angioplasty equipment, heart-lung bypass machines, gamma knives, lithotriptors, magnetic resonance imaging scanners, positron emission tomography scanners, major medical equipment as defined in G.S. 131E-176(14f), diagnostic centers as defined in G.S. 131E-176(7a), and oncology treatment centers as defined in G.S. 131E-176(18a).

(i) Category I. Proposals involving cost overruns; expansions of existing continuing care retirement communities which are licensed by the Department of Insurance at the date the application is filed and are applying under 10 NCAC 3R .6286 for exemption from need determinations in 10 NCAC 3R .6272; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; reallocation of beds or services; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 3R .6282(c) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; and any other proposal not included in Categories A through H and Category J.

(j) Category J. Proposals for demonstration projects; and conversions of acute care hospitals to long-term acute care hospitals.

(11) A service, facility, or equipment for which a need determination is identified in Items (1) through (9) of this Rule shall have only one scheduled review date and one corresponding application filing deadline in the calendar year, even though the following review schedule shows multiple review dates for the broad category. Applications for certificates of need for new institutional health services not specified in Items (1) through (9) of this Rule shall be reviewed pursuant to the following review schedule, with the exception that no reviews are scheduled if the need determination is zero. Need determinations for additional dialysis stations pursuant to the "county need" or "facility need" methodologies shall be reviewed in accordance with 10 NCAC 3R .6275.

CON Beginning Review Date	Review Categories for HSA I, II, III	Review Categories for HSA IV, V, VI
January 1, 2000	--	--
February 1, 2000	--	--
March 1, 2000	A, E, G, I	A, B, E, G, I
April 1, 2000	B, F, H, I	F, H, I
May 1, 2000	--	--
June 1, 2000	A, C, D, I, J	C, D, I, J
July 1, 2000	--	A, I
August 1, 2000	E, I	--
September 1, 2000	--	B, E, I
October 1, 2000	A, B, F, H, I	F, H, I
November 1, 2000	-	--

December 1, 2000	C, D, I	A, C, D, I

(12) In order to give the DHHS sufficient time to provide public notice of review and public notice of public hearings as required by G.S. 131E-185, the deadline for filing certificate of need applications is 5:00 p.m. on the 15th day of the month preceding the "CON Beginning Review Date." In instances when the 15th day of the month falls on a weekend or holiday, the filing deadline is 5:00 p.m. on the next business day. The filing deadline is absolute and applications received after the deadline shall not be reviewed in that review period.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); Temporary Adoption Eff. January 1, 2000.

.6253 MULTI-COUNTY GROUPINGS

(a) Health Service Areas. The Department of Health and Human Services (DHHS) has assigned the counties of the state to the following health service areas for the purpose of scheduling applications for certificates of need:

HEALTH SERVICE AREAS (HSA)

I County	II County	III County	IV County	V County	VI County
Alexander	Alamance	Cabarrus	Chatham	Anson	Beaufort
Alleghany	Caswell	Gaston	Durham	Bladen	Bertie
Ashe	Davidson	Iredell	Franklin	Brunswick	Camden
Avery	Davie	Lincoln	Granville	Columbus	Carteret
Buncombe	Forsyth	Mecklenburg	Johnston	Cumberland	Chowan
Burke	Guilford	Rowan	Lee	Harnett	Craven
Caldwell	Randolph	Stanly	Orange	Hoke	Currituck
Catawba	Rockingham	Union	Person	Montgomery	Dare
Cherokee	Stokes		Vance	Moore	Duplin
Clay	Surry		Wake	New Hanover	Edgecombe
Cleveland	Yadkin		Warren	Pender	Gates
Graham				Richmond	Greene
Haywood				Robeson	Halifax
Henderson				Sampson	Hertford
Jackson				Scotland	Hyde
McDowell					Jones
Macon					Lenoir
Madison					Martin
Mitchell					Nash
Polk					Northampton
Rutherford					Onslow
Swain					Pamlico
Transylvania					Pasquotank
Watauga					Perquimans
Wilkes					Pitt
Yancey					Tyrrell
					Washington
					Wayne
					Wilson

(b) Mental Health Planning Areas. The DHHS has assigned the counties of the state to the following Mental Health Planning

Areas for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING AREAS	
Area Number	Constituent Counties
1	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain
2	Buncombe, Madison, Mitchell, Yancey
3	Alleghany, Ashe, Avery, Watauga, Wilkes
4	Henderson, Transylvania
5	Alexander, Burke, Caldwell, McDowell
6	Rutherford, Polk
7	Cleveland
8	Gaston, Lincoln
9	Catawba
10	Mecklenburg
11	Cabarrus, Rowan, Stanly, Union
12	Surry, Yadkin, Iredell
13	Forsyth, Stokes, Davie
14	Rockingham
15	Guilford
16	Alamance, Caswell
17	Orange, Person, Chatham
18	Durham
19	Vance, Granville, Franklin, Warren
20	Davidson
21	Anson, Hoke, Montgomery, Moore, Richmond
22	Bladen, Columbus, Robeson, Scotland
23	Cumberland
24	Lee, Harnett
25	Johnston
26	Wake
27	Randolph
28	Brunswick, New Hanover, Pender
29	Onslow
30	Wayne
31	Wilson, Greene
32	Edgecombe, Nash
33	Halifax
34	Carteret, Craven, Jones, Pamlico
35	Lenoir
36	Pitt
37	Bertie, Gates, Hertford, Northampton
38	Beaufort, Hyde, Martin, Tyrrell, Washington
39	Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans
40	Duplin, Sampson

(c) Mental Health Planning Regions. The DHHS has assigned the counties of the state to the following Mental Health Planning Regions for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING REGIONS (Area Number and Constituent Counties)
Western (W)
1 Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain
2 Buncombe, Madison, Mitchell, Yancey
3 Alleghany, Ashe, Avery, Watauga, Wilkes
4 Henderson, Transylvania
5 Alexander, Burke, Caldwell, McDowell
6 Rutherford, Polk
7 Cleveland
8 Gaston, Lincoln
9 Catawba
10 Mecklenburg
11 Cabarrus, Rowan, Stanly, Union
North Central (NC)
12 Surry, Yadkin, Iredell
13 Forsyth, Stokes, Davie
14 Rockingham
15 Guilford
16 Alamance, Caswell
17 Orange, Person, Chatham
18 Durham
19 Vance, Granville, Franklin, Warren
South Central (SC)
20 Davidson
21 Anson, Hoke, Montgomery, Moore, Richmond
22 Bladen, Columbus, Robeson, Scotland
23 Cumberland
24 Lee, Harnett
25 Johnston
26 Wake
27 Randolph
Eastern (E)
28 Brunswick, New Hanover, Pender
29 Onslow
30 Wayne
31 Wilson, Greene
32 Edgecombe, Nash
33 Halifax
34 Carteret, Craven, Jones, Pamlico
35 Lenoir
36 Pitt
37 Bertie, Gates, Hertford, Northampton
38 Beaufort, Hyde, Martin, Tyrrell, Washington
39 Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans
40 Duplin, Sampson

(d) Radiation Oncology Treatment Center Planning Areas. The DHHS has assigned the counties of the state to the following Radiation Oncology Treatment Center Planning Areas for purposes of the State Medical Facilities Plan:

RADIATION ONCOLOGY TREATMENT CENTER PLANNING AREAS	
Area Number	Constituent Counties
1	Cherokee, Clay, Graham, Jackson, Macon, Swain
2	Buncombe, Haywood, Madison, McDowell, Mitchell, Yancey
3	Ashe, Avery, Watauga
4	Henderson, Polk, Transylvania
5	Alexander, Burke, Caldwell, Catawba
6	Rutherford, Cleveland, Gaston, Lincoln
7	Mecklenburg, Anson, Union
8	Iredell, Rowan
9	Cabarrus, Stanly
10	Alleghany, Forsyth, Davidson, Davie, Stokes, Surry, Wilkes, Yadkin
11	Guilford, Randolph, Rockingham
12	Alamance, Chatham, Orange
13	Durham, Caswell, Granville, Person, Vance, Warren
14	Moore, Hoke, Lee, Montgomery, Richmond, Scotland
15	Cumberland, Bladen, Sampson, Robeson
16	New Hanover, Brunswick, Columbus, Pender
17	Wake, Franklin, Harnett, Johnston
18	Lenoir, Duplin, Wayne
19	Craven, Carteret, Onslow, Jones, Pamlico
20	Nash, Halifax, Wilson, Northampton, Edgecombe
21	Pitt, Beaufort, Bertie, Greene, Hertford, Hyde, Martin, Washington
22	Pasquotank, Camden, Chowan, Currituck, Dare, Gates, Perquimans, Tyrrell

(e) Ambulatory Surgical Facility Planning Areas. The DHHS has assigned the counties of the state to the following Ambulatory Surgical Facility Planning Areas for purposes of the State Medical Facilities Plan:

AMBULATORY SURGICAL FACILITY PLANNING AREAS	
Area	Constituent Counties
1	Alamance
2	Alexander, Iredell
3	Alleghany, Surry, Wilkes
4	Anson, Gaston, Mecklenburg, Union
5	Ashe, Avery, Watauga
6	Beaufort, Hyde
7	Bertie, Gates, Hertford
8	Bladen, Cumberland, Robeson, Sampson
9	Brunswick, Columbus, Duplin, New Hanover, Pender
10	Buncombe, Haywood, Madison, Mitchell, Yancey
11	Burke, McDowell, Rutherford
12	Cabarrus, Rowan, Stanly
13	Caldwell, Catawba, Lincoln
14	Camden, Currituck, Dare, Pasquotank, Perquimans
15	Carteret, Craven, Jones, Onslow, Pamlico
16	Caswell, Chatham, Orange
17	Cherokee, Clay, Graham, Jackson, Macon, Swain
18	Chowan, Tyrrell, Washington
19	Cleveland

20	Davidson, Davie, Forsyth, Stokes, Yadkin
21	Durham, Granville, Person
22	Edgecombe, Halifax, Nash, Northampton
23	Franklin, Harnett, Johnston, Wake
24	Greene, Lenoir, Martin, Pitt
25	Guilford, Randolph, Rockingham
26	Henderson, Polk, Transylvania
27	Hoke, Lee, Montgomery, Moore, Richmond, Scotland
28	Vance, Warren
29	Wayne
30	Wilson

(f) Magnetic Resonance Imaging (MRI) Planning Areas. The DHHS has assigned the counties of the state to the following Magnetic Resonance Imaging Planning Areas for purposes of the State Medical Facilities Plan:

MAGNETIC RESONANCE IMAGING PLANNING AREAS

Area Number	Constituent Counties
1	Cherokee, Clay, Graham, Jackson, Macon, Swain
2	Haywood
3	Buncombe, Madison, McDowell, Mitchell, Yancey
4	Ashe, Avery, Watauga
5	Alexander, Burke, Caldwell, Catawba, Lincoln
6	Cleveland, Rutherford
7	Henderson, Polk, Transylvania
8	Gaston
9	Cabarrus, Montgomery, Rowan, Stanly
10	Iredell
11	Alleghany, Davie, Forsyth, Stokes, Surry, Wilkes, Yadkin
12	Alamance
13	Durham, Caswell, Granville, Person, Vance, Warren
14	Chatham, Orange
15	Davidson, Guilford, Randolph, Rockingham
16	Richmond, Scotland
17	Anson, Mecklenburg, Union
18	Cumberland, Hoke, Moore, Robeson, Sampson
19	Franklin, Harnett, Johnston, Lee, Wake
20	Lenoir, Wayne, Wilson
21	Bladen, Brunswick, Columbus, Duplin, New Hanover, Pender
22	Carteret, Craven, Jones, Onslow, Pamlico
23	Beaufort, Bertie, Greene, Hyde, Martin, Pitt, Washington
24	Edgecombe, Halifax, Nash, Northampton
25	Camden, Chowan, Currituck, Dare, Gates, Hertford, Pasquotank, Perquimans, Tyrrell

History Note: *Authority G.S. 131E-176(25); 131E-177(1); 131E-183(1);*
Temporary Adoption Eff. January 1, 2000.

.6254 SERVICE AREAS AND PLANNING AREAS

(a) An acute care bed's service area is the acute care bed planning area in which the bed is located. The acute care bed planning areas are the hospital service systems which are defined as follows:

(1) a group of hospitals located in the same city, or within

ten miles of each other, or in the same county if one or more hospitals in the county are under common ownership; or,

(2) a single hospital that is not included in one of the groups of hospitals described in Subparagraph (1).

(b) A rehabilitation bed's service area is the rehabilitation bed planning area in which the bed is located. The rehabilitation bed planning areas are the health service areas which are defined in 10 NCAC 3R .6253(a).

(c) An ambulatory surgical facility's service area is the ambulatory surgical facility planning area in which the facility is located. The ambulatory surgical facility planning areas are the multi-county groupings as defined in 10 NCAC 3R .6253(e).

(d) A radiation oncology treatment center's and linear accelerator's service area is the radiation oncology treatment center and linear accelerator planning area in which the facility is located. The radiation oncology treatment center and linear accelerator planning areas are the multi-county groupings as defined in 10 NCAC 3R .6253(d).

(e) A magnetic resonance imaging scanner's service area is the magnetic resonance imaging planning area in which the scanner is located. The magnetic resonance imaging planning areas are the multi-county groupings as defined in 10 NCAC 3R .6253(f).

(f) A nursing care bed's service area is the nursing care bed planning area in which the bed is located. Each of the 100 counties in the State is a separate nursing care bed planning area.

(g) A home health agency office's service area is the home health agency office planning area in which the office is located. Each of the 100 counties in the State is a separate home health agency office planning area.

(h) A dialysis station's service area is the dialysis station planning area in which the dialysis station is located. Each of the 100 counties in the State is a separate dialysis station planning area.

(i) A hospice's service area is the hospice planning area in which the hospice is located. Each of the 100 counties in the State is a separate hospice planning area.

(j) A hospice inpatient facility bed's service area is the hospice inpatient facility bed planning area in which the bed is located. Each of the 100 counties in the State is a separate hospice inpatient facility bed planning area.

(k) A psychiatric bed's service area is the psychiatric bed planning area in which the bed is located. The psychiatric bed planning areas are the Mental Health Planning Regions which are defined in 10 NCAC 3R .6253(c).

(l) With the exception of chemical dependency (substance abuse) detoxification-only beds, a chemical dependency treatment bed's service area is the chemical dependency treatment bed planning area in which the bed is located. The chemical dependency (substance abuse) treatment bed planning areas are the Mental Health Planning Regions which are defined in 10 NCAC 3R .6253(c).

(m) A chemical dependency detoxification-only bed's service area is the chemical dependency detoxification-only bed planning area in which the bed is located. The chemical dependency (substance abuse) detoxification-only bed planning areas are the Mental Health Planning Areas which are defined in 10 NCAC 3R .6253(b).

(n) An intermediate care bed for the mentally retarded's service area is the intermediate care bed for the mentally retarded planning area in which the bed is located. The intermediate care bed for the mentally retarded planning areas are the Mental Health Planning Areas which are defined in 10 NCAC 3R .6253(b).

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(1).
Temporary Adoption Eff. January 1, 2000.

.6255 REALLOCATIONS AND ADJUSTMENTS

(a) REALLOCATIONS.

(1) Reallocations shall be made only to the extent that need determinations in 10 NCAC 3R .6256 through .6281 indicate that need exists after the inventories are revised and the need determinations are recalculated.

(2) Beds or services which are reallocated once in accordance with this Rule shall not be reallocated again. Rather, the Medical Facilities Planning Section shall make any necessary changes in the next annual State Medical Facilities Plan.

(3) Dialysis stations that are withdrawn, relinquished, not applied for, decertified, denied, appealed, or pending the expiration of the 30 day appeal period shall not be reallocated. Instead, any necessary redetermination of need shall be made in the next scheduled publication of the Semiannual Dialysis Report.

(4) Appeals of Certificate of Need Decisions on Applications. Need determinations of beds or services for which the CON Section decision to approve or deny the application has been appealed shall not be reallocated until the appeal is resolved.

(A) Appeals Resolved Prior to August 17: If such an appeal is resolved in the calendar year prior to August 17, the beds or services shall not be reallocated by the CON Section; rather the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan, except for dialysis stations which shall be processed pursuant to Subparagraph (a) (3) of this Rule.

(B) Appeals Resolved on or After August 17: If such an appeal is resolved on or after August 17 in the calendar year, the beds or services, except for dialysis stations, shall be made available for a review period to be determined by the CON Section, but beginning no earlier than 60 days from the date that the appeal is resolved. Notice shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for receipt of new applications.

(5) Withdrawals and Relinquishments. Except for dialysis stations, a need determination for which a certificate of need is issued, but is subsequently withdrawn or relinquished, is available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from:

(A) the last date on which an appeal of the notice of intent to withdraw the certificate could be filed if no appeal is filed,

(B) the date on which an appeal of the withdrawal is finally resolved against the holder, or

(C) the date that the Certificate of Need Section receives from the holder of the certificate of need notice that the certificate has been voluntarily relinquished.

Notice of the scheduled review period for the reallocated services or beds shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

(6) Need Determinations for which No Applications are Received

(A) Services or Beds with Scheduled Review in the Calendar Year on or Before September 1: The Certificate of Need Section shall not reallocate the services or beds in this category for which no applications were received, because the Medical Facilities Planning Section will have sufficient time to make any necessary changes in the determinations of need for these services or beds in the next annual State Medical Facilities Plan, except for dialysis stations.

(B) Services or Beds with Scheduled Review in the Calendar Year After September 1: Except for dialysis stations, a need determination in this category for which no application has been received by the last due date for submittal of applications shall be available to be applied for in the second Category 1 review period in the next calendar year for the applicable HSA. Notice of the scheduled review period for the reallocated beds or services shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of new applications.

(7) Need Determinations not Awarded because Application Disapproved.

(A) Disapproval in the Calendar Year prior to August 17: Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section before August 17, shall not be reallocated by the Certificate of Need Section. Instead the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan if no appeal is filed, except for dialysis stations.

(B) Disapproval in the Calendar Year on or After August 17: Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section on or after August 17, shall be reallocated by the Certificate of Need Section, except for dialysis stations. A need in this category shall be available for a review period to be determined by the Certificate of Need Section but beginning no earlier than 95 days from the date the application was disapproved, if no appeal is filed. Notice of the scheduled review period for the reallocation shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 80 days prior to the due date for submittal of the new applications.

(8) Reallocation of Decertified ICF/MR Beds. If an ICF/MR facility's Medicaid certification is relinquished or revoked, the ICF/MR beds in the facility shall be reallocated by the Department of Health and Human Services, Division of Facility Services, Medical Facilities Planning Section pursuant to the provisions of the following sub-parts. The reallocated beds shall only be used to convert five-bed ICF/MR facilities into six-bed facilities.

(A) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located equals or exceeds the number of reallocated beds, the beds shall be reallocated solely within the planning region after considering the recommendation of the Regional Team of Developmental Disabilities Services Directors.

(B) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located is less than the number of reallocated beds, the Medical Facilities Planning Section shall reallocate the excess beds to other planning regions after considering the recommendation of the Developmental Disabilities Section in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. The Medical Facilities Planning Section shall then allocate the beds among the planning areas within those planning regions after considering the recommendation of the appropriate Regional Teams of Developmental Disabilities Services Directors.

(C) The Department of Health and Human Services, Division of Facility Services, Certificate of Need Section shall schedule reviews of applications for these beds pursuant

to Subparagraph (a)(5) of this Rule.

(b) CHANGES IN NEED DETERMINATIONS.

(1) The need determinations in 10 NCAC 3R .6256 through .6281 shall be revised continuously throughout the calendar year to reflect all changes in the inventories of:

(A) the health services listed at G.S. 131E-176 (16)f;

(B) health service facilities;

(C) health service facility beds;

(D) dialysis stations;

(E) the equipment listed at G.S. 131E-176 (16)f1; and

(F) mobile medical equipment;

as those changes are reported to the Medical Facilities Planning Section. However, need determinations in 10 NCAC 3R .6256 through .6281 shall not be reduced if the relevant inventory is adjusted upward 30 days or less prior to the first day of the applicable review period.

(2) Inventories shall be updated to reflect:

(A) decertification of home health agencies or offices, intermediate care facilities for the mentally retarded, and dialysis stations;

(B) delicensure of health service facilities and health service facility beds;

(C) demolition, destruction, or decommissioning of equipment as listed at G.S. 131E-176(16)f1 and s;

(D) elimination or reduction of a health service as listed at G.S. 131E-176(16)f;

(E) psychiatric beds licensed pursuant to G.S. 131E-184(c);

(F) certificates of need awarded, relinquished, or withdrawn, subsequent to the preparation of the inventories in the State Medical Facilities Plan; and

(G) corrections of errors in the inventory as reported to the Medical Facilities Planning Section.

(3) Any person who is interested in applying for a new institutional health service for which a need determination is made in 10 NCAC 3R .6256 through .6281 may obtain information about updated inventories and need determinations from the Medical Facilities Planning Section.

(4) Need determinations resulting from changes in inventory shall be available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from the date of the action identified in Subparagraph (b)(2) of this Rule, except for dialysis stations which shall be determined by the Medical Facilities Planning Section and published in the next Semiannual Dialysis Report. Notice of the scheduled review period for the need determination shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6256 ACUTE CARE BED NEED DETERMINATION (REVIEW CATEGORY A)

It is determined that there is a need for 30 additional acute care beds in Onslow County. It is determined that there is no need for additional acute care beds in any other county.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6257 REHABILITATION BED NEED DETERMINATION (REVIEW CATEGORY E)

It is determined that there is no need for additional rehabilitation beds in any HSA.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6258 AMBULATORY SURGICAL FACILITIES NEED DETERMINATION (REVIEW CATEGORY E)

It is determined that there is no need for an additional Ambulatory Surgical Facility in any Ambulatory Surgical Facility Planning Area.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6259 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)

It is determined that there is no need for additional open heart surgery services anywhere in the State.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6260 HEART-LUNG BYPASS MACHINES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for an additional heart-lung bypass machine in any county.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

Temporary Adoption Eff. January 1, 2000.

.6261 FIXED CARDIAC CATHETERIZATION EQUIPMENT AND FIXED CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY J)

It is determined that there is a need for one additional fixed unit of cardiac catheterization or cardiac angioplasty equipment in Cabarrus County. It is determined that there is no need for additional fixed units of cardiac catheterization or cardiac angioplasty equipment in any other county.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6262 (RESERVED FOR FUTURE CODIFICATION)

.6263 BURN INTENSIVE CARE SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional burn intensive care services anywhere in the State.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6264 POSITRON EMISSION TOMOGRAPHY SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional positron emission tomography scanners anywhere in the State.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6265 BONE MARROW TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional allogeneic or autologous bone marrow transplantation services anywhere in the State.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6266 SOLID ORGAN TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for new solid organ transplant services anywhere in the State.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6267 GAMMA KNIFE NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for an additional gamma knife anywhere in the State.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6268 LITHOTRIPTER NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional lithotripters anywhere in the State.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6269 RADIATION ONCOLOGY TREATMENT CENTERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is a need for three additional Radiation Oncology Treatment Centers in Radiation Oncology Treatment Center Service Area 13 (Durham, Caswell, Granville, Person, Vance, Warren). It is determined that there is no need for an additional Radiation Oncology Treatment Center in any other service area in the State.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6270 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is a need for seven additional fixed Magnetic Resonance Imaging (MRI) scanners in the following Magnetic Resonance Imaging Planning Areas. It is determined that there is no need for an additional fixed MRI scanner in any other planning area in the State, except as otherwise provided in 10 NCAC 3R. 6271.

Magnetic Resonance Imaging Planning Areas	(Constituent Counties)	MRI Scanners Need Determination
3	(Buncombe, Madison, McDowell, Mitchell, Yancey)	1
9	(Cabarrus, Montgomery, Rowan, Stanly)	1

12	(Alamance)	1
13	(Caswell, Durham, Granville, Person, Vance, Warren)	1
15	(Davidson, Guilford, Randolph, Rockingham)	2
21	(Bladen, Brunswick, Columbus, Duplin, New Hanover, Pender)	1

History Note: *Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); Temporary Adoption Eff. January 1, 2000.*

.6271 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION FOR PLANNING RADIATION ONCOLOGY TREATMENTS (REVIEW CATEGORY H)

(a) It is determined that there is a need for one Magnetic Resonance Imaging (MRI) scanner that shall be limited for use in radiation oncology treatments in the following magnetic resonance imaging planning area. It is determined that there is no need for any other MRI scanner for radiation oncology treatments in any other planning area in the State.

(b) Only hospitals and radiation oncology treatment centers in Magnetic Resonance Imaging Planning Area 13 can apply to acquire the Magnetic Resonance Imaging (MRI) Scanner referenced in paragraph (a) of this Rule. Applications for certificates of need shall show that the proposed Magnetic Resonance Imaging (MRI) Scanner:

(1) shall be developed concurrently with, or subsequent to construction on the same site of a radiation oncology treatment center as defined in G.S. 131E-176(18a); and

(2) shall be used exclusively for and dedicated to therapeutic purposes in the treatment of radiation oncology patients.

Magnetic Resonance Imaging Planning Area (Constituent Counties)	MRI Scanners Need Determination
13 (Caswell, Durham, Granville, Person, Vance, Warren) January 10, 200	1

History Note: *Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); Temporary Adoption Eff. January 1, 2000.*

.6272 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)

It is determined that the counties listed in this Rule need additional Nursing Care Beds as specified. It is determined that there is no need for additional Nursing Care Beds in any other counties, except as otherwise provided in 10 NCAC 3R .6273.

County	Number of Nursing Care Beds Needed
Caswell	20
Rockingham	50
Perquimans	10

History Note: *Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); Temporary Adoption Eff. January 1, 2000.*

.6273 DEMONSTRATION PROJECT FOR CONTINUING CARE OF ADULTS WITH DEVELOPMENTAL DISABILITIES AND THEIR AGING CAREGIVERS (REVIEW CATEGORY J)

(a) It is determined that five Medicaid-certified nursing care beds are needed as part of a Continuing Care Retirement Community (CCRC) to demonstrate the efficacy of serving persons with developmental disabilities and their aging care givers in an environment that assures permanence and continuity of care.

(b) The five Medicaid-certified nursing care beds for adults with developmental disabilities are available for development by any CCRC licensed by the Department of Insurance, in any area of the State.

(c) The five Medicaid-certified nursing care beds for adults with developmental disabilities shall be developed at a single site.

(d) The five Medicaid-certified nursing care beds shall be used exclusively by adults with developmental disabilities. For purposes of this Rule, the definition of "developmental disability" found in G.S. 11C-3(12A) shall apply.

(e) An applicant shall document arrangements with the Area Mental Health Authority for interagency screening in

compliance with "single portal" statutes, with emphasis on coordination of services and resources between the CCRC and the community at-large.

(f) The five Medicaid-certified nursing care beds shall be used exclusively to meet the needs of adults with developmental disabilities with whom the facility has continuing care contracts (in compliance with the Department of Insurance statutes and rules) who have lived in a non-nursing unit of the continuing care retirement community for a period of at least 30 days. Exceptions shall be allowed when an adult with a developmental disability is admitted to the nursing unit at the time that individual's parent or guardian moves into a non-nursing unit, or when the medical condition requiring nursing care was not known to exist or be imminent when the individual became a party to the continuing care contract. Priority shall always be given to allowing persons with developmental disabilities to live in the "least restrictive" setting possible. Individuals recommended for placement in Medicaid-certified nursing care beds must meet all Medicaid eligibility criteria for reimbursement to be obtained. The CCRC shall document that "nursing level care" is essential and that less restrictive alternatives have been exhausted.

(g) The demonstration project shall guarantee continuity of care for adults with developmental disabilities within the CCRC, including access to all health and rehabilitation services. Specialized training shall be provided for all CCRC staff on the care and management of adults with developmental disabilities. General activities within the CCRC shall be designed to promote inclusion of residents with developmental disabilities and to promote the quality of life for all residents. The applicant shall demonstrate that residents of the CCRC will be treated with dignity and respect, maintaining independence as long as possible and allowing an orderly transition between levels of care.

(h) The demonstration project shall provide data to evaluate the effectiveness of this type of program, including an annual report to the Long-Term Care Committee of the NC State Health Coordinating Council with regard to at least the following measures:

(1) number of adults with developmental disabilities admitted to the CCRC,
(2) patient origin data (for all CCRC residents) - county or state of residence before coming to the CCRC,
(3) occupancy rate of the five Medicaid-certified DD nursing care beds,
(4) occupancy rate of other nursing care beds,
(5) average length of stay for DD adults in independent or assisted living before placement in a Medicaid-certified DD nursing care bed,
(6) average length of stay for patients in the five Medicaid-certified DD nursing care beds,
(7) average length of stay for patients in other nursing care beds,
(8) cost data -- particularly with regard to provision of specialized training for all staff regarding persons with developmental disabilities, and
(9) consumer satisfaction -- anecdotal information and ratings from DD adults and their family members, including evaluation of special training for staff.

(i) Annual data reporting shall continue, until directed otherwise by the North Carolina State Health Coordinating Council.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6274 HOME HEALTH AGENCY OFFICE NEED DETERMINATION (REVIEW CATEGORY F)

It is determined that there is a need in Pamlico County for one Medicare-certified home health agency or office. It is determined that there is no need for additional Medicare-certified home health agencies or offices in any other county.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6275 DIALYSIS STATION NEED DETERMINATION METHODOLOGY

(a) The Medical Facilities Planning Section (MFPS) shall determine need for new dialysis stations two times each calendar year, and shall make a report of such determinations available to all who request it. This report shall be called the North Carolina Semiannual Dialysis Report (SDR). Data to be used for such determinations, and their sources, are as follows:

(1) Numbers of dialysis patients, by type, county and facility, from the Southeastern Kidney Council, Inc. (SEKC) and the Mid-Atlantic Renal Coalition, Inc. as of December 31, 1999 for the March SDR and as of June 30, 2000 for the September SDR.
(2) Certificate of need decisions, decisions appealed, appeals settled, and awards, from the Certificate of Need Section, DFS.
(3) Facilities certified for participation in Medicare, from the Certification Section, DFS.
(4) Need determinations for which certificate of need decisions have not been made, from MFPS records.

Need determinations in this report shall be an integral part of the State Medical Facilities Plan, as provided in G.S. 131E-183.

(b) Need for new dialysis stations shall be determined as follows:

(1) County Need
(A) The average annual rate (%) of change in total number of dialysis patients resident in each county from the end of 1995 to the end of 1999 is multiplied by the county's 1999 year end total number of patients in the SDR, and the product is added to each county's most recent total number of patients reported in the SDR. The sum is the county's projected total 2000 patients.
(B) The percent of each county's total patients who

were home dialysis patients at the end of 1999 is multiplied by the county's projected total 2000 patients, and the product is subtracted from the county's projected total 2000 patients. The remainder is the county's projected 2000 in-center dialysis patients.

(C) The projected number of each county's 2000 in-center patients is divided by 3.2. The quotient is the projection of the county's 2000 in-center dialysis stations.

(D) From each county's projected number of 2000 in-center stations is subtracted the county's number of stations certified for Medicare, CON-approved and awaiting certification, awaiting resolution of CON appeals, and the number represented by need determinations in previous State Medical Facilities Plans or Semiannual Dialysis Reports for which CON decisions have not been made. The remainder is the county's 2000 projected surplus or deficit.

(E) If a county's 2000 projected station deficit is ten or greater and the SDR shows that utilization of each dialysis facility in the county is 80% or greater, the 2000 county station need determination is the same as the 2000 projected station deficit. If a county's 2000 projected station deficit is less than ten or if the utilization of any dialysis facility in the county is less than 80%, the county's 2000 station need determination is zero.

(2) Facility Need: A dialysis facility located in a county for which the result of the County Need methodology is zero in the reference Semiannual Dialysis Report (SDR) is determined to need additional stations to the extent that:

(A) Its utilization, reported in the current SDR, is 3.2 patients per station or greater.

(B) Such need, calculated as follows, is reported in an application for a certificate of need:

(i) The facility's number of in-center dialysis patients reported in the previous SDR (SDR_1) is subtracted from the number of in-center dialysis patients reported in the current SDR (SDR_2). The difference is multiplied by 2 to project the net in-center change for 1 year. Divide the projected net in-center change for the year by the number of in-center patients from SDR_1 to determine the projected annual growth rate.

(ii) The quotient from Subpart (b)(2)(B)(i) of this Rule is divided by 12.

(iii) The quotient from Subpart (b)(2)(B)(ii) of this Rule is multiplied by the number of months from the most recent month reported in the current SDR until the end of calendar 2000.

(iv) The product from Subpart (b)(2)(B)(iii) of this Rule is multiplied by the number of the facility's in-center patients reported in the current SDR and that product is added to such reported number of in-center patients.

(v) The sum from Subpart (b)(2)(B)(iv) of this Rule is divided by 3.2, and from the quotient is subtracted the facility's current number of certified and pending stations as recorded in the current SDR. The remainder is the number of stations needed.

(C) The facility may apply to expand to meet the need established in Subpart (b)(2)(B)(v) of this Rule, up to a maximum of ten stations.

(c) The schedule for publication of the North Carolina Semiannual Dialysis Reports (SDR) and for receipt of certificate of need applications based on each issue of this report in 2000 shall be as follows:

Data for Period Ending	Receipt of SEKC Report	Publication of SDR CON	Receipt of Applications	Beginning Review Dates
Dec. 31, 1999	Feb. 29, 2000	March 20, 2000	May 15, 2000	June 1, 2000
June 30, 2000	Aug. 31, 2000	Sept. 20, 2000	Nov. 15, 2000	Dec. 1, 2000

(d) An application for a certificate of need pursuant to this Rule shall be considered consistent with G.S. 131E-183(a)(1) only if it demonstrates a need by utilizing one of the methods of determining need outlined in this Rule.

(e) An application for a new End Stage Renal Disease facility shall not be approved unless it documents the need for at least 10 stations based on utilization of 3.2 patients per station per week, except as otherwise provided in 10 NCAC 3R .6276.

(f) Home patients shall not be included in determination of need for new stations.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6276 DIALYSIS STATION ADJUSTED NEED

DETERMINATION (REVIEW CATEGORY G)

It is determined that there is a need in McDowell County for six dialysis stations. Need for additional dialysis stations in other counties will be determined as provided in 10 NCAC 3R .6275.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6277 HOSPICE NEED DETERMINATION (REVIEW CATEGORY F)

It is determined that there is no need for additional Hospices in any county.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6278 HOSPICE INPATIENT FACILITY BED NEED DETERMINATION (REVIEW CATEGORY F)

(a) Single Counties. Single counties with a projected deficit of six or more beds are determined to have a bed need equal to the projected deficit. It is determined that there is no need for additional single county hospice inpatient facility beds.

(b) Contiguous Counties. It is determined that any combination of two or more contiguous counties taken from the following list shall have a need for new hospice inpatient facility beds if the combined bed deficit for the grouping of contiguous counties totals six or more beds. Each county in a grouping of contiguous counties must have a deficit of at least one and no more than five beds. The need for the grouping of contiguous counties shall be the sum of the deficits in the individual counties. For purposes of this Rule, "contiguous counties" shall mean a grouping of North Carolina counties which includes the county in which the new hospice inpatient facility is proposed to be located and any one or more of the North Carolina counties which have a common border with that county, even if the borders only touch at one point. No county may be included in a grouping of contiguous counties unless it is listed in the following table:

County	Hospice Inpatient Bed Deficit
Transylvania	1
Haywood	1
Jackson	1
Rutherford	2
Watauga	1
Wilkes	1
Yadkin	1
Stokes	1
Davidson	2
Randolph	2
Rockingham	2
Surry	2
Alexander	1
Cabarrus	2
Gaston	3
Iredell	2
Lincoln	1
Mecklenburg	3
Rowan	1
Stanly	1
Union	2
Lenoir	1
Durham	3
Johnston	1
Bladen	1
Brunswick	1

Columbus	2
Cumberland	3
Moore	2
Richmond	3
Montgomery	1
Robeson	1
Scotland	1
Hoke	1
Bertie	1
Franklin	1
Craven	1
Duplin	1
Edgeeombe	1
Hertford	1
Nash	1
Northampton	1
Halifax	1
Onslow	1
Pitt	1
Wilson	1

History Note: *Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); Temporary Adoption Eff. January 1, 2000.*

.6279 PSYCHIATRIC BED NEED DETERMINATION (REVIEW CATEGORY C)

It is determined that there is no need for additional psychiatric beds in any Mental Health Planning Region.

History Note: *Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); Temporary Adoption Eff. January 1, 2000.*

.6280 CHEMICAL DEPENDENCY (SUBSTANCE ABUSE) TREATMENT BED NEED DETERMINATION (REVIEW CATEGORY C)

(a) Adult Treatment Beds. It is determined that there is no need for additional chemical dependency (substance abuse) treatment beds for adults.

(b) Adult Detox-Only Beds. It is determined that there is a need for additional detox-only beds for adults. The following table lists the mental health planning areas that need detox-only beds for adults and identifies the number of such beds needed in each planning area. It is determined that there is no need for additional detox-only beds for adults in any other mental health planning area.

Mental Health Planning Areas (Constituent Counties)	Mental Health Planning Regions	Number of Detox-Only Beds Needed
1 (Jaekson, Haywood, Maeon, Cherokee, Clay, Graham, Swain)	W	10
4 (Transylvania, Henderson)	W	10
5 (Caldwell, Burke, Alexander, McDowell)	W	10
6 (Rutherford, Polk)	W	10
7 (Cleveland)	W	10
11 (Rowan, Cabarrus, Stanly, Union)	W	10
12 (Surry, Yadkin, Iredell)	NC	2
14 (Rockingham)	NC	10
16 (Alamance, Caswell)	NC	6

17 (Orange, Person, Chatham)	NC	2
19 (Vance, Granville, Franklin, Warren)	NC	10
20 (Davidson)	SC	10
22 (Robeson, Bladen, Scotland, Columbus)	SC	5
25 (Johnston)	SC	7
26 (Wake)	SC	31
30 (Wayne)	E	4
31 (Wilson, Greene)	E	10
32 (Edgecombe, Nash)	E	6
33 (Halifax)	E	10
34 (Craven, Jones, Pamlico, Carteret)	E	10
35 (Lenoir)	E	10
37 (Hertford, Bertie, Gates, Northampton)	E	4
38 (Beaufort, Washington, Tyrrell, Hyde, Martin)	E	5
39 (Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)	E	10
40 (Duplin, Sampson)	E	10

(c) "Detox-only beds for adults" are chemical dependency treatment beds that are occupied exclusively by persons who are eighteen years of age or older who are experiencing physiological withdrawal from the effects of alcohol or other drugs.

(d) Detox-only beds for adults may be developed outside of the mental health planning area in which they are needed if:

(1) The beds are developed in a contiguous mental health planning area that is within the same mental health planning region, as defined by 10 NCAC 3R .6253(c); and

(2) The program board in the planning area in which the beds are needed and the program board in the planning area in which the beds are to be developed each adopt a resolution supporting the development of the beds in the contiguous planning area.

(e) Child/Adolescent Treatment Beds. It is determined that there is no need for additional chemical dependency (substance abuse) treatment beds for children/adolescents.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); Temporary Adoption Eff. January 1, 2000.

.6281 INTERMEDIATE CARE BEDS FOR THE MENTALLY RETARDED NEED DETERMINATION (REVIEW CATEGORY C)

(a) Adult Intermediate Care Beds for the Mentally Retarded. It is determined that there is no need for additional Adult Intermediate Care Beds for the Mentally Retarded (ICF/MR beds), except as provided in Rule 10 NCAC 3R .6255(a)(8).

(b) Child/Adolescent Intermediate Care Beds for the Mentally Retarded. It is determined that there is no need for additional Child/Adolescent Intermediate Care Beds for the Mentally Retarded (ICF/MR beds).

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b); Temporary Adoption Eff. January 1, 2000.

.6282 POLICIES FOR GENERAL ACUTE CARE HOSPITALS

(a) Use of Licensed Bed Capacity Data for Planning Purposes. For planning purposes the number of licensed beds shall be determined by the Division of Facility Services in accordance with standards found in 10 NCAC 3C .6200 and .3102(d).

(b) Utilization of Acute Care Hospital Bed Capacity. Conversion of underutilized hospital space to other needed purposes shall be considered an alternative to new construction. Hospitals falling below utilization targets in paragraph (d) of this Rule are assumed to have underutilized space. Any such hospital proposing new construction must clearly demonstrate that it is more cost-effective than conversion of existing space.

(c) Exemption from Plan Provisions for Certain Academic Medical Center Teaching Hospital Projects. Projects for which certificates of need are sought by academic medical center teaching hospitals may qualify for exemption from provisions of 10 NCAC 3R .6256 through .6281.

(1) The State Medical Facilities Planning Section shall designate as an Academic Medical Center Teaching Hospital any facility whose application for such designation demonstrates the following characteristics of the hospital:

(A) Serves as a primary teaching site for a school of medicine and at least one other health professional school, providing undergraduate,

graduate and postgraduate education.

(B) Houses extensive basic medical science and clinical research programs, patients and equipment.

(C) Serves the treatment needs of patients from a broad geographic area through multiple medical specialties.

(2) Exemption from the provisions of 10 NCAC 3R .6256 through .6281 shall be granted to projects submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990 which projects comply with one of the following conditions:

(A) Necessary to complement a specified and approved expansion of the number or types of students, residents or faculty, as certified by the head of the relevant associated professional school; or

(B) Necessary to accommodate patients, staff or equipment for a specified and approved expansion of research activities, as certified by the head of the entity sponsoring the research; or

(C) Necessary to accommodate changes in requirements of specialty education accrediting bodies, as evidenced by copies of documents issued by such bodies.

(3) A project submitted by an Academic Medical Center Teaching Hospital under this Policy that meets one of the above conditions shall also demonstrate that the Academic Medical Center Teaching Hospital's teaching or research need for the proposed project cannot be achieved effectively at any non-Academic Medical Center Teaching Hospital provider which currently offers the service for which the exemption is requested and which is within 20 miles of the Academic Medical Center Teaching Hospital.

(4) Any service, facility or equipment that results from a project submitted under this Policy after January 1, 1999 shall be excluded from the inventory of that service, facility or equipment in the State Medical Facilities Plan.

(d) Reconversion to Acute Care. Facilities that have redistributed beds from acute care bed capacity to psychiatric, rehabilitation, or nursing care use, shall obtain a certificate of need to convert this capacity back to acute care. Applicants proposing to reconvert psychiatric, rehabilitation, or nursing care beds back to acute care beds shall demonstrate that the hospital's average annual utilization of licensed acute care beds as reported in the most recent licensure renewal application form is equal to or greater than the target occupancies shown below, but shall not be evaluated against the acute care bed need determinations shown in 10 NCAC 3R .6256.

Licensed Acute Care Bed Capacity	Percent Occupancy
1-49	65%
50 - 99	70%
100 - 199	75%
200 - 699	80%
700 +	81.5%

(e) Replacement of Acute Care Bed Capacity. The evaluation of proposals for either partial or total replacement of acute care beds (i.e., construction of new space for existing acute care beds) shall be evaluated against the utilization of the total number of acute care beds in the applicant's hospital in relation to the target occupancy of the total number of beds in that hospital which is determined as follows:

Total Licensed Acute Care Beds	Target Occupancy (Percent)
1 - 49	65%
50 - 99	70%
100 - 199	75%
200 - 699	80%
700 +	81.5%

(f) Allogeneic Bone Marrow Transplantation Services. Allogeneic bone marrow transplants shall be provided only in facilities having the capability of doing HLA matching and of management of patients having solid organ transplants. At their present stage of development it is determined that allogeneic bone marrow transplantation services shall be limited to Academic Medical Center Teaching Hospitals.

(g) Solid Organ Transplantation Services. Solid organ transplant services shall be limited to Academic Medical Center Teaching Hospitals at this stage of the development of this service and availability of solid organs.

(h) Cardiac Catheterization Equipment and Services. Mobile cardiac catheterization equipment, as defined in 10 NCAC 3R .1613(14), and services shall only be approved for development on hospital sites. Fixed cardiac catheterization equipment means cardiac catheterization equipment that is not mobile cardiac catheterization equipment, as that term is defined in 10 NCAC 3R .1613(14).

(i) Magnetic Resonance Imaging Scanners Need Determination for Planning Radiation Oncology Treatments. Magnetic resonance imaging scanners for planning radiation oncology treatments, as defined in 10 NCAC 3R .6271, shall not be counted in the inventory for magnetic resonance imaging (MRI) scanners.

(j) Magnetic Resonance Imaging Scanners. Fixed magnetic resonance imaging (MRI) scanners means MRI scanners that are not mobile MRI scanners, as that term is defined in 10 NCAC 3R .2713(5).

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6283 POLICIES FOR INPATIENT REHABILITATION SERVICES

(a) After applying other required criteria, when superiority among two or more competing rehabilitation facility certificate

of need applications is uncertain, favorable consideration shall be given to proposals that make rehabilitation services more accessible to patients and their families or are part of a regional rehabilitation network.

(b) Rehabilitation care which can be provided in an outpatient or home setting shall be provided in these settings. All new inpatient rehabilitation programs are required to provide outpatient rehabilitation services as part of their service delivery programs.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6284 POLICY FOR AMBULATORY SURGICAL FACILITIES

After applying other required criteria, when superiority among two or more competing ambulatory surgical facility certificate of need applications is uncertain, favorable consideration shall be given to "multi-specialty programs" over "specialty programs" in areas where need is demonstrated in 10 NCAC 3R .6258. A multi-specialty ambulatory surgical program shall have the same meaning as defined in G.S. 131E-176(15a) and an ambulatory surgical facility shall have the same meaning as defined in G.S. 131E-176(1a).

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6285 POLICY FOR PROVISION OF HOSPITAL-BASED LONG-TERM NURSING CARE

(a) A certificate of need may be issued to a hospital which is licensed under G.S. 131E, Article 5, and which meets the conditions set forth below and in 10 NCAC 3R .1100, to convert up to ten beds from its licensed acute care bed capacity for use as hospital-based long-term nursing care beds without regard to determinations of need in 10 NCAC 3R .6272 if the hospital:

(1) is located in a county which was designated as non-metropolitan by the U. S. Office of Management and Budget on January 1, 2000; and

(2) on January 1, 2000, had a licensed acute care bed capacity of 150 beds or less.

The certificate of need shall remain in force as long as the Department of Health and Human Services determines that the hospital is meeting the conditions outlined in this Rule.

(b) "Hospital-based long-term nursing care" is defined as long-term nursing care provided to a patient who has been directly discharged from an acute care bed and cannot be immediately placed in a licensed nursing facility because of the unavailability of a bed appropriate for the individual's needs. Beds developed under this Rule are intended to provide placement for residents only when placement in other long-term care beds is unavailable in the geographic area. Hospitals which develop beds under this Rule shall discharge patients to other nursing facilities with available beds in the geographic area as soon as possible where appropriate and permissible under applicable law. Necessary documentation including copies of physician referral forms (FL 2) on all patients in hospital-based nursing units shall be made available for review upon request by duly authorized representatives of licensed nursing facilities.

(c) For purposes of this Rule, beds in hospital-based long-term nursing care shall be certified as a "distinct part" as defined by the Health Care Financing Administration. Beds in a "distinct part" shall be converted from the existing licensed bed capacity of the hospital and shall not be reconverted to any other category or type of bed without a certificate of need. An application for a certificate of need for reconverting beds to acute care shall be evaluated against the hospital's service needs utilizing target occupancies shown in 10 NCAC 3R .6282(d), without regard to the acute care bed need shown in 10 NCAC 3R .6256.

(d) A certificate of need issued for a hospital-based long-term nursing care unit shall remain in force as long as the following conditions are met:

(1) the beds shall be certified for participation in the Title XVIII (Medicare) and Title XIX (Medicaid) Programs;

(2) the hospital discharges residents to other nursing facilities in the geographic area with available beds when such discharge is appropriate and permissible under applicable law;

(3) patients admitted shall have been acutely ill inpatients of an acute hospital or its satellites immediately preceding placement in the unit.

(e) The granting of beds for hospital-based long-term nursing care shall not allow a hospital to convert additional beds without first obtaining a certificate of need.

(f) Where any hospital, or the parent corporation or entity of such hospital, any subsidiary corporation or entity of such hospital, or any corporation or entity related to or affiliated with such hospital by common ownership, control or management:

(1) applies for and receives a certificate of need for long-term care bed need determinations in 10 NCAC 3R .6272; or

(2) currently has nursing home beds licensed as a part of the hospital under G.S. 131E, Article 5; or

(3) currently operates long-term care beds under the Federal Swing Bed Program (P.L. 96-499), such hospital shall not be eligible to apply for a certificate of need for hospital-based long-term care nursing beds under this Rule. Hospitals designated by the State of North Carolina as Critical Access Hospitals pursuant to Section 1820(f) of the Social Security Act, as amended, which have not been allocated long-term care beds under provisions of G.S. 131E-175 through 131E-190, may apply to develop beds under this Rule. However, such hospitals shall not develop long-term care beds both to meet needs determined in 10 NCAC 3R .6272 and this Rule.

(g) Beds certified as a "distinct part" under this Rule shall be counted in the inventory of existing long-term care beds and used in the calculation of unmet long-term care bed need for the general population of a planning area. Applications for

certificates of need pursuant to this Rule shall be accepted only for the March 1 review cycle. Beds awarded under this Rule shall be deducted from need determinations for the county as shown in 10 NCAC 3R .6272. The Department of Health and Human Services shall monitor this program and ensure that patients affected by this Rule are receiving appropriate services, and that conditions under which the certificate of need was granted are being met.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6286 POLICY FOR PLAN EXEMPTION FOR CONTINUING CARE RETIREMENT COMMUNITIES

(a) Qualified continuing care retirement communities may include from the outset, or add or convert bed capacity for long-term nursing care without regard to the bed need shown in 10 NCAC 3R .6272. To qualify for such exemption, applications for certificates of need shall show that the proposed long-term nursing bed capacity:

(1) Will only be developed concurrently with, or subsequent to, construction on the same site of facilities for both of the following levels of care:

(A) independent living accommodations (apartments and homes) for persons who are able to carry out normal activities of daily living without assistance; such accommodations may be in the form of apartments, flats, houses, cottages, and rooms;

(B) licensed adult care home beds for use by persons who, because of age or disability require some personal services, incidental medical services, and room and board to assure their safety and comfort.

(2) Will be used exclusively to meet the needs of persons with whom the facility has continuing care contracts (in compliance with the Department of Insurance statutes and rules) who have lived in a non-nursing unit of the continuing care retirement community for a period of at least 30 days. Exceptions shall be allowed when one spouse or sibling is admitted to the nursing unit at the time the other spouse or sibling moves into a non-nursing unit, or when the medical condition requiring nursing care was not known to exist or be imminent when the individual became a party to the continuing care contract.

(3) Reflects the number of beds required to meet the current or projected needs of residents with whom the facility has an agreement to provide continuing care, after making use of all feasible alternatives to institutional nursing care.

(4) Will not be certified for participation in the Medicaid program.

(b) One half of the long-term nursing beds developed under this exemption shall be excluded from the inventory used to project bed need for the general population. All long-term nursing beds developed pursuant to the provisions of Chapter 920, Session Laws 1983, or Chapter 445, Session Laws 1985 shall be excluded from the inventory.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6287 POLICY FOR DETERMINATION OF NEED FOR ADDITIONAL NURSING BEDS IN SINGLE PROVIDER COUNTIES

When a long-term care facility with fewer than 80 nursing care beds is the only nursing care facility within a county, it may apply for a certificate of need for additional nursing beds in order to bring the minimum number of beds available within the county to no more than 80 nursing beds without regard to the nursing bed need determination for that county as listed in 10 NCAC 3R .6272.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6288 POLICY FOR RELOCATION OF CERTAIN NURSING FACILITY BEDS

A certificate of need to relocate existing licensed nursing facility beds to another county(ies) may be issued to a facility licensed as a nursing facility under G.S. Chapter 131E, Article 6, Part A, provided that the conditions set forth in this Rule and in 10 NCAC 3R .1100 and the review criteria in G.S. 131E-183(a) are met.

(1) A facility applying for a certificate of need to relocate nursing facility beds shall demonstrate that:

(a) it is a non-profit nursing facility supported by and directly affiliated with a particular religion and that it is the only nursing facility in North Carolina supported by and affiliated with that religion;

(b) the primary purpose for the nursing facility's existence is to provide long-term care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;

(c) relocation of the nursing facility beds to one or more sites is necessary to more effectively provide long-term nursing care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;

(d) the nursing facility is expected to serve followers of the specified religion from a multi-county area; and

(e) the needs of the population presently served shall be met adequately pursuant to G.S. 131E-

183.

(2) Exemption from the provisions of 10 NCAC 3R .6272 shall be granted to a nursing facility for purposes of relocating existing licensed nursing beds to another county provided that it complies with all of the criteria listed in this Rule.

(3) Any certificate of need issued under this Rule shall be subject to the following conditions:

(a) the nursing facility shall relocate beds in at least two stages over a period of at least six months or such shorter period of time as is necessary to transfer residents desiring to transfer to the new facility and otherwise make acceptable discharge arrangements for residents not desiring to transfer to the new facility; and

(b) the nursing facility shall provide a letter to the Licensure and Certification Section, on or before the date that the first group of beds are relocated, irrevocably committing the facility to relocate all of the nursing facility beds for which it has a certificate of need to relocate; and

(c) subsequent to providing the letter to the Licensure and Certification Section described in Sub-item (3)(b) of this Rule, the nursing facility shall accept no new patients in the beds which are being relocated, except new patients who, prior to admission, indicate their desire to transfer to the facility's new location(s).

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6289 POLICIES FOR HOME HEALTH SERVICES

(a) Need Determination Upon Termination of County's Sole Home Health Agency. When a home health agency's board of directors, or in the case of a public agency, the responsible public body, votes to discontinue the agency's provision of Medicare-certified home health services and to decertify the office; and

(1) the agency is the only home health agency with an office physically located in the county; and

(2) the agency is not being lawfully transferred to another entity;

need for a new home health agency office in the county is thereby established through this paragraph. Following receipt of written notice of such decision from the home health agency's chief administrative officer, the Certificate of Need Section shall give public notice of the need for one home health agency office in the county, and the dates of the review of applications to meet the need. Such notice shall be given no less than 45 days prior to the final date for receipt of applications in a newspaper serving the county and to home health agencies located outside the county reporting serving county patients in the most recent licensure applications on file.

(b) Need Determination for at Least One Home Health Agency per County. When a county has no Medicare-certified home health agency office physically located within the county's borders, need for a new home health agency office in the county is thereby established through this paragraph.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6290 POLICY FOR RELOCATION OF DIALYSIS STATIONS

Relocations of existing dialysis stations are allowed only within the host county and to contiguous counties currently served by the facility. Certificate of need applicants proposing to relocate dialysis stations shall:

(1) demonstrate that the proposal shall not result in a deficit in the number of dialysis stations in the county that would be losing stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report, and

(2) demonstrate that the proposal shall not result in a surplus of dialysis stations in the county that would gain stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6291 POLICIES FOR PSYCHIATRIC INPATIENT FACILITIES

(a) Transfer of Beds from State Psychiatric Hospitals to Community Facilities. Beds in the State psychiatric hospitals used to serve short-term psychiatric patients may be relocated to community facilities. However, before beds are transferred out of the State psychiatric hospitals, appropriate services and programs shall be available in the community. State hospital beds which are relocated to community facilities shall be closed within ninety days following the date the transferred beds become operational in the community. Facilities proposing to operate transferred beds shall commit to serve the type of short-term patients normally placed at the State psychiatric hospitals. To help ensure that relocated beds will serve those persons who would have been served by the State psychiatric hospitals, a proposal to transfer beds from a State hospital shall include a written memorandum of agreement between the area MH/DD/SAS program serving the county where the beds are to be located, the Secretary of Health and Human Services, and the person submitting the proposal.

(b) Allocation of Psychiatric Beds. A hospital submitting a Certificate of Need application to add inpatient psychiatric beds shall convert excess licensed acute care beds to psychiatric beds. In determining excess licensed acute care beds, the hospital shall subtract the average occupancy rate for its licensed acute care beds over the previous 12-month period from the appropriate

target occupancy rate for acute care beds listed in 10 NCAC 3R .6282(d) and multiply the difference by the number of its existing licensed acute care beds.

(c) Linkages Between Treatment Settings. An applicant applying for a certificate of need for psychiatric inpatient facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6292 POLICY FOR CHEMICAL DEPENDENCY TREATMENT FACILITIES

In order to establish linkages between treatment settings, an applicant applying for a certificate of need for chemical dependency treatment beds, as defined in G.S. 131E-176(5b), shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

.6293 POLICIES FOR INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED

In order to establish linkages between treatment settings, an applicant applying for a certificate of need for intermediate care beds for the mentally retarded shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 1, 2000.

TITLE 13 - DEPARTMENT OF LABOR

Rule-making Agency: *North Carolina Department of Labor*

Rule Citation: *13 NCAC 15 .0201*

Effective Date: *January 1, 2000*

Findings Reviewed and Approved by: *Julian Mann, III*

Authority for the rule-making: *G.S. 95-110.5*

Reason for Proposed Action: *Adoption of this temporary rule permits the agency to continue enforcing safety regulations with respect to inclined stairway chairlifts and inclined and vertical wheelchair lifts. The rule adopts and incorporates by reference the new American National Standard Safety Code for Platform Lifts and Stairway Chairlifts, A18.1-1999, which is effective on January 1, 2000. Additionally, the rule adopts a minor change to the standards on inclined stairway chairlifts and inclined and vertical wheelchair lifts. The change will add flexibility by permitting the use of an alternative signaling device. In addition to use of a bell with a stop switch, the use of a means of 2-way communication will also be permitted.*

Comment Procedures: *Written comments may be submitted to Angela S. Waldorf at NC Department of Labor, 4 W. Edenton Street, Raleigh, NC 27601.*

CHAPTER 15 - ELEVATOR AND AMUSEMENT DEVICE DIVISION

SECTION .0200 - CODES AND STANDARDS

.0201 ELEVATOR SAFETY CODE

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all new installations of:

(1) Elevators, dumbwaiters, escalators, and moving walks, ~~inclined stairway chairlifts, and inclined and vertical wheelchair lifts~~ shall conform to these Rules and the American National Standard Safety Code for Elevators and Escalators, A17.1-1990 which is incorporated by reference subject to the modifications provided in Paragraph (b) of this Rule. This incorporation includes subsequent amendments and editions of the Code.

(2) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all new installations of inclined stairway chairlifts, and inclined and vertical wheelchair lifts shall conform to these Rules and the American National Standard Safety Code for Platform Lifts and Stairway Chairlifts, A18.1-1999 which is incorporated by reference subject to the modifications provided in Paragraph (b) of this Rule. This incorporation includes subsequent amendments and editions of this Code.

(b) The provisions of the American National Standard Safety Code for Elevators and Escalators, A17.1 shall be subject to the following modifications:

(1) Rule 100.1c(2) - Observations Elevators Not Fully Enclosed. Change the rule to read as follows:
For observation elevators which are not fully enclosed, protection at landings shall be provided as follows:
(A) An enclosure shall be provided which shall extend a minimum of ten feet above the floor.
(B) The enclosure shall be constructed of unperforated material.
(C) Enclosures shall be located in the general line of the hoistway. Horizontal clearance shall

be the same as stated in Section 108.

(2) Rule 111.10 - Access to Hoistways for Emergency Purposes. In the first sentence change the word "may" to "shall."

(3) Rule 204.2d - Side Emergency Exits. Side Emergency exits shall not be permitted in elevator cars.

(c) The rules of this Chapter shall control when any conflict between these rules and the ANSI Code exists.

(d) Copies of the American National Standard Safety Code for Elevators and Escalators are available for public inspection in the office of the Division, and may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017. The cost is ninety-six dollars ($96.00) per copy.

History Note: Authority G.S. 95-110.5; Eff. August 1, 1987; Amended Eff. May 1, 1992; Temporary Amendment Eff. January 1, 2000.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule-making Agency: *DENR/Division of Forestry*

Rule Citation: *15A NCAC 9C .1101-.1104*

Effective Date: *January 12, 2000*

Findings Reviewed and Approved by: *Julian Mann, III*

Authority for the rule-making: *G.S. 113-60.40; 113-60.45*

Reason for Proposed Action: *To initiate rules to assist in implementing the Prescribed Burning Act, passed by the NC General Assembly in May, 1999.*

Comment Procedures: *The public is invited to make comments on these rules. Comments may be submitted to Mr. David Jarman, Division of Forestry, 1616 Mail Service Center, Raleigh, NC 27699-1616, (919) 733-2162, ext. 232.*

CHAPTER 9 - DIVISION OF FOREST RESOURCES

SUBCHAPTER 9C - DIVISION PROGRAMS

SECTION .1100 - N. C. PRESCRIBED BURNING ACT

.1101 PURPOSE

The purpose of this act is to limit liability from smoke resulting from the burning of forest lands, providing the proper procedures and requirements are being followed.

History Note: Authority G.S. 133-8; 113-60.21 through 113-60.31; 143B-10; Temporary Adoption Eff. January 12, 2000.

.1102 BURNER CERTIFICATION

The N. C. Division of Forest Resources, hereafter referred to as DFR, shall conduct a burner Certification program composed of the following:

(1) Each candidate shall attend and successfully complete a prescribed burn school consisting of instruction on: The N. C. Prescribed Burning Act, weather, fuels, smoke management, firing techniques and planning, executing and mopping up the burn; a field trip to examine burn sites before and after burning; and a written test. DFR shall offer a minimum of one of these schools annually at a charge of (twenty five dollars) $25.00 per participant.

(2) An alternative abbreviated school may be provided candidates who have successfully completed an approved prescribed burn school other than the DFR school. Other acceptable prescribed burn schools shall be approved by DFR if all topics contained in the N. C. Prescribed Burn School were included. Candidates are responsible for providing documentation of topics covered and successful completion to DFR. This abbreviated school shall include the N. C. Prescribed Burn Act and the N.C. Smoke Management System. A minimum of one of these schools shall be offered annually if there are requests.

(3) In order to be certified, each candidate whether they train under Paragraph (a) or (b) of this Rule shall successfully conduct a prescribed burn under the observation of a certified burner. The candidate must submit to DFR a completed DFR Certified Burner checkoff sheet, signed by a certified burner.

(4) DFR personnel shall investigate burns conducted by certified burners which cause smoke or fire problems. DFR shall issue a written warning to burners found to be burning contrary to the N. C. Prescribed Burning act for the first infraction and will cancel their burner certification for the second. Burners who lose their certification may again become certified after one year by reapplying and completing the full requirements for certification under Paragraph (a) of this Rule.

(5) DFR will conduct prescribed burn update training annually. N. C. Certified burners must attend one of these prescribed burn training sessions every five years to maintain their certification.

(6) Successful candidates shall receive both a numbered certificate and pocket card. These will show a five year expiration date. A new certificate will be issued after the certified burner provides evidence of attendance at a prescribed burn update school.

History Note: Authority G.S. 133-8; 113-60.21 through 113-60.31; 143B-10;

Temporary Adoption Eff. January 12, 2000.

.1103 FOREST LAND

The benefits of this Act only apply to burning of forest lands as defined in the Society of American Foresters publication, The Dictionary of Forestry. Key points of this definition are: land 10% or more stocked with trees, including land which formerly had tree cover and that will be reforested. Minimum size for forest land is one acre. Minimum strip width is 120 feet. This act does not apply to brush piles, windrows or land clearing debris.

History Note: Authority G.S. 133-8; 113-60.21 through 113-60.31; 143B-10;
Temporary Adoption Eff. January 12, 2000.

.1104 PRESCRIPTION FILING

Prior to each prescribed burn, the burner must file a copy of the fully completed prescription for that burn with an employee of DFR. This employee shall note the date and time the prescription was received, sign the prescription and forward it to the local DFR district office. DFR shall retain these prescriptions for five years.

History Note: Authority G.S. 133-8; 113-60.21 through 113-60.31; 143B-10;
Temporary Adoption Eff. January 12, 2000.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, January 20, 2000, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Friday, January 13, 2000, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
Teresa L. Smallwood, Vice Chairman
John Arrowood
Laura Devan
Jim Funderburke
David Twiddy

Appointed by House
Paul Powell, Chairman
Walter Futch
Jennie J. Hayman
George Robinson
R. Palmer Sugg

RULES REVIEW COMMISSION MEETING DATES

January 20, 2000
February 17, 2000
March 16, 2000
April 13, 2000

LOG OF FILINGS
RULES SUBMITTED: NOVEMBER 20, 1999 THROUGH DECEMBER 20, 1999

AGENCY/DIVISION	RULE NAME	RULE CITATION	ACTION
CULTURAL RESOURCES, DEPARTMENT OF/NC HISTORICAL COMMISSION			
	Statement of Purpose	7 NCAC 4S .0101	Amend
	Visiting Hours	7 NCAC 4S .0102	Amend
	Admission Prices	7 NCAC 4S .0103	Amend
	Visitation Rules	7 NCAC 4S .0104	Amend
	Use of the Auditorium	7 NCAC 4S .0105	Amend
	Research	7 NCAC 4S .0106	Amend
	Audiovisual Aids	7 NCAC 4S .0107	Amend
	Photographic Services	7 NCAC 4S .0108	Amend
	Acquisition of Artifacts	7 NCAC 4S .0109	Amend
	Operation	7 NCAC 4S .0110	Amend
DEPARTMENT OF INSURANCE			
	Contents of Full Application	11 NCAC 6B .0201	Repeal
	Modification of Application	11 NCAC 6B .0202	Repeal
	Duration of Initial Certificate	11 NCAC 6B .0203	Repeal
	Application for Renewal of Certificate	11 NCAC 6B .0204	Repeal
	Renewal Certificate of Registration	11 NCAC 6B .0205	Repeal
	Financial Statements	11 NCAC 6B .0301	Repeal
	Determination of Financial Responsibility	11 NCAC 6B .0302	Repeal
	Financial Information Public Records	11 NCAC 6B .0303	Repeal
	Surety Bond Issued by Licensed Company	11 NCAC 6B .0304	Repeal
	Service Contracts w/Insurance Companies	11 NCAC 6B .0401	Repeal
	Adjusting Claims by Administrators	11 NCAC 6B .0402	Repeal
	Violations: Penalties	11 NCAC 6B .0403	Repeal
	Definitions	11 NCAC 6B .0404	Repeal
	Payment of Claims	11 NCAC 6B .0405	Repeal
	Bank Credit Card Facility	11 NCAC 12 .0308	Repeal
	Use of Credit Cards Prohibited	11 NCAC 13 .0406	Repeal

DENR/ENVIRONMENTAL MANAGEMENT COMMISSION

Outstanding Resource Waters	15 NCAC 2B .0225	Amend
Neuse River Basin	15 NCAC 2B .0233	Adopt
Neuse River Basin	15 NCAC 2B .0241	Adopt
Neuse River Basin	15 NCAC 2B .0242	Adopt
Tar-Pamlico River Basin	15 NCAC 2B .0259	Adopt
Tar-Pamlico River Basin	15 NCAC 2B .0260	Adopt
Tar-Pamlico River Basin	15 NCAC 2B .0261	Adopt
Little Tennessee River Basin	15 NCAC 2B .0303	Amend
French Broad River Basin	15 NCAC 2B .0304	Amend
Broad River Basin	15 NCAC 2B .0306	Amend
Catawba River Basin	15 NCAC 2B .0308	Amend
Lumber River Basin	15 NCAC 2B .0310	Amend
Pasquotank River Basin	15 NCAC 2B .0317	Amend
Control of Conical Incinerators	15 NCAC 2D .0523	Repeal
Definitions	15 NCAC 2D .1202	Amend
Hazardous Waste Incinerators	15 NCAC 2D .1203	Amend
Sewage Sludge and Sludge Incinerators	15 NCAC 2D .1204	Amend
Municipal Waste Combustors	15 NCAC 2D .1205	Amend
Hosp/Med/Infectious Waste Incinerators	15 NCAC 2D .1206	Amend
Conical Incinerators	15 NCAC 2D .1207	Amend
Other Incinerators	15 NCAC 2D .1208	Amend
Compliance Schedules	15 NCAC 2D .1209	Repeal
Activities Exempted-Permit Requirements	15 NCAC 2Q .0102	Amend
Activities Exempted-Permit Requirements	15 NCAC 2Q .0102	Amend
Definitions	15 NCAC 2Q .0103	Amend
Definitions	15 NCAC 2Q .0202	Amend
Permits Requiring Public Participation	15 NCAC 2Q .0306	Amend
Applicability	15 NCAC 2Q .0502	Amend
Definitions	15 NCAC 2Q .0503	Amend
Application	15 NCAC 2Q .0507	Amend
Permit Content	15 NCAC 2Q .0508	Amend
Exemptions	15 NCAC 2Q .0702	Amend

DENR/COASTAL RESOURCES COMMISSION

Permit Fee	15 NCAC 7H .1103	Amend
Permit Fee	15 NCAC 7H .1203	Amend
Permit Fee	15 NCAC 7H .1303	Amend
Permit Fee	15 NCAC 7H .1403	Amend
Application Fee	15 NCAC 7H .1503	Amend
Permit Fee	15 NCAC 7H .1603	Amend
Permit Fee	15 NCAC 7H .1803	Amend
Permit Fee	15 NCAC 7H .1903	Amend
Permit Fee	15 NCAC 7H .2003	Amend
Permit Fee	15 NCAC 7H .2103	Amend
Permit Fee	15 NCAC 7H .2203	Amend
Permit Fee	15 NCAC 7H .2303	Amend
Processing the Application	15 NCAC 7J .0204	Amend
Development Period Extension	15 NCAC 7J .0404	Amend
Permit Modification	15 NCAC 7J .0405	Amend
Permit Issuance and Transfer	15 NCAC 7J .0406	Amend
Eligible Applicants/Grant Sel Criteria	15 NCAC 7M .0307	Amend
Declaration of General Policy	15 NCAC 7M .0401	Amend
Definitions	15 NCAC 7M .0402	Amend
Policy Statements	15 NCAC 7M .0403	Amend

SECRETARY OF STATE

Notice Filing Procedures for Offerings	18 NCAC 6 .1212	Amend

	Securities Registration and Filing Fees	18 NCAC 6 .1304	Amend
	Application to Exchange Securities	18 NCAC 6 .1502	Amend
STATE BOARDS/DENTAL EXAMINERS, BOARD OF			
	Functions Which May Be Delegated	21 NCAC 16G .0101	Amend
	Functions Which Shall not be Delegated	21 NCAC 16G .0102	Amend
	Procedures Prohibited	21 NCAC 16G .0103	Amend
	Dental Assistant II	21 NCAC 16H .0103	Amend
	Approved Education & Training Programs	21 NCAC 16H .0104	Amend
	Gen Permitted Functions-Dental Asst I	21 NCAC 16H .0201	Amend
	Specific Permitted Functions	21 NCAC 16H .0202	Amend
	Permitted Functions of Dental Assistant II	21 NCAC 16H .0203	Amend
	Gen Prohibited Functions of Dental Assts	21 NCAC 16H .0204	Amend
	Spec Prohibited Functions of Dental Assts	21 NCAC 16H .0205	Amend
	Credentials and Permit	21 NCAC 16Q .0201	Amend
	Equipment	21 NCAC 16Q .0202	Amend
	Sedation Credentials and Permit	21 NCAC 16Q .0301	Amend
	Equipment	21 NCAC 16Q .0302	Amend
	Definition	21 NCAC 16V .0101	Amend
	Definition	21 NCAC 16V .0102	Amend
STATE BOARDS/NC BOARD OF PHYSICAL THERAPY EXAMINERS			
	Fees	21 NCAC 48F .0102	Amend
N C STATE BOARD OF COMMUNITY COLLEGES			
	Mission-Community College System	23 NCAC 2B .0104	Amend
	Donated Property	23 NCAC 2C .0503	Adopt
	Acquisition of Equipment	23 NCAC 2C .0504	Adopt
	Noncertified Source Purchases	23 NCAC 2C .0505	Adopt

RULES REVIEW COMMISSION

December 16, 1999
MINUTES

The Rules Review Commission met on December 16, 1999, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Teresa Smallwood, Jennie J. Hayman, Walter Futch, Paul Powell, Jim R. Funderburk, Palmer Sugg, John Arrowood, Laura Devan, David R. Twiddy, and George Robinson.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Baruch A. Fellner	UPS
Marge Howell	LABOR
Becky Brown	LABOR
Dedra Alston	DENR
Tom West	Poyner and Spruill
Leslie Bevacqua	N C Citizens for Business & Industry
Butch Gunnells	N C Soft Drink Association
Joy Mayo	Womble Carlyle
Charles Jones	DENR/Coastal Management
Jessica Gill	DENR/Coastal Management
Bill Crowell	DENR/Coastal Management
James Rosich	DENR/Coastal Management
Hazel Chavis	CAT
Bobby Lowe	DENR/DWQ
Vega George	DENR/DWQ

Amy Simes	DENR/DWQ
Juanita Gaskill	DENR/Marine Fisheries Commission
George Hurst	Attorney General
Jerry Perkins	DENR/DWS
Janice Fain	DHHS/DCD
Thomas Allen	DENR/DAQ
Ryke Longest	Attorney General
Julie Campbell	NC Citizens for Business and Industry
Frank Crawly	Attorney General
Henry Jones	Attorney
Andy Ellen	N C Retail Merchants Association
Fran Preston	N C Retail Merchants Association
Lauren Steele	Coca-Cola
Shirley Bullard	DHHS/Public Housing
Renee Myatt	DHHS
Kathleen Sherman Glancy	Attorney
Tom O'Conner	NCOSH
Joe Wiggs	Cape Fear Pilots Association
Sabrina Jones	News and Observer
Leanne Winner	N C School Board Association
James Andrews	AFL-CIO
Tim Childen	LABOR/OSHA
Wayne Bumgardner	Bernhardt Furniture
Dave Masters	Thomasville Furniture
White Watkins	American Furniture
Perri Morgan	National Federation Individual Business
Harry Payne	LABOR
Angela Waldorf	LABOR
Mike Lynch	RDU Airport
Bob Andrews	LABOR
Jessica Miles	DENR/Public Water Supply
Bob Midgette	DENR/Public Water Supply
James McGuire	DENR/Public Water Supply
Sarah Meacham	Attorney General
Leanne Winner	N C School Board Association
Tim Devinney	Glaxo-Wellcome
Mike Okun	N C State AFL
Robin Smith	DENR
Ronald Raxter	Sanford Holshouser
Jackie Stalnaker	DHHS/Vocational Rehabilitation
Jackie Sheppard	DHHS/DFS

APPROVAL OF MINUTES

The meeting was called to order at 10:01 a.m. with Chairman Smallwood presiding. She asked for any discussion, comments, or corrections concerning the minutes of the November 17, 1999 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

2 NCAC 52B .0207 and .0302: AGRICULTURE/Board of Agriculture – No action was necessary on these rules.

2 NCAC 52E .0209: AGRICULTURE/Board of Agriculture – No action was necessary on this rule.

4 NCAC 3L .0701: COMMERCE/Banking Commission – The agency requested that the rule be returned to them. The rule was subsequently returned.

10 NCAC 3R .6234: DHHS/Division of Facility Services – The rewritten rule submitted by the agency was approved by the Commission.

10 NCAC 3S .1101, .1203, .1207, .1301, .1601, .1802, and .2001: DHHS/Division of Facility Services – The rewritten rules submitted by the agency were approved by the Commission with the exception of .1207 which was returned to the agency and its request.

13 NCAC 7F .0601, .0602, .0603, .0604, .0605, and .0606: DEPARTMENT OF LABOR – The Commission objected to these rules due to lack of statutory authority. Session Law 1999-395, Section 19.1(a) prohibits the use of funds appropriated to the Department of Labor for the 1999-2000 fiscal year or the 2000-2001 fiscal year to implement an ergonomics standard. The Commission found that the act of adopting these rules and taking other steps to put them into place involves using funds to implement the standard in violation of that provision. There is thus no authority to do so. Commissioner Hayman recused herself from these rules and Commissioners Smallwood and Arrowood voted not to object to the rules.

15A NCAC 2D .0541, .1801, and .1802: DENR/Environmental Management Commission – The rewritten rules submitted by the agency were approved by the Commission.

15A NCAC 3I .0117: DENR/Marine Fisheries Commission – The repeal was approved by the Commission.

15A NCAC 16A .1104 – DHHS/Commission for Health Services – At the request of the agency no action was taken on this rule until the January meeting.

21 NCAC 1 .0101: N C Acupuncture Licensing Board – No response was received from the agency.

LOG OF FILINGS

Chairman Smallwood presided over the review of the log and all rules were approved with the following exceptions:

4 NCAC 15 .0120: COMMERCE/Cape Fear River Navigation & Pilotage Commission - The Commission objected to this rule due to lack of statutory authority. The added sentence is not consistent with G.S. 76A-5(c) which requires the Commission to renew each license if the holder has complied with the statutes and rules. This applies to limited licenses as well as full licenses.

4 NCAC 15 .0121: COMMERCE/Cape Fear River Navigation & Pilotage Commission - The Commission objected to this rule due to lack of statutory authority and ambiguity. In (a)(1), it is not clear what constitutes "satisfactory" evidence of graduation. It is also not clear what is meant by "accredited" college or university. In (a)(2), it is not clear what is meant by "good moral character." There is the same issue in (g)(3). In (a)(3), (4), (5), (6), and (8) also, it is not clear what constitutes "satisfactory" evidence. In (a)(5), it is not clear what constitutes "good natural hearing." In (a)(8), there is no authority to require evidence of physical and mental qualifications that have not been adopted as rules. There is no authority for the provision in (b) requiring a majority vote of the association for an apprentice to be licensed. There is no authority for the Commission to set requirements outside rulemaking as (c)(8) implies. In addition, the requirements are to me set by the Commission, not the association. There is no authority for the provision in (e) requiring the recommendation by the association for the issuance of a limited license or additional limited licenses. There is also not authority for the time limitation. In (f), it is not clear what is meant by "satisfactory" progress. There is no authority for the provision in (g)(4) requiring the recommendation of the association to be appointed as a pilot. In (g)(6), it is not clear what constitutes "immediate family."

10 NCAC 3R .0212: DHHS/Division of Facility Services – The Commission objected to this rule due to lack of statutory authority. There is no authority for the provision in (g) setting additional limitations on contested case proceedings beyond those found in the Administrative Procedure Act, other statutes, or rules adopted by the Office of Administrative Hearings to implement the APA.
10 NCAC 3U .0102: DHHS/Child Care Commission – The Commission objected to this rule due to lack of statutory authority. There is no authority for the agency to establish occupational qualifications for basic school age care trainers as the rule does in (5) and (6).

10 NCAC 3U .2510: DHHS/Child Care Commission – The Commission objected to this rule due to ambiguity. In (k)(1), it is not clear what other life saving certificate issuing entities will be approved by the division.

15A NCAC 1J .0402: DENR – The Commission objected to this rule due to ambiguity. In (b)(3), it is not clear what constitutes "significantly" contributes to the implementation of the plan.

15A NCAC 1J .0504: DENR – The Commission objected to this rule due to ambiguity. In (1) and (2), it is not clear what constitutes an "acceptable" sewer use ordinance. The final sentence in the rule is unclear. Either an applicant is entitled to the points or he is not. There is no provision for partial value plus both items are either done or not done. The only question is whether to assign points, not how many to assign.

15A NCAC 1J .0604: DENR – The Commission objected to this rule due to ambiguity. In (1) and (2), it is not clear what constitutes an "acceptable" sewer use ordinance. The final sentence in the rule is unclear. Either an applicant is entitled to the points or he is not. There is no provision for partial value plus both items are either done or not done. The only question is whether to assign points, not how many to assign.

15A NCAC 1J .0701: DENR - The Commission objected to this rule due to ambiguity. In (2)(a), (b), (c), (d), and (e), each item begins by saying that a maximum number of points shall be awarded. Then items are listed under them which either are, or are not, met. Logically, the project would get all points or none, which is also what an earlier rule states will happen. If a fewer number of points can be awarded, it is not clear what standards the agency will use in awarding them.

15A NCAC 1J .0903: DENR - The Commission objected to this rule due to ambiguity. In (1), it is not clear what standards the receiving agency is to use to approve loan commitment decreases. In (2), it is not clear what standards the receiving agency is to use to approve increases greater than 10% of the loan commitment.

15A NCAC 1L .0503: DENR - The Commission objected to this rule due to ambiguity. In (1) and (2), it is not clear what constitutes "acceptable" sewer use ordinance. The final sentence in the rule is also unclear. Either an applicant is entitled to the points or he is not. There is no provision for partial value plus both items are either done or not done. The only question is whether to assign points, not how many to assign.

15A NCAC 1L .0604: DENR - The Commission objected to this rule due to ambiguity. In (1) and (2), it is not clear what constitutes "acceptable" sewer use ordinance. The final sentence in the rule is also unclear. Either an applicant is entitled to the points or he is not. There is no provision for partial value plus both items are either done or not done. The only question is whether to assign points, not how many to assign.

15A NCAC 1L .0701: DENR - The Commission objected to this rule due to ambiguity. In (2)(a), (b), (c), (d), and (e), each item begins by saying that a maximum number of points shall be awarded. Then items are listed under them which either are, or are not, met. Logically, the project would get all points or none, which is also what an earlier rule states will happen. If a fewer number of points can be awarded, it is not clear what standards the agency will use in awarding them.

15A NCAC 1L .1003: DENR - The Commission objected to this rule due to ambiguity. In (1), it is not clear what standards the receiving agency is to use to approve loan commitment decreases. In (3), it is not clear what standards the receiving agency is to use to approve increases greater than 10% of the loan commitment.

15A NCAC 3I .0106: DENR/Marine Fisheries Commission - The Commission objected to this rule due to ambiguity. In (a), it is not clear what is meant by "significant" adverse effect.

15A NCAC 3O .0101: DENR/Marine Fisheries Commission - The Commission objected to this rule due to ambiguity. In the added portion of (a)(5), it is not clear what is meant by "incorporation of an individual fishing vessel." While a corporation may own a vessel, the vessel itself cannot be the corporation.

15A NCAC 3O .0404: DENR/Marine Fisheries Commission - The Commission objected to this rule due to ambiguity. IN (1)(a), (b), and (f), it is not clear what is meant by "significant" involvement.

15A NCAC 7H .0209: DENR/Coastal Resources Commission - The Commission objected to this rule due to ambiguity. In (d), it is not clear what the sentence "Every effort shall be made to conserve these shorelines and their vital components" requires or from whom. In (d)(4)(B), it is not clear what is meant by "adequate" erosion control devices or structures. In (d)(5), it is not clear what is meant by "significant" adverse impact. In (d)(6), it is not clear what is meant by "significantly" interfere. In (d)(7), it is not clear what is meant by "major" public facility or "extraordinary" public expenditures. In (d)(8), it is not clear what is meant by "major" damage or "valuable documented historic architectural or archeological resources." In (g)(2)(B), it is not clear what is meant by "substantial" financial resources.

COMMISSION PROCEDURES AND OTHER MATTERS

Mr. DeLuca informed the Commission that the Auditor's Office had notified us that we were being audited again this year. Commissioner Futch asked if the disaster relief reserve in the budget was a new item. He was informed that it was and that our office would be appealing the amount to be taken from our budget.

The next meeting will be on Thursday, January 20, 2000.

The meeting adjourned at 1:20 p.m.

Respectfully submitted,
Sandy Webster

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: http://www.state.nc.us/OAH/hearings/decision/caseindex.htm.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Sammie Chess Jr.
Beecher R. Gray
Melissa Owens Lassiter
Meg Scott Phipps
Robert Roosevelt Reilly Jr.
Beryl E. Wade

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
ADMINISTRATION				
Britthaven, Inc. v. Department of Administration and Priva-Trends, Inc.	98 DOA 0811	Chess	06/10/99	
Laidlaw Transit Svcs. Inc. v. Katie G. Dorsett, Sec'y/Dept/Administration	99 DOA 0102	Morrison	06/11/99	14:02 NCR 115
OFFICE OF ADMINISTRATIVE HEARINGS				
Ted Murrell, Zarn, Inc. v. Office of Administrative Hearings	99 OAH 0665	Chess	07/14/99	
Samuel Lee Ferguson v. Office of Administrative Hearings	99 OAH 0718	Chess	07/16/99	
AGRICULTURE				
Archie McLean v. Department of Agriculture	98 DAG 1770	Reilly	07/12/99	14:04 NCR 349
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v. Keyland, Inc., T/A Cloud 9	98 ABC 1099	Overby	01/17/99	
Alcoholic Beverage Control Commission v. Food Lion, Inc., Store #1351	98 ABC 1270	Gray	03/31/99	14:04 NCR 347
Alcoholic Beverage Control Commission v. Stop 1, Inc, T/A Stop 1 Grocery	98 ABC 1337	Phipps	09/29/99	
Alcoholic Beverage Control Commission v. George Steven Everett t/a Casino Snooks Place	98 ABC 1546	Reilly	10/19/99	
Alcoholic Beverage Control Commission v. Beech Mountain Resort, Inc.	99 ABC 0287	Reilly	08/11/99	
Alcoholic Bev. Control Comm.v. Partnership T/A Mermaid Rest. & Lge.	99 ABC 0367	Chess	09/17/99	
Alcoholic Beverage Control Commission v. Jaeson Nyung Kim	99 ABC 0407	Morrison	07/09/99	
Alcoholic Beverage Control Commission v. Lillian Sarah Clary	99 ABC 0615	Phipps	09/01/99	
Alcoholic Beverage Control Commission v. Circle K Stores, Inc., T/A Circle K #8357	99 ABC 0656	Gray	11/29/99	
Alcoholic Beverage Control Commission v. Vnus Enterprices, LLC, t/a Rendez Vous Club & City of Charlotte	99 ABC 0684	Morgan	10/15/99	
Alcoholic Beverage Control Commission v. Mohammad Salim Pirani	99 ABC 0780	Morrison	09/21/99	
Alcoholic Beverage Control Commission v. Creek Lounge, Inc. t/a Creek Lounge	99 ABC 0820	Morgan	10/13/99	
Delores Ann Holley v. Alcoholic Beverage Control Commission	99 ABC 0876	Gray	08/10/99	
Alcoholic Beverage Control Commission v. Partnership T/A Corrothers Community Center/Private Club	99 ABC 0986	Lassiter	11/03/99	
CRIME CONTROL AND PUBLIC SAFETY				
Ray Anthony Breeding v. Crime Control & Public Safety	93 CPS 0695	Gray	09/13/99	
John Ray Webb v. Crime Victims Compensation Commission	95 CPS 1353	Gray	09/13/99	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Sarene Franklin Holloway v. Crime Victims Compensation Comm.	97 CPS 1172	Chess	10/12/99	
Paul Richard Mull v. Crime Victims Compensation Commission	98 CPS 0342	Chess	07/26/99	
Coradene Mayhand v. Crime Victims Compensation Commission	98 CPS 0398	Chess	10/09/99	
Edna Carr v. Crime Victims Compensation Commission	98 CPS 0788	Chess	10/28/99	
Eric Charles Williams v. Crime Control & Public Safety, Div. of State Highway Patrol	98 CPS 1279	Chess	11/01/99	
Bobby Mills v. Crime Victims Compensation Commission	98 CPS 1412	Wade	08/06/99	
William Samuel McCraw v. Crime Victims Compensation Commission	98 CPS 1626	Morrison	06/09/99	
Anson D. Looney v. Crime Victims Compensation Commission	99 CPS 0096	Morrison	05/25/99	
Elvin Williams, Jr. v. Crime Victims Compensation Commission	99 CPS 0118	Owens	08/03/99	
Michael Anthony Powell v. Crime Victims Compensation Commission	99 CPS 0426	Reilly	08/03/99	
Mary Elizabeth Peoples Hogan v. Crime Victims Compensation Comm.	99 CPS 0504	Reilly	07/29/99	
Louise Dowd v. Crime Victims Compensation Commission	99 CPS 0519	Morrison	12/07/99	
Lemuel Ray Jenkins v. Crime Victims Compensation Commission	99 CPS 0521	Gray	09/08/99	
Annabell B. McCormick v. Crime Victims Compensation Commission	99 CPS 0564	Phipps	08/04/99	
Christopher Beasley v. Crime Victims Compensation Commission	99 CPS 0843	Chess	11/23/99	
ENVIRONMENT AND NATURAL RESOURCES				
R.J. Reynolds Tobacco Co. v. Dept. of Environment & Natural Resources	98 EHR 1315	Wade	06/04/99	14:02 NCR 110
T. Farnell Shingleton v. Environment and Natural Resources	98 EHR 1600	Reilly	10/08/99	14:11 NCR 926
T. Farnell Shingleton v. Environment and Natural Resources	98 EHR 1601	Reilly	10/08/99	
Town of Maysville v. Environment and Natural Resources	99 EHR 0069	Owens	09/27/99	
Willie Setzer v. Department of Environment & Natural Resources	99 EHR 0166	Chess	06/28/99	
Charles H. Jordan v. Brunswick County Health Department	99 EHR 0201	Morrison	06/28/99	
Jerry Franks and John Schifano, et. al. v. Environment & Natural Resources and Wake County Board of Commissioners	99 EHR 0344[9]	Phipps	09/28/99	
Jerry Franks and John Schifano, et. al. v. Environment & Natural Resources and Wake County Board of Commissioners	99 EHR 0380[9]	Phipps	09/28/99	
James P. and Irene P. Wilson v. Cleveland Co. Health & Sanitary	99 EHR 0506	Lassiter	10/07/99	
Deep River Citizens' Coalition, American Canoe Assoc., Inc., and Deep River Coalition, Inc. v. Department of Env. & Natural Resources	99 EHR 0560[11]	Reilly	11/01/99	
Deep River Citizens' Coalition, American Canoe Assoc., Inc., and Deep River Coalition, Inc. v. City of Greensboro, Piedmont Triad Regional Water Authority	99 EHR 0613[11]	Reilly	11/01/99	
Mazzella's Restaurant, Peter D. Mazzella v. Carteret County Env. Health	99 EHR 0692	Reilly	08/19/99	
Roadway Express v. Department of Environment and Natural Resources	99 EHR 0745	Morrison	07/27/99	
John W. Venable v. Department of Environment and Natural Resources	99 EHR 0773	Wade	10/13/99	
Shell Island Homeowners' Association v. DENR, Div. of Env. Health	99 EHR 0814	Owens	08/18/99	
Gail S. Barfield v. Department of Environment and Natural Resources	99 EHR 0840	Morrison	11/19/99	
Richard E. Day v. Division of Coastal Management	99 EHR 0921	Wade	11/02/99	
Ronald L. Walker, Sr., v. Environmental Health Ala County	99 EHR 1076	Morrison	10/18/99	
Clifford Myers v. Montgomery County Health Department	99 EHR 1106	Mann	11/03/99	
Deloris B. Wooten v. Pitt County Dept. of Environmental Health	99 EHR 1131	Wade	11/19/99	
Division of Air Quality				
Neighbors Against The Cullasaja Asphalt Plant & Blue Ridge Env. Defense League, Inc. v. Dept of Env & Natural Resources and Rhodes Brothers Paving, Inc. and Carolina Asphalt Pavement Association	98 EHR 1735	Gray	09/30/99	14:10 NCR 900
Neighbors Against The Cullasaja Asphalt Plant & Blue Ridge Env. Defense League, Inc. v. Dept of Env & Natural Resources and Rhodes Brothers Paving, Inc. and Carolina Asphalt Pavement Association	98 EHR 1735[12]	Gray	12/06/99	
Terrance W. Bache, Pres., Terhane Group, Inc. v. DENR, Div/Air Quality	98 EHR 1790	Mann	06/23/99	
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XVIII Airborne Corps & Fort Bragg, Dept. of the Army, USA v. Environment and Natural Resources, Div. of Air Quality	99 EHR 0283	Wade	08/11/99	
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Allen Raynor v. Environmental Management Commission	99 EHR 0127	Gray	07/27/99	
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Buel B. Barker, Jr. and Hubbard Realty of Winston-Salem, a NC Corp., jointly and severally v. DENR, Div. of Land Resources	98 EHR 1457	Morrison	06/09/99	
T.B. Powell, Inc. v. DENR, Division of Land Resources	99 EHR 0632	Wade	10/04/99	
Ronald G. Smith v. DENR, Division of Land Resources	99 EHR 0799	Morrison	10/29/99	
Division of Marine Fisheries				

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Alton Chadwick v. Division of Marine Fisheries	99 EHR 0553	Reilly	08/19/99	
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York Oil Company v. DENR, Division of Water Quality	97 EHR 1026	Phipps	07/26/99	14:04 NCR 343
J. Todd Yates and Teresa B. Yates v. DENR, Div. of Water Quality	98 EHR 1456	Wade	06/22/99	
N.G. Purvis Farms, Inc. v. DENR, Division of Water Quality	99 EHR 0696	Chess	08/27/99	
Soil and Water Conservation Commission				
Neuse River Foundation, Neuse Riverkeeper, and Alliance For A Responsible Swine Industry, Inc. v. NC Soil & Water ConservationCommission	99 EHR 1660	Morrison	12/10/99	14:14 NCR 1334
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Andrew M. Raring, Ph.D v. Board for the Licensing of Geologists	99 BOG 0150	Mann	06/16/99	
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J.P. Lynch v. Department of Health & Human Services	99 DHR 0111	Reilly	05/25/99	
Paul Walker, Thomas Walker & Mary Walker v. Mecklenburg Area Mental Health	99 DHR 0155	Morrison	08/19/99	
New Hope Living Centers, Eric D. Lewis v. Health & Human Services	99 DHR 0170	Owens	05/25/99	
Frank McKoy v. Department of Health & Human Services	99 DHR 0226	Wade	07/06/99	
Joan Marie McDaniel v. Department of Health & Human Services	99 DHR 0305	Reilly	08/05/99	
Lonnie Herring v. Department of Health & Human Services	99 DHR 0350	Reilly	06/03/99	
Robert H. Riley v. Office of the Governor, Office of Citizen Services	99 DHR 0356	Wade	07/21/99	
Betty C. Patterson v. Department of Health & Human Services	99 DHR 0954	Reilly	11/05/99	
Rayner Super Mkt., J.K. Rayner, Jr. v. Department of Health and Human Services	99 DHR 0961	Morrison	11/15/99	
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In The Beginning, Inc. v. Health & Human Svcs., Div. of Child Dev.	99 DHR 0575	Mann	07/19/99	
Dulatown Outreach Center, Inc. v. Health & Human Svcs., Child Dev.	99 DHR 0688	Owens	07/21/99	
Michele Denoff v. Health & Human Services, Div. of Child Dev.	99 DHR 0695	Owens	08/05/99	
MLCM, Inc., Mary C. McGovern v. DHHS, Div. of Child Dev.	99 DHR 1032	Wade	11/19/99	
Small World Daycare II, Trena S. McDaniel v. Health & Human Svcs., Div. of Child Dev.	99 DHR 1038	Lassiter	10/06/99	
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Kelly M. Poole v. Health & Human Services, Div. of Facility Services	97 DHR 0629	Chess	06/14/99	
Norma Faye Lewis v. Health & Human Svcs., Div. of Facility Services	98 DHR 1274 *1	Phipps	07/02/99	
Della C. Jones v. Health & Human Services, Div. of Facility Services	98 DHR 1680	Gray	06/09/99	
Heather Alane Scott v. Health & Human Svcs. Div of Facility Services	98 DHR 1671	Gray	10/08/99	
Effie Ruth Smith v. Health & Human Svcs., Div. of Facility Services	98 DHR 1774	Chess	07/14/99	
Vivienne Gelona Marshall v. DHHS, Div. of Facility Services	98 DHR 1786	Phipps	09/02/99	
Sarah L. Mathis v. DHHS, Div. of Facility Services	99 DHR 0032	Morrison	09/24/99	
Doris Laviner Moser v. Health & Human Services, Div. of Facility Svcs.	99 DHR 0074	Wade	08/06/99	
Norma Faye Lewis v. Health & Human Svcs., Div. of Facility Services	99 DHR 0144*1	Phipps	07/02/99	
Carolyn Grant v. Health & Human Services, Div. of Facility Services	99 DHR 0145	Mann	06/11/99	
Marion Moser Thompson v. Health & Human Svcs., Facility Services	99 DHR 0216	Gray	08/13/99	
Rose Marie Hadley v. Health & Human Svcs., Div. of Facility Services	99 DHR 0218	Wade	08/06/99	
Sarah Frances Alford v. Health & Human Svcs., Div. of Facility Svcs.	99 DHR 0220	Phipps	06/08/99	
Alvin L. Phynon Jr. v. Health & Human Svcs., Dept. of Facility	99 DHR 0230	Mann	07/07/99	
Cabarrus Memorial Hospital d/b/a Northeast Medical Center v. DHHS, Div. of Facility Services, Certificate of Need Section & Cabarrus Diagnostic Imaging, Inc.	99 DHR 0392	Gray	11/18/99	
Barbara Rhue v. D.F.S. 99 DHR 0401*3	Wade	07/30/99		
Barbara Rhue v. D.F.S. 99 DHR 0414*3	Wade	07/30/99		
Michelle Johnson v. DHHS, Division of Facility Services	99 DHR 0546	Gray	10/12/99	
Esther Nieves v. Health & Human Services, Div. of Facility Services	99 DHR 0766	Phipps	07/21/99	
April De'Shelle Turner v. DHHS, Div. of Social Service,	99 DHR 0927	Gray	10/21/99	

* Consolidated Cases.

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Shirley Ann Beck v. Division of Facility Services	99 DHR 0942	Mann	09/24/99	
Division of Medical Assistance				
Interim HealthCare - Morris Group, Inc., Lisa B. Morris, RN, BSN v. DHHS, Division of Medical Assistance	99 DHR 0552	Mann	09/01/99	
Companion Health Care, Inc. v. Div. of Medical Assistance, DHR	99 DHR 0762	Owens	07/29/99	
Division of Mental Health, Developmental Disabilities and Substance Abuse Services				
S.S. by her parents and next friends, D.S. & A.S. v. DMH/DD/SAS	99 DHR 0538	Gray	08/02/99	
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Thomas Ashley Stewart II v. Department of Health & Human Services	99 CRA 0628	Reilly	06/14/99	
June V. Pettus v. Department of Human Resources	96 CSE 1721*[8]	Mann	09/17/99	
Floyd W. Hubbard v. Department of Human Resources	96 CSE 1725	Reilly	09/02/99	
Richard Arnold Collins v. Jones County DSS	96 CSE 1810	Reilly	06/28/99	
David S. Blackwelder v. Department of Human Resources	97 CSE 0416	Morrison	08/24/99	
June V. Pettus v. Department of Human Resources	97 CSE 0867*[8]	Mann	09/17/99	
Grady J. Griffith v. Department of Human Resources	97 CSE 1569	Mann	10/26/99	
John T. Raynor v. Department of Human Resources	98 CSE 0054	Gray	10/21/99	
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Ronald E. Sanders v. Department of Human Resources	98 CSE 1182	Mann	10/26/99	
Willie D. Davis v. Department of Human Resources	98 CSE 1387	Mann	09/17/99	
G.S. Hall v. Department of Health & Human Services	98 CSE 1392	Reilly	06/24/99	
Charles Stewart v. Department of Human Resources	98 CSE 1419	Mann	09/17/99	
Kenneth A. McCrorie v. Department of Human Resources	98 CSE 1435	Gray	08/04/99	
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Donald Edward Law II v. Department of Human Resources	98 CSE 1586	Morrison	06/25/99	
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Nathaniel Alston v. Department of Health & Human Services	99 CSE 0317	Mann	07/01/99	
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Oscar William Willoughby Sr. v. Dept. of Health & Human Services	99 CSE 0371	Morrison	06/28/99	
Kelvin E. Townsend v. Department of Health & Human Services	99 CSE 0373	Phipps	07/12/99	
Billy J. Young v. Department of Health & Human Services	99 CSE 0374	Reilly	06/14/99	
Rodney Eugene Caldwell v. Department of Health & Human Services	99 CSE 0427	Lassiter	10/20/99	
Adelheide J. Cooper v. Department of Health & Human Services	99 CSE 0428	Phipps	07/19/99	
Beverly K. Thompson v. Department of Health & Human Services	99 CSE 0435	Reilly	06/14/99	
Michael L. Timmer v. Department of Health & Human Services	99 CSE 0437	Wade	06/08/99	
Elizabeth F. West v. Department of Health & Human Services	99 CSE 0451	Morrison	05/25/99	
Troy Gibson v. Department of Health & Human Services	99 CSE 0462	Owens	07/19/99	
Roy D. Washington v. Department of Health & Human Services	99 CSE 0481	Reilly	06/25/99	
Everett A. Mitchell v. Department of Health & Human Services	99 CSE 0483	Chess	10/05/99	

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Corey Antoine Johnson v. Department of Health & Human Services	99 CSE 0486	Gray	09/13/99	
Holland E. Harold v. Department of Health & Human Services	99 CSE 0509	Mann	11/02/99	
Larry Lowell Dixon v. Department of Health & Human Services	99 CSE 0518	Morrison	08/24/99	
Calvin D. Alston v. Department of Health & Human Services	99 CSE 0539	Owens	08/10/99	
Marquel Simmons v. Department of Health & Human Services	99 CSE 0547	Wade	08/06/99	
Anthony Vincente Battista v. Department of Health & Human Services	99 CSE 0551	Chess	08/31/99	
Gerald Scott Saucier v. Department of Health & Human Services	99 CSE 0576	Mann	06/09/99	
Lawrence Gordon Soles v. Department of Health & Human Services	99 CSE 0581	Morrison	06/09/99	
Mohamed Moustafa v. Department of Health & Human Services	99 CSE 0582	Owens	08/05/99	
Damion C. Graham v. Department of Health & Human Services	99 CSE 0635	Wade	12/06/99	
Vicky L. Day v. Department of Health & Human Services	99 CSE 0679	Gray	09/27/99	
Matthew Conklin v. Department of Health & Human Services	99 CSE 0689	Mann	09/17/99	
Charlie James White v. Department of Health & Human Services	99 CSE 0690	Morrison	07/20/99	
Bennie Lamar Knighten v. Department of Health & Human Services	99 CSE 0702	Owens	09/20/99	
Larie Bolton v. Department of Health & Human Services	99 CSE 0735	Phipps	08/06/99	
Randy Lewis Bryant v. Department of Health & Human Services	99 CSE 0737	Reilly	09/20/99	
Earl C. Jones, Sr. v. Department of Health & Human Services	99 CSE 0801	Gray	08/10/99	
Joseph F. Donaldson, III v. Department of Health & Human Services	99 CSE 0802	Mann	11/02/99	
Naion V. Pride v. Department of Health & Human Services	99 CSE 0825	Phipps	08/20/99	
Claude W. Jordan v. Department of Health & Human Services	99 CSE 0831	Reilly	10/11/99	
Henry Roosevelt Mercer v. Department of Health & Human Services	99 CSE 0841	Wade	10/20/99	
Bobby Gene Owens v. Department of Health & Human Services	99 CSE 0877	Gray	10/11/99	
Thomas L. Vaughn v. Department of Health & Human Services	99 CSE 0883	Mann	11/08/99	
Robert F. Skipper v. Department of Health & Human Services	99 CSE 0899	Morrison	10/20/99	
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David S. Yusko v. Department of Health & Human Services	99 CSE 0953	Chess	12/13/99	
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Kenneth Dana Kirk v. Department of Health & Human Services	99 CSE 0972	Mann	10/26/99	
Gill T. Smith v. Department of Health & Human Services	99 CSE 1015	Wade	11/30/99	
Clarence Earl Burden v. Department of Health & Human Services	99 CSE 1037	Chess	11/18/99	
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Phillip Drye v. Department of Health & Human Services	99 CSE 1043	Mann	12/14/99	
William Kizzie v. Department of Health & Human Services	99 CSE 1049	Morrison	12/01/99	
June S. Shepherd v. Department of Health & Human Services	99 CSE 1074	Lassiter	12/09/99	
Michael Bryant v. Department of Health & Human Services	99 CSE 1235	Gray	11/17/99	
Sharon Tucker v. Department of Health & Human Services	99 CSE 1283	Reilly	11/30/99	
Eddie Southards v. Department of Health & Human Services	99 CSE 1288	Morrison	11/30/99	
John Ciccarelli v. Department of Health & Human Services	99 CSE 1324	Wade	12/15/99	
David Black v. Department of Health & Human Services	99 CSE 1334	Reilly	12/17/99	
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Muriel Thomas v. DHR, Div of Social Services	98 DCS 0631	Wade	12/15/99	
Kathryn P. Fagan v. Department of Health & Human Services	98 DCS 1769	Morrison	06/25/99	
Tresha W. Robinson v. Department of Health & Human Services	99 DCS 0480	Gray	10/18/99	
Robert Dwayne Kennedy v. Department of Health & Human Services	99 DCS 0482	Wade	09/10/99	
Deborah Seegars v. Department of Health & Human Services	99 DCS 0505	Phipps	06/30/99	
Lillian Anne Darroch v. Department of Health & Human Services	99 DCS 0555	Gray	07/06/99	
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Terry Allen Brickey v. Alarm Systems Licensing Board	99 DOJ 0097	Wade	05/21/99	
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Brian Anthony Bartimac v. Alarm Systems Licensing Board	99 DOJ 0487	Morrison	05/25/99	
Paul Luke Walczak v. Alarm Systems Licensing Board	99 DOJ 0489	Owens	08/03/99	
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Education and Training Standards Division				
Rock Steven Edwards v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0906	Chess	05/13/99	
Anthony Scott Hughes v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1530	Chess	05/12/99	
Hal Pilgreen v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 1775	Chess	06/09/99	
Emma J. Kiser v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1793	Gray	06/07/99	
Keith Allen Norris v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0045	Mann	07/29/99	14:04 NCR 351
Sherry Davis Kenney v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0067	Wade	06/08/99	
Brian G. Mead v. Criminal Justice Education & Training Stds. Comm.	99 DOJ 0106	Gray	10/07/99	
Steven Randolph Russell v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0123	Owens	10/29/99	14:11 NCR 928
Russell Lee Yelverton v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0131	Phipps	08/11/99	
James Marion Massey v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0168	Reilly	10/11/99	
Mark E. Narron v. Sheriffs' Ed. & Training Stds. Commission	99 DOJ 0453	Morrison	09/08/99	14:07 NCR 568
Shean E. Taylor v. Sheriffs' Ed. & Training Stds. Commission	99 DOJ 0790	Reilly	09/29/99	
Dennis L. Ramsingh v. Sheriffs' Ed. & Training Stds. Commission	99 DOJ 0796	Gray	11/04/99	
Sandra G. Armstrong v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0844	Mann	09/24/99	
Edward L. Lusk v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0846	Phipps	09/29/99	
Tonnette Bembury v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0934	Reilly	09/29/99	
Terry Leon Jones v. Criminal Justice Education & Training Stds. Comm.	99 DOJ 1054	Wade	10/21/99	
Brenda J. Hines v. Sheriffs' Education & Training Stds. Comm.	99 DOJ 1138	Wade	10/14/99	
George Hoke Powell, Jr. v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 1363	Chess	12/08/99	
Private Protective Services Board				
Tri-City Securities and James G. Hutcherson v. Private Protective Svcs. Bd.	98 DOJ 1749*[7]	Phipps	09/02/99	
Tri-City Securities and James G. Hutcherson v. Private Protective Svcs. Bd.	98 DOJ 1752*[7]	Phipps	09/02/99	
Ordie Hazu McFarland v. Private Protective Services Board	99 DOJ 0099	Morrison	10/12/99	
Thomas E. Mewborn v. Private Protective Services Board	99 DOJ 0101	Owens	07/30/99	
Michael Lynn Arter v. Private Protective Services Board	99 DOJ 0262	Wade	05/25/99	
Jeffrey S. Moore v. Private Protective Services Board	99 DOJ 0488	Morrison	05/24/99	
Bonnie Marie Keller v. Private Protective Services Board	99 DOJ 0491	Morrison	05/24/99	
Shawn E. Alexander v. Private Protective Services Board	99 DOJ 0492	Owens	07/19/99	
Ronald E. Sulloway v. Private Protective Services Board	99 DOJ 0493	Morrison	05/24/99	
Raymond Solomon v. Private Protective Services Board	99 DOJ 0494	Morrison	05/25/99	
Charles E. Evans, Jr. v. Private Protective Services Board	99 DOJ 0496	Morrison	05/25/99	
Lawrence Martin v. Private Protective Services Board	99 DOJ 0526	Morrison	10/25/99	
William E. Ellis, Sr. v. Private Protective Services Board	99 DOJ 0527	Morrison	06/08/99	
Bobby James Nicholson v. Private Protective Services Board	99 DOJ 0528	Phipps	08/17/99	
Murray J. Degnan v. Private Protective Services Board	99 DOJ 0529	Gray	11/29/99	
Thomas William Atchison v. Private Protective Services Board	99 DOJ 1018	Morrison	09/21/99	
Mark Lavern Hewitt v. Private Protective Services Board	99 DOJ 1019	Gray	11/10/99	
Robert Steven Pekel v. Private Protective Services Board	99 DOJ 1020	Gray	11/10/99	
Jacqueline Renee Haywood v. Private Protective Services Board	99 DOJ 1123	Gray	11/10/99	
Isaiah Kornegay, Jr. v. Private Protective Services Board	99 DOJ 1290	Morrison	12/07/99	
Wayne Orlando Miller v. Private Protective Services Board	99 DOJ 1291	Morrison	12/09/99	
Richard Asiedu v. Private Protective Services Board	99 DOJ 1293	Morrison	12/09/99	
Garland D. Melvin v. Private Protective Services Board	99 DOJ 1296	Morrison	12/03/99	
Dennis L. Young v. Private Protective Services Board	99 DOJ 1301	Morrison	12/03/99	
Jose V. Vargas v. Private Protective Services Board	99 DOJ 1302	Morrison	12/03/99	
Gwendolyn L. Gray v. Private Protective Services Board	99 DOJ 1303	Morrison	12/03/99	
Allen D. Edenburn v. Private Protective Services Board	99 DOJ 1305	Morrison	12/03/99	
Chris George McCracken v. Private Protective Services Board	99 DOJ 1417	Morrison	11/29/99	
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Martin Wayne Fletcher v. St. Bd. of Educ., Dept of Public Instruction	98 EDC 0001	Chess	09/21/994	
S.H. by and through her guardian and custodian, H.H. and H.H v. Henderson County Board of Education	98 EDC 1124	Mann	06/11/99	
Paula Morrill, individually/on behalf of John Morrill v. Wake Cty. Schools	98 EDC 1205	Gray	09/24/99	
S.L.F. and S.F.F. v.Charlotte-Mecklenburg Board of Education	98 EDC 1649	Mann	06/04/99	
Marshall Scott Brannan v. Department of Public Instruction	98 EDC 1796	Owens	07/13/99	14:07 NCR 565
Matthew Weber, and his father and next friend, Brian Weber, and Brian Weber v. Wilkes County Schools	99 EDC 0291	Mann	09/07/99	
Michael Mathison v. Charlotte-Mecklenburg Board of Education	99 EDC 0390	Gray	12/16/99	
David J. Dew v. Charlotte-Mecklenburg Board of Education	99 EDC 0498	Gray	12/13/99	
Deborah F. Brogden v. State Board of Education	99 EDC 0734	Reilly	10/05/99	
C. Kenneth Warrington v. Edgecombe County Schools	99 EDC 0955	Reilly	09/29/99	
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Department of Agriculture				
H.C. Troxler, Jr. v. Dept. of Agriculture and Consumer Services	99 OSP 0659	Chess	07/27/99	

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E. Wayne Irvin v. Department of Correction	94 OSP 1791	Morrison	05/18/99	14:01 NCR 60
Pershield DeLoatch v. Department of Correction	98 OSP 1026	Gray	08/11/99	
Deborah Smith v. Department of Correction	98 OSP 1126	Chess	06/22/99	
Maydean L. Taylor v. Department of Correction	98 OSP 1272	Chess	05/14/99	
Ann McMillian v. Morrison Youth Institution, Department of Correction	98 OSP 1275	Chess	05/12/99	
Edward Alan Roper v. DOC, Div. of Prisons, Western Youth Institute	98 OSP 1644	Gray	08/11/99	
Shirley Sellars v. Department of Correction	98 OSP 1788[10]	Gray	09/30/99	
Sean R. Dillard v. Dept. of Correction, Pasquotank Correctional Inst.	98 OSP 1800	Gray	08/26/99	
DeCarlos Stanley v. Department of Correction	99 OSP 0027	Morrison	06/22/99	
Steve A. Matthews v. Department of Correction	99 OSP 0162	Morrison	08/20/99	
Patrick Smith v. Department of Correction	99 OSP 0163	Morrison	10/14/99	
Harry E. Kenan v. Capt. B.F. Lewis, Polk Youth Institution	99 OSP 0257	Phipps	06/07/99	
Robert Russell, Jr. v. Jeff Jones, Div of Community Corrections	99 OSP 0258	Lassiter	09/29/99	
Judith Caves v. Department of Correction	99 OSP 0338	Phipps	09/29/99	14:11 NCR 945
Shirley Sellars v. Department of Correction	99 OSP 0386[10]	Gray	09/30/99	
Richmond Fulmore v. Department of Correction, Wake Correctional	99 OSP 0416	Mann	06/04/99	
Henry C. Parks v. DART/Admin., Ann Shea, Edward McCall, Thomas G. Ivester	99 OSP 0512	Morrison	09/22/99	
Jerry D. Crawford v. Department of Correction 99 OSP 0577	Reilly	06/02/99		
Walter L. Whitaker v. Capt. Ricky Johnson, Pasquotank Corr. Inst.	99 OSP 0644	Gray	10/12/99	
Angelo Alfonzo Smith v. Department of Correction	99 OSP 0675	Gray	11/04/99	
Charles Creegan v. Department of Correction	99 OSP 0765	Reilly	08/03/99	
Kathi P. Brown v. NC Correctional Institute for Women	99 OSP 0914	Chess	12/10/99	
David J. Dennis v. Department of Corrections, Polk Youth Institution	99 OSP 0918	Chess	10/12/99	
Tara King v. Department of Corrections	99 OSP 0930	Chess	11/08/99	
Joyce Ann Bullock v. Polk Youth Institution	99 OSP 1065	Wade	11/15/99	
Timothy Ramey v. Department of Correction	99 OSP 1085	Chess	11/22/99	
Curtis Lee Tucker v. Dept. of Correction - Caledonia	99 OSP 1097	Wade	12/06/99	
Heather Williams v. Department of Correction 99 OSP 1163	Reilly	12/13/99		
Crime Control and Public Safety				
Thomas Michael Chamberlin v. DCCPS, Center for Missing Persons	99 OSP 0596[*4]	Gray	08/16/99	
North Carolina School for the Deaf				
Steve Crawford v. North Carolina School for the Deaf	99 OSP 0640	Lassiter	10/18/99	
Danny Wilson Carson v. North Carolina School for the Deaf	99 OSP 0641	Lassiter	10/18/99	
Eric Arden Hurley v. North Carolina School for the Deaf	99 OSP 0087	Reilly	06/24/99	
Employment Security Commission				
Russell J. Suga v. Employment Security Commission	96 OSP 1122	Reilly	05/26/99	
Environment and Natural Resources				
L. Clifton Carroll v. Dept of Natural Resources, Div. of Parks and Recreation	98 OSP 0914	Gray	10/22/99	14:12 NCR 1082
Larry A. Campbell v. NC Wildlife Resources Commission	99 OSP 0050	Morrison	11/10/99	14:12 NCR 1086
Pathe Vivek v. Department of Environment & Natural Resources	99 OSP 0956	Chess	10/06/99	
Health and Human Services				
Debbie L. Whitley v. Wake County Department of Social Services	97 OSP 0722	Phipps	09/27/99	
Vera Crenshaw v. DHHS, Julian F. Keith Alc. & Drug Abuse Trtmt. Ctr.	98 OSP 0456	Gray	08/05/99	
Ivey G. Rhodes v. Pitt County Mental Health Center	98 OSP 0924	Phipps	07/09/99	
Odessa D. Gwynn v. Caswell County Health Department	98 OSP 1299	Gray	08/25/99	
Doris Virginia Wearing v. Durham County Health Department	98 OSP 1432	Reilly	06/18/99	
Julia A. Cameron v. John Umstead Hospital, Health & Human Services	99 OSP 0053	Morrison	06/22/99	
Danny Jacob v. Onslow County Board of Health	99 OSP 0129	Gray	10/12/99	14:11 NCR 936
Jency Abrams v. Department of Health & Human Services	99 OSP 0147	Owens	08/11/99	
Lisa Adams-Houghton v. Rockingham Co. Dept of Social Services	99 OSP 0278	Gray	11/04/99	
Timothy Truzy v. Department of Health & Human Services	99 OSP 0316	Gray	10/22/99	
Carlos D. Burks, Sr. v. North Carolina Special Care Center	99 OSP 0325	Owens	08/25/99	
Donna Pittman v. Department of Health & Human Services	99 OSP 0444	Morison	12/15/99	
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Odell Hudson v. Health & Human Svcs., Dorothea Dix Hospital	99 OSP 0609	Gray	07/07/99	
Erica Joynes v. Durham County Department of Social Services	99 OSP 0671	Gray	07/13/99	

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Cheryl Highsmith v. DHHS, Youth Svcs., New Hanover Reg. Juvenile Detention Center	99 OSP 0763	Owens	09/03/99	
Carolyn A. Carter v. Cleveland County Dept of Social Services	99 OSP 1055	Gray	11/29/99	
Veda B. Gill v. Durham County Department of Social Services	99 OSP 1090	Morrison	11/09/99	
Anthony Ratcliff v. Department of Health & Human Services	99 OSP 1483	Phipps	09/22/99	
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Lili Romaine Lee v. County of Johnston	99 OSP 0456	Morrison	06/02/99	
Justice				
Thomas Michael Chamberlin v. Justice, Justice Academy	99 OSP 0308	Phipps	06/11/99	
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Robert C. Adams v. Department of Labor	99 OSP 0667	Gray	07/28/99	
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Billy McEachern v. Schools of Robeson County	99 OSP 0189	Wade	09/04/99	
John Lee Herbin v. Smarkand Manor Training School	99 OSP 0273	Gray	08/04/99	
Linda D. Chapman v. Lenoir County Public Schools	99 OSP 0691	Reilly	08/16/99	
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Antonio Allen Bolton v. Office of the N.C. State Auditor	99 OSP 0979	Wade	11/22/99	
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Michelle Maloney Wilkins v. Department of Transportation	98 OSP 0836	Morrison	05/20/99	
Judy S. Grindstaff v. Department of Transportation	98 OSP 1028	Gray	09/30/99	
Charles W. McAdams v. Dept. of Transportation, Div/Motor Vehicles	99 OSP 0034	Mann	06/23/99	
Larry R. Lane v. Department of Transportation 99 OSP 0105	Mann	06/11/99		
Ronald Roberson v. Dept. of Transportation, Right-of-Way Branch	99 OSP 0142	Morrison	06/08/99	
Shelvia Davis v. Department of Transportation 99 OSP 0156	Owens	06/23/99		
Carmalita Daniels v. Department of Transportation	99 OSP 0264	Gray	08/20/99	
Paul N. Harris v. Dept. of Transportation, Div of Motor Vehicles	99 OSP 0625	Gray	12/02/99	14:14 NCR 1336
Carolyn Campell v. Dept of Transportation	99 OSP 0739	Reilly	12/03/99	14:14 NCR 1339
University of North Carolina				
Wanda Troxler v. A & T State University and Dr. Ray J. Davis	97 OSP 0819	Phipps	08/02/99	
Vivian Smith Hammiel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1268*[2]	Phipps	07/06/99	
Vivian Smith Hammiel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1269*[2]	Phipps	07/06/99	
Vivian Smith Hammiel, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1270*[2]	Phipps	07/06/99	
Jackie S. Flowers v. East Carolina University	98 OSP 1618	Reilly	06/24/99	
James A. Benton v. University of North Carolina at Charlotte	99 OSP 0047	Wade	10/08/99	
Tracey L. Wilson v. North Carolina Central University	99 OSP 0388	Chess	12/06/99	
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0517*[6]	Reilly	08/27/99	
Anna Anita Huff v. Dr. Lonnie Sharpe/Dr. Reza Salami-Coll./Engineering	99 OSP 0599	Chess	07/16/99	
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0623*[6]	Reilly	08/27/99	
Thomas Michael Chamberlin v. UNC @ Chapel Hill, Dept. of University Housing, Division of Student Affairs	99 OSP 0674*[4]	Gray	08/16/99	
Halycon Tudie Blake v. University of North Carolina at Chapel Hill	99 OSP 0686	Gray	07/08/99	
Bridgette R. Booker v. Winston-Salem State University	99 OSP 0731	Chess	09/03/99	
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0830*[6]	Reilly	08/27/99	
Temperance T. Tobe v. North Carolina Central University	99 OSP 0865	Chess	08/24/99	
James W. Murrell v. University of North Carolina at Chapel Hill	99 OSP 1102	Morrison	11/29/99	
Harold Richardson v. University of North Carolina at Charlotte	99 OSP 1208	Wade	11/15/99	
Albertina Thompson v. Chancellor James Renick of NC A & T Univ.	99 OSP 1578	Gray	12/17/99	
DEPARTMENT OF LABOR				
Bellacino's v. Department of Labor 99 DOL 1216	Reilly	12/14/99		
DEPARTMENT OF TRANSPORTATION				
Peter Kay., Stern v. Department of Transportation	99 DOT 0668	Owens	07/29/99	
UNIVERSITY OF NORTH CAROLINA				
Stephanie A. Payne v. UNC Hospitals	99 UNC 0375	Morrison	06/21/99	
Barbara A. Russell v. UNC Hospitals	99 UNC 0540	Gray	08/11/99	

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Robin Perkins Stephens v. UNC Hospitals	99 UNC 0563	Owens	07/21/99	
Rita Jo Kincaid v. UNC Hospitals	99 UNC 0746*[5]	Reilly	08/09/99	
Rita Jo Kincaid v. UNC Hospitals	99 UNC 0747*[5]	Reilly	08/09/99	
Edna Heath v. UNC Hospitals	99 UNC 0943	Chess	10/15/99	

STATE OF NORTH CAROLINA COUNTY OF WAKE		IN THE OFFICE OF ADMINISTRATIVE HEARINGS 99 EHR 1660
NEUSE RIVER FOUNDATION, NEUSE RIVERKEEPER, AND ALLIANCE FOR A RESPONSIBLE SWINE INDUSTRY, INC Petitioners, v. NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION, Respondent.	)	TEMPORARY RESTRAINING ORDER

This matter came on for hearing before the undersigned on Thursday, December 9, 1999, on Petitioners' Motion for a Temporary Restraining Order, pursuant to the North Carolina Administrative Procedures Act, N.C. Gen. Stat. § 150B-33(b)(6), and Rule 65(b) of the North Carolina Rules of Civil Procedure, and after notice to the Respondent. Having fully considered the matters of record and the arguments of counsel, including the arguments of counsel for movants for intervention, the undersigned hereby makes the following:

FINDINGS OF FACT

1. On November 5, 1999, the North Carolina Soil and Water Conservation Commission adopted "Soil and Water Conservation BMPs for Animal Waste Management Systems Impacted by Hurricanes Dennis, Floyd, Irene and Other Chronic Rain Events," referred to in this Order as the "modified BMPs."

2. The modified BMPs took effect on November 5, 1999, and will remain in effect until March 31, 2000.

3. The modified BMPs apply only to animal operations that store animal waste in open lagoons and spray the liquid waste onto fields.

4. The animal waste contains nitrogen and phosphorous. Nitrogen and phosphorous are both plant nutrients and water pollutants.

5. The North Carolina Cooperative Extension Service and the Natural Resources Conservation Service (a division of the U.S. Department of Agriculture) have published the agronomic rates for the application of nitrogen to different crops. The NCCES and NRCS recommendations have been incorporated by reference into the regulations of the Soil and Water Conservation Commission.

6. The modified BMPs adopted by the SWCC authorize the application of animal waste at rates that greatly exceed agronomic rates.

7. An agronomic rate is designed to provide a balance between the amount of nitrogen (or other nutrients) in the animal waste and the amount of nitrogen the receiving crop needs to grow. It is also designed to minimize the amount of nitrogen (or other nutrients) that is lost to the environment.

8. The application of animal waste in excess of agronomic rates will result in the contamination of groundwater and runoff into surface waters, presenting a substantial risk of human exposure to harmful nitrates in drinking water and substantial risk of exacerbating existing surface water quality problems, including algae blooms and fish kills.

9. Petitioners' members derive their drinking water from groundwater supplies that likely will be contaminated from the over-application of animal waste. The ingestion of water contaminated with nitrates can cause serious illness or death. Nitrate contamination in water cannot be detected without chemical analysis.

10. Petitioners' members use the creeks, rivers, sounds and estuaries that will be polluted from the runoff resulting from over-application of animal waste for fishing, boating and swimming and other pursuits. Their interests will be irreparably harmed by the increased degradation of these waters caused by the modified BMPs.

11. The litigation of this case would normally extend beyond March 31, 2000, before a final agency decision is reached.

Absent preliminary relief, petitioners would have no meaningful remedy for their claims.

Based upon these Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. The General Assembly has adopted legislation that requires animal waste to be applied at a rate that assures a balance between the nutrients applied and the nutrient needs of the crops to which the waste is applied. N.C. Gen. Stat. § 143B-215.10C(e)(7).

2. The General Assembly has delegated responsibility for regulating the state's animal waste operations to the Environmental Management Commission. N.C. Gen. Stat. §§ 143B-215.1(a)(12); 143B-215.10B.

3. Regulations adopted by the Environmental Management Commission prohibit the application of animal waste in excess of agronomic rates. 15A N.C.A.C. 2H.0217(a)(1)(H)(iv).

4. In 1997, the Environmental Management Commission adopted a statewide General Permit for Swine Waste Operations that prohibits the application of animal waste in excess of agronomic rates. Swine Waste Operation General Permit ¶ II.4.

5. Because these authorities preclude the SWCC from adopting BMPs that allow swine waste to be applied in excess of agronomic rates, the petitioners are likely to succeed on the merits of their claims.

6. The petitioners are likely to suffer irreparable harm if the actions authorized by the modified BMPs continue during the pendency of this action. " Generally, when the proof tends to show with reasonable certainty that there is a well grounded apprehension of danger to health or life by reason of the threatened use of adjacent property, such user should be restrained until the final hearing. ...Equity does not require a man to stand idle, until his family has sickened or died." *Causby v. High Penn Oil Co., 244 N.C. 235, 241, 93 S.E. 2d 79 (1956).*

7. Denial of injunctive relief would foreclose adequate relief to the petitioners because of the time-limited nature of the modified BMPs. The most important consideration when petitioners have shown a likelihood of success on the merits and seek an injunction as their final remedy is "whether the issuance of an injunction is necessary for the protection of [petitioners'] rights during the course of litigation...." *A.E.P. Industries, Inc., v. McClure, 308 N.C. 393, 406, 302 S.E.2d 754, 762 (1983).*

8. Administrative law judges may stay contested agency actions pending the outcome of cases, upon such terms as they deem proper subject to the provisions of G.S. § 1A-1, Rule 65. N.C. Gen. Stat. § 150B-33(b)(6).

9. Petitioners are not required to post security, as the restraint will do the respondent no material damage and there is no proof that the respondent will suffer damage or loss by enjoining the application of swine waste at rates greater than agronomic rates.

Based upon these findings of fact and conclusions of law, the undersigned issues the following:

ORDER

Petitioners' Motion for Temporary Restraining Order is granted. The Respondent, North Carolina Soil and Water Conservation Commission, and anyone acting in concert with it are hereby restrained from authorizing, approving, condoning or engaging in the application of swine waste at rates greater than agronomic rates.

This Order will remain in effect until a hearing on petitioners' Motion for Preliminary Injunction. The Temporary Restraining Order will expire at 2:32 p.m. on the 20th day of December, 1999.

A hearing on Petitioners' Motion for Preliminary Injunction will take place on the 20th day of December, 1999, at 9:00 a.m. at the Office of Administrative Hearings in the Lee House, 422 North Blount Street, Raleigh, North Carolina.

This the 10th day of December, 1999.

Fred G. Morrison Jr.
Senior Administrative Law Judge

STATE OF NORTH CAROLINA COUNTY OF WAKE		IN THE OFFICE OF ADMINISTRATIVE HEARINGS 99 OSP 0625
PAUL N. HARRIS Petitioner, v. NORTH CAROLINA DEPT. OF TRANSPORTATION, DIVISION OF MOTOR VEHICLES, Respondent.	)	RECOMMENDED DECISION

This matter was heard before Beecher Gray, Administrative Law Judge, on October 1, 1999 in Raleigh, North Carolina.

APPEARANCES

For the Petitioner: Marvin Schiller, Attorney at Law
David G. Schiller, Attorney at Law
Raleigh, North Carolina, appearing

For the Respondent: Christine M. Ryan, Assistant Attorney General
Kimberly Hunt, Associate Attorney General
Raleigh, North Carolina, appearing

ISSUES

1. Whether Respondent terminated Petitioner without just cause in violation of N.C. Gen. Stat. § 126-35?

2. Whether Respondent failed to undertake reasonable efforts to locate Petitioner and determine whether he intended to return to work, in violation of 25 NCAC 1D.0518 and the State Personnel Manual, Appointment and Separation, Section 5, Page 6.1.

FINDINGS OF FACT

1. Petitioner Paul N. Harris, Jr. was hired by Respondent in October 1987. Petitioner continued his employment with Respondent until he was terminated by his supervisor Ms. Mary L. Beamon by letter dated April 12, 1999.

2. Petitioner held the position of Problem Resolution Officer. His salary was approximately $30,000.00 per year. His pay grade was 65.

3. Petitioner was a "career employee" within the meaning of N.C. Gen. Stat. Chapter 126 (the Personnel Act). Petitioner had received no verbal or written warnings prior to his termination on April 12, 1999.

4. Petitioner's former wife filed various criminal charges against him in January 1999 and February 1999. As a result, Petitioner was incarcerated in the Wake County jail for a period of approximately one (1) or two (2) days, on each occasion.

5. On March 26, 1999, Petitioner was arrested at work and incarcerated in the Wake County jail.

6. Pursuant to 25 NCAC 1D.0518 and the State Personnel Manual, Appointment and Separation, Section 5, Page 6.1., an employee who fails to return to work without giving written or verbal notice may be deemed to have voluntary resigned, so long as the employer-agency undertakes "reasonable efforts to locate the employee and determine . . . [whether] . . . the employee is intending to return to work."

7. On April 1, 1999, Supervisor Beamon wrote and sent by certified mail return receipt a letter informing Petitioner that if he did not report to work by April 7, 1999, Respondent would deem his failure to report to work his voluntary resignation. Ms. Beamon addressed her April 1, 1999, letter to Petitioner at "662 A Tiffany Blvd., Rocky Mount," where Petitioner did not live.

This address was the address listed in Petitioner's records maintained by Respondent. Respondent had actual knowledge that Petitioner did not live at this address.

8. The April 1, 1999, letter was returned to Respondent. The envelope stated that the letter was "undeliverable as addressed." (Petitioner's Exhibit 1)

9. The criminal charges against Petitioner were dismissed by a Wake County judge. Petitioner was released from Wake County jail prior to April 7, 1999, and he reported to work upon his release from jail. Supervisor Beamon never informed Petitioner that she had attempted to mail to Petitioner the voluntary dismissal letter dated April 1, 1999.

10. On or about April 7, 1999, Petitioner explained to his Supervisor Beamon that his former wife was filing false charges against him, that there was nothing he could do to stop her, but that he was working through the situation to the best of his ability.

11. Petitioner never indicated to Supervisor Beamon, or to any other of Respondent's agents, that he intended to resign from his employment with Respondent.

12. On April 7, 1999, Petitioner was arrested at work in the presence of many co-workers and was incarcerated the same day. Petitioner called Supervisor Beamon and informed her of the charges on April 7, 1999 after he arrived at the Wake County jail. Petitioner told Supervisor Beamon that he could not come to work and did not know exactly when he could return. Petitioner was in the Wake County jail from April 7, 1999 until April 21, 1999.

13. On April 12, 1999, Supervisor Beamon wrote and sent by certified mail return receipt a letter informing Petitioner that if he did not report to work by April 15, 1999, Respondent would deem his failure to report to work his voluntary resignation. Supervisor Beamon attempted to mail the April 12, 1999, letter to Petitioner at "662 A Tiffany Blvd., Rocky Mount," where Petitioner did not live.

14. Supervisor Beamon knew from other employees in Respondent's office that Petitioner no longer lived at the Rocky Mount address.

15. Neither Supervisor Beamon nor any other agent of Respondent made any attempt to contact Petitioner at the Wake County jail, in person, by telephone or by mail, or at his current home address between April 7, 1999 and April 12, 1999.

16. On April 21, 1999, the day of Petitioner's release from Wake County jail, Petitioner attempted to contact Supervisor Beamon by telephone. At this time, Mr. Michael E. Bryant, Director of Administration and Adjudication for the Driver License Section, received Petitioner's telephone call and told Petitioner that he did not care where Petitioner was, because Petitioner was not at work, and Petitioner had been terminated.

17. Petitioner had accumulated approximately twenty (20) days of earned vacation time when he was discharged on April 12, 1999.

18. Respondent did not undertake reasonable efforts to locate Petitioner and determine whether he intended to return to work prior to discharging him on April 12, 1999.

CONCLUSIONS OF LAW

1. Petitioner has the burden of proving that he was terminated without just cause in violation of N.C. Gen. Stat. § 126-35.

2. Petitioner has proven by a preponderance of the evidence that Respondent terminated him without just cause in violation of N.C. Gen. Stat. § 126-35.

3. Respondent's failure to undertake reasonable efforts to locate Petitioner and determine whether he intended to return to work was a violation of 25 NCAC 1D.0518 and the State Personnel Manual, Appointment and Separation, Section 5, Page 6.1.

RECOMMENDED DECISION

Petitioner is entitled to reinstatement to the position of Problem Resolution Officer or substantially similar position with full back pay accruing from the date he was terminated until paid, further appropriate adjustment of Petitioner's salary in view of any across the board legislative salary increase, all other benefits of continuous State employment, attorneys fees and costs, including deposition and transcript costs. Petitioner's personnel file should be appropriately rectified so as to reflect the fact that he was terminated without just cause. Any and all documents in his personnel file which indicate to any degree a contrary fact should be removed. Petitioner shall be retrained if he is placed in a substantially similar position rather than reinstated to his former position.

ORDER

It is hereby ordered that the agency making the final decision in this matter serve a copy of the final decision to the Office of Administrative Hearings, PO Drawer 27447, Raleigh, NC 27611-7447, in accordance with N.C. Gen. Stat. § 150B-36(a)

NOTICE

The Recommended Decision shall be reviewed by the State Personnel Commission in accordance with its rules and procedure established by the North Carolina Administrative Code.

This the 2nd day of December, 1999.

_____

Beecher Gray
Administrative Law Judge

STATE OF NORTH CAROLINA COUNTY OF WAKE		IN THE OFFICE OF ADMINISTRATIVE HEARINGS 99 OSP 0739
CAROLYN CAMPELL Petitioner, v. NCDOT-DOT, Respondent.	)	RECOMMENDED DECISION

This matter came on for hearing before the undersigned Judge presiding over the November 3, 1999 session of the Office of Administrative Hearings in Raleigh, North Carolina. The Petitioner was represented by William Woodward Webb of The Edmisten & Webb Law Firm and the Respondent was represented by Christine Ryan and Kimberly Hunt of the Attorney General's Office.

After hearing the evidence presented, the arguments of counsel and reviewing all pleadings and submission of the parties, the undersigned Judge makes the following recommended Findings of Fact, Conclusions of Laws and Order in this matter.

FINDINGS OF FACT

1. On October 5, 1998, the Petitioner took a lateral transfer from her position with the North Carolina Department of Health and Human Services to the North Carolina Department of Transportation, DMV-Enforcement Section ("DMV" or "the Respondent").

2. The Petitioner was and still is employed with the Respondent as a Processing Assistant IV.

3. On October 31, 1998, the Petitioner noticed the first sign of aggravation of her asthma at DMV.

4. In November of 1998, the Petitioner visited a physician regarding her asthma. The physician wrote her a prescription for steroids.

5. In December of 1998, the Petitioner again visited her physician regarding her asthma. The physician wrote her a second prescription for steroids which was not as strong as the first prescription.

6. During the week of January 3-8, 1999, the Petitioner was assigned to purge files from file cabinets along with four other employees. During the same week, painters started painting on the same floor of the Theft Section of the DMV-Enforcement Section.

7. On January 10, 1999, the Petitioner visited the emergency room of Rex Hospital and was admitted into Rex Hospital for a severe asthma attack needing intravenous medication and oxygen support.

8. The Petitioner was discharged from Rex Hospital on January 15, 1999.

9. On January 15, 1999, the Petitioner's treating physician, Dr. Josephine Brown, MD, wrote a letter to the Petitioner's employer stating that the Petitioner is "severely allergic to dust and to paint fumes" and recommended that she not be exposed to that environment.

10. On January 25, 1999, the Petitioner attempted to return to work. She was informed that keeping and dealing with files were an essential function of the job. She was offered a face mask and removal from the area when painting as a job accommodation.

11. The Petitioner's treating physician, Dr. Josephine Brown, continued to advise that she not be exposed to a work environment in which she would be exposed to dust and paint fumes. Because the Petitioner's treating physician did not clear her to return to work in the presence of old, dusty files, the Respondent's agent sent the Petitioner home on January 25, 1999.

12. On January 28, 1999, Mr. Ronald Oates, the Department of Transportation's ADA Coordinator, in conjunction with

Mr. Donald Crooke, an expert in ADA law and guidelines, and Mr. Robert Owens, the State ADA Coordinator, wrote an interoffice memorandum recounting facts as essentially set forth in paragraphs 1-11 above, and recommending that DMV and DOT Personnel respectively search within to locate possible vacancies for a Processing Assistant IV or similar job, and recommending the following job accommodations as reasonable: 1. A work environment that is well ventilated; 2. No open paper files and excessive dust; and 3. No paint or other fumes.

13. On February 15, 1999, Dr. Brown repeated her recommendations to the Respondent in writing.

14. On February 18, 1999, the Respondent sought a consultation with Dr. Craig LaForce, an allergist. The Petitioner saw Dr. LaForce on March 13, 1999. Dr. LaForce's consultation consisted of a review of the Petitioner's medical records and talking with her. Dr. LaForce did not do any physical examination of the Petitioner nor did he render medical care and treatment.

15. As a result of the consultation with Dr. LaForce, the Respondent proposed that the Petitioner return to her original job, with increased medication, with continuous monitoring of her "peak flow meter measurements," and purchase by DOT of a HEPA filtration system. The system was intended to be located at the Petitioner's desk. These recommended accommodations were communicated to the Petitioner by the Respondent by letter dated March 19, 1999. Even though Dr. LaForce had done no physical examination of the Petitioner nor rendered any medical care and treatment to the Petitioner, and even though there is no evidence in the record that he himself makes such a claim, the Respondent insisted on considering Dr. LaForce as the Petitioner's treating physician, and decided that the consulting recommendations of Dr. LaForce would be considered as an authorization to return to work by the Petitioner's treating physician.

16. The Petitioner's actual treating physician was Dr. Brown. Even in light of Dr. LaForce's recommendations, Dr. Brown continued to recommend against a return to the original workplace under any circumstances because of the Petitioner's severe allergy to dust and dust mites and the severity of her January 1999 asthma attack.

17. On April 5, 1999, the Petitioner received a letter from the Respondent insisting that she return to work at 8:00 a.m. on Wednesday, April 8, 1999, at her old position, or be considered to have resigned.

18. Following her treating physician's advice, the Petitioner did not return to her former job.

19. From and after January 25, 1999, the Petitioner remained willing and able to accept alternative positions with the Respondent, in different buildings, and which met the reasonable accommodation recommendations developed by Messrs, Oates, Crooke and Owens, the ADA experts, as set out by Mr. Oates in his January 28, 1999, memorandum referenced in paragraph 12 above. The Petitioner applied for several such positions, and was turned down for these positions by the Respondent.

20. The Respondent has work sites in buildings other than the building to which the Petitioner was originally assigned.

21. Because of her severe allergy and asthmatic condition the Petitioner is a qualified handicapped individual who has a "handicapping condition" within the requirements of N.C.G.S. § 168A-3 (4) and who is entitled to reasonable accommodations for her condition as a matter of law.

22. The respondent has failed to provide any reasonable accommodation to the Petitioner.

23. The Petitioner did not voluntary resign her position with the Respondent and was not dismissed.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the subject matter of this action and the parties hereto.

2. The Petitioner, as a handicapped individual under the North Carolina General Statutes, is entitled to reasonable accommodations under both North Carolina law and the Federal Americans with Disabilities Act.

3. The Petitioner requested reasonable accommodations from the Respondent and reasonable accommodations were, in fact, developed by a panel of ADA experts employed by the State of North Carolina (two of whom were employed by the Respondent). Such accommodations included reassignment of the Petitioner to various other positions (or sites) in other DOT buildings which positions were available and which positions she was qualified to fill.

4. The Respondent was not satisfied with the reasonable accommodations identified and requested by the Petitioner and concurred in by her treating physician, Dr. Josephine Brown, as well as by the panel of State ADA experts referred to above in paragraph 12 of the Findings of Fact because it would have meant finding the Petitioner a different workplace. The Respondent then tried to supplant Dr. Brown with a consultant chosen and paid by the Respondent. That consultant's recommendations stating that the Petitioner could return to the original workplace with certain accommodations were deemed inadequate by the Petitioner's treating physician, Dr. Brown.

5. The Respondent's attempts to provide reasonable accommodations fall far short of those required by the Petitioner as evidenced by her treating physician's recommendations and also by those recommendations of the aforementioned panel of State ADA experts and, therefore, the Respondent has not furnished the Petitioner with reasonable accommodations as mandated by law and which would have provided substantial relief to the Petitioner with respect to her handicapping condition.

6. Furnishing the reasonable accommodations requested by the Petitioner would not create an undue hardship on the Respondent.

7. The Petitioner did not voluntarily resign from her position with the Respondent nor was she dismissed.

8. The Petitioner is entitled to the reasonable accommodations which she has sought, back and forward wages, including benefits, and, additionally, to an award of her costs and attorney's fees.

ORDER

It is recommended, in accordance with the foregoing Findings of Fact and Conclusion of Law, that the State Personnel Commission enter the following Order in respect to this case:

1. That the Petitioner did not voluntarily resign nor was she dismissed from her position as a Processing Assistant IV with the Respondent.

2. That the Petitioner be classified as a handicapped person under the provisions of N.C.G.S. § 168A-3(4) and the Americans with Disabilities Act.

3. That, as a handicapped individual, the Petitioner is entitled to "reasonable accommodation" in respect to the performance of her position as a Processing Assistant IV with the Respondent.

4. That the Respondent provide the Petitioner with reasonable accommodations in the following particulars:

   a. By reassigning the Petitioner to any job function within NCDOT for which she is qualified which will reasonably accommodate her handicapping condition.

5. That the Respondent pay to the Petitioner all back wages (and benefits) since February, 1999 and all forward wages until she is returned to work with reasonable accommodations.

6. That the Petitioner be awarded all attorney's fees and costs and that the Respondent be required to pay all attorney's fees and costs incurred by the Petitioner in the prosecution of this case.

7. That the Respondent be enjoined, permanently, from failing to provide the Petitioner reasonable accommodations in respect to her handicapping condition.

This the 3rd day of December, 1999.

ROBERT ROOSEVELT REILLY, JR.
Administrative Law Judge

CUMULATIVE INDEX

(Updated through January 11, 2000)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
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This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least $5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101	13:22 NCR 1820		14:03 NCR 243	*	**Object**	**11/17/99**

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Council for Women, North Carolina

1 NCAC 17	13:19 NCR 1606					

Indian Affairs, Commission of

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1 NCAC 15 .0205	13:02 NCR 175					
1 NCAC 15 .0206	13:02 NCR 175					
1 NCAC 15 .0212	13:02 NCR 175					
1 NCAC 15 .0213	13:02 NCR 175					

Non-Public Education

1 NCAC 40 .0101		13:05 NCR 521	Temp Expired 05/29/99			
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1 NCAC 40 .0102		13:05 NCR 521	Temp Expired 05/29/99			
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1 NCAC 40 .0103		13:05 NCR 521	Temp Expired 05/29/99			
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1 NCAC 35 .0103	13:04 NCR 360		13:08 NCR 647	*						
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1 NCAC 35 .0304	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0308	13:04 NCR 360		13:08 NCR 647	*						
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26 NCAC 01 .0101	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 01 .0103	14:08 NCR 579		14:12 NCR 1029	S						
26 NCAC 01 .0104	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 02C .0103	14:08 NCR 579		14:12 NCR 1030	*						
26 NCAC 02C .0105	14:08 NCR 579		14:12 NCR 1030	*						
26 NCAC 02C .0108	14:08 NCR 579		14:12 NCR 1030	*						
26 NCAC 02C .0303	14:08 NCR 579		14:12 NCR 1030	S						
26 NCAC 02C .0303	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
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26 NCAC 02C .0403	14:08 NCR 579		14:12 NCR 1030	*						
26 NCAC 03 .0101	14:08 NCR 579		14:12 NCR 1033	*						
26 NCAC 03 .0119	14:08 NCR 579		14:12 NCR 1033	*						
26 NCAC 04 .0102	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
26 NCAC 04 .0103	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	

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26 NCAC 04 .0108	N/A		N/A	N/A	Approve	11/17/99				
26 NCAC 04 .0202	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
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2 NCAC 20B .0104	13:13 NCR 1040		13:18 NCR 1503	*	Object	07/15/99				
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2 NCAC 43L .0309	13:14 NCR 1109		13:20 NCR 1718	*	Object	07/15/99				
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2 NCAC 54 .0101	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*	Approve	07/15/99			14:06 NCR 490	
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2 NCAC 54 .0103	13:14 NCR 1119	13:14 NCR 1119 Temp Expired 10/12/99	13:20 NCR 1718	*	Agcy Withdrew	07/15/99				
2 NCAC 54 .0104	13:14 NCR 1119	13:14 NCR 1119	13:20 NCR 1718	*	Approve	07/15/99	*		14:06 NCR 490	
2 NCAC 54 .0105	13:14 NCR 1119	13:14 NCR 1119 Temp Expired 10/12/99	13:20 NCR 1718	*	Agcy Withdrew	07/15/99				
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2 NCAC 09K .0214	13:14 NCR 1109		13:20 NCR 1717	*	Approve	07/15/99	*		14:06 NCR 490	
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2 NCAC 09L .1201	14:01 NCR 4		14:05 NCR 374	*						
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2 NCAC 52B .0201	14:14 NCR 1223									
2 NCAC 52B .0206	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0207	13:23 NCR 1946	13:23 NCR 1946	14:03 NCR 128	*	**Object**	**11/17/99**				
2 NCAC 52B .0302	13:23 NCR 1901		14:03 NCR 128	*	**Object**	**11/17/99**				

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2 NCAC 52B .0402	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0403	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0404	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
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2 NCAC 52B .0407	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0408	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0409	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0410	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0411	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0412	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52E .0209	13:23 NCR 1901		14:03 NCR 128	*						
APPRAISAL BOARD										
21 NCAC 57A .0305	13:01 NCR 3		13:05 NCR 513	*	Object	11/19/98				
					Approve	03/18/99	*		14:01 NCR 48	
ARCHITECTURE, BOARD OF										
21 NCAC 02 .0206	14:08 NCR 578									
21 NCAC 02 .0302	14:08 NCR 578		14:13 NCR 1148	*						
21 NCAC 02 .0303	14:08 NCR 578		14:13 NCR 1148	*						
AUCTIONEERS COMMISSION										
21 NCAC 04B .0201		14:13 NCR 1192								
21 NCAC 04B .0202		14:13 NCR 1192								
21 NCAC 04B .0302		14:13 NCR 1192								
21 NCAC 04B .0404		14:13 NCR 1192								
21 NCAC 04B .0601		14:13 NCR 1192								
21 NCAC 04B .0801		14:13 NCR 1192								
21 NCAC 04B .0802		14:13 NCR 1192								

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21 NCAC 04B .0803		14:13 NCR 1192								
21 NCAC 04B .0804		14:13 NCR 1192								
21 NCAC 04B .0805		14:13 NCR 1192								
21 NCAC 04B .0806		14:13 NCR 1192								
21 NCAC 04B .0807		14:13 NCR 1192								
21 NCAC 04B .0808		14:13 NCR 1192								
21 NCAC 04B .0809		14:13 NCR 1192								
21 NCAC 04B .0810		14:13 NCR 1192								
21 NCAC 04B .0811		14:13 NCR 1192								
21 NCAC 04B .0812		14:13 NCR 1192								
21 NCAC 04B .0813		14:13 NCR 1192								
21 NCAC 04B .0814		14:13 NCR 1192								
21 NCAC 04B .0815		14:13 NCR 1192								
21 NCAC 04B .0816		14:13 NCR 1192								
21 NCAC 04B .0817		14:13 NCR 1192								
21 NCAC 04B .0818		14:13 NCR 1192								
21 NCAC 04B .0819		14:13 NCR 1192								
CHIROPRACTIC										
21 NCAC 10 .0203		12:23 NCR 2098	13:14 NCR 1117	*	Approve	04/15/99	*		14:02 NCR 84	
COMMERCE										
4 NCAC 01E .0104	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
					Approve	01/21/99	*		13:22 NCR 1868	
4 NCAC 01I .0101	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 01I .0102	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0102		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 01I .0201	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				

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					Action	Date				
4 NCAC 011 .0201		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0202	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0202		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0301	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0301		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0302	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0302		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0303	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0303		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0304	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0304		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0401	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0401		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0402	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0402		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0403	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0403		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14.08 NCR 585	L/S/SE						
4 NCAC 011 .0404	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0404		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0405	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0405		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0501	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0501		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0502	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0502		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 011 .0503	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011 .0503		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						

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4 NCAC 01I .0601	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0601		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 01I .0701	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0701		Temp. Expired 10/29/99	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 01I .0801	11:09 NCR 569	13:15 NCR 1224	13:20 NCR 1719	*	**Return to Agcy**	**08/19/99**				
		Temp. Expired 10/29/99	13:20 NCR 1719							
		14:08 NCR 585	14:08 NCR 585	L/S/SE						
4 NCAC 01K .0102	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
					Approve	01/21/99	*		13:22 NCR 1868	
4 NCAC 01K .0103	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
					Approve	01/21/99	*		13:22 NCR 1868	
4 NCAC 01K .0302	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
					Approve	01/21/99	*		13:22 NCR 1868	
4 NCAC 01K .0402	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
					Approve	01/21/99	*		13:22 NCR 1868	
Banking Commission										
4 NCAC 03B .0101	N/A		N/A	N/A	Object	10/22/98				
					Approve	03/18/99			14:01 NCR 48	
4 NCAC 03B .0102	N/A		N/A	N/A	Object	10/22/98				
					Approve	03/18/99			14:01 NCR 48	
4 NCAC 03B .0103	N/A		N/A	N/A	Object	10/22/98				
					Approve	03/18/99			14:01 NCR 48	
4 NCAC 03H .0102	N/A		N/A	N/A	Object	10/22/98				
					Approve	03/18/99			14:01 NCR 48	
4 NCAC 03L .0101	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99	*			
4 NCAC 03L .0102	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0201	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0202	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0301	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0302	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99	*			
4 NCAC 03L .0303	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0401	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0402	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0403	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				

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4 NCAC 03L .0404	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99	*			
4 NCAC 03L .0405	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0501	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99	*			
4 NCAC 03L .0502	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0601	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0602	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0603	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
4 NCAC 03L .0604	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99				
Cape Fear River Naviation and Pilotage Commission										
4 NCAC 15 .0119	14:03 NCR 125		14:07 NCR 522	*						
4 NCAC 15 .0120	14:03 NCR 125		14:07 NCR 522	*						
4 NCAC 15 .0121	14:03 NCR 125		14:07 NCR 522	*						
Industrial Commission										
Pubic Notice - Hospital Fees for Workers' Compensation Cases										14:01 NCR 2
Pubic Notice - Hospital Fees for Workers' Compensation Cases										14:11 NCR 903
Secretary of Commerce/ITS										
4 NCAC 21A .0101	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21A .0102	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21A .0103	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0101	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0102	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0103	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0201	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0202	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0203	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0204	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0205	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						

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4 NCAC 21B .0206	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0207	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0301	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0302	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0303	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0304	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0305	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0306	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0307	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0308	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0309	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0310	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0311	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0312	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0313	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0314	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0315	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0401	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0402	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0403	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0501	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0502	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0503	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0504	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0505	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0601	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0602	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						

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4 NCAC 21B .0603	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0701	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0702	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0703	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0801	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0901	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0902	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1001	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1002	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1003	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1004	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1005	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1006	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1008	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1009	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1010	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1011	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1012	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1013	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1014	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1015	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1016	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1017	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1018	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1019	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1020	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1021	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						

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4 NCAC 21B .1022	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1023	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1024	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1025	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1026	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1027	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1028	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1029	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1030	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1031	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1101	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1102	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1103	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1104	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1105	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1201	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1202	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
COMMUNITY COLLEGES										
23 NCAC 02B .0104	13:10 NCR 804		13:22 NCR 1849	*						
23 NCAC 02C .0307		13:05 NCR 524	Temp Expired 05/29/99							
23 NCAC 02C .0503		13:10 NCR 815	13:22 NCR 1849	*						
23 NCAC 02C .0504		13:10 NCR 815	13:22 NCR 1849	*						
23 NCAC 02C .0505		13:10 NCR 815	13:22 NCR 1849	*						
23 NCAC 02D .0323	13:19 NCR 1609		14:04 NCR 304	*						
23 NCAC 02D .0324	13:19 NCR 1609		14:04 NCR 304	*						
23 NCAC 02E .0205		14:13 NCR 1201								
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					Action	Date				
21 NCAC 14A .0101	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14A .0103	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14A .0104	13:14 NCR 1114									
21 NCAC 14A .0105		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14C .0202	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14F .0101	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14F .0105	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14G .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14G .0113	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
21 NCAC 14H .0112		13:16 NCR 1263	13:21 NCR 1794	*	Approve	07/15/99	*		14:06 NCR 490	
21 NCAC 14H .0118		13:16 NCR 1263	13:21 NCR 1794	*	Approve	07/15/99			14:06 NCR 490	
21 NCAC 14I .0104	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14I .0107	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14I .0109	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14J .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14J .0208	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14J .0501	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14K .0102		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14K .0107		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14L .0101	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14L .0105	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14L .0109		13:14 NCR 1157								
21 NCAC 14L .0210	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
21 NCAC 14L .0214	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
21 NCAC 14L .0216		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14L .0303	13:14 NCR 1114		13:19 NCR 1652	*	Agcy Withdrew	06/17/99				

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21 NCAC 14N .0101	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0102	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0103	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0104		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0105	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0108	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14N .0110		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0112	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0113	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14N .0601		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14N .0602		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14N .0701		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14N .0702		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14O .0101		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14O .0102		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14O .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14O .0104		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14O .0105		13:14 NCR 1157	13:19 NCR 1652	*	Agcy Withdrew	06/17/99				
		Temp Expired 10/12/99								
21 NCAC 14O .0106		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14O .0107		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14P .0101		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0102		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0103		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0104		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0105		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14P .0106		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99			14:05 NCR 402	

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21 NCAC 14P .0107		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14P .0108		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14P .0109		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14P .0110		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0111		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14P .0112		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14P .0113		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
					Approve	08/19/99			14:09 NCR 708	
21 NCAC 14P .0114		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14P .0115		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0116		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
CULTURAL RESOURCES										
7 NCAC 04S .0101	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0102	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0103	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0104	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0105	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0106	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0107	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0108	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0109	14:05 NCR 370		14:09 NCR 657	*						
7 NCAC 04S .0110	14:05 NCR 370		14:09 NCR 657	*						
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21 NCAC 16G .0101	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0102	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0103	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16H .0103	12:24 NCR 2203		13:15 NCR 1218	*						

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					Action	Date				
21 NCAC 16H .0104	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0201	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0202	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0203	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0204	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0205	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16M .0101		13:11 NCR 910	13:15 NCR 1218	*	Object	06/17/99				
					Approve	07/15/99	*		14:06 NCR 490	
21 NCAC 16M .0102	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16Q .0201	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16Q .0202	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16Q .0301	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16Q .0302	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16S .0101	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16S .0102	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16S .0201	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16S .0203	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16S .0205	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16S .0205	14:06 NCR 487	14:06 NCR 487								
21 NCAC 16V .0101	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16V .0102	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16W .0101	14:08 NCR 647	14:08 NCR 647								
21 NCAC 16W .0102	14:08 NCR 647	14:08 NCR 647								
ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS										
21 NCAC 18B .0208	N/A		N/A	N/A	Object	06/17/99				
					Approve	07/15/99			14:06 NCR 490	
EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF										
21 NCAC 11 .0101	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	

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					Action	Date				
21 NCAC 11 .0102	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0103	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0104	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0105	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0106	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0107	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0108	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0109	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Object Approve	01/21/99 02/18/99	 *		 13:24 NCR 2037	
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0111	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99			13:22 NCR 1868	
21 NCAC 11 .0112	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
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21 NCAC 56 .0101	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0103	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0104	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0402	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0501	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0502	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0503	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0505	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0601	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0602	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0603	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0606	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0701	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0702	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0802	14:08 NCR 579		14:13 NCR 1154	*						

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21 NCAC 56 .0804	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0901	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0902	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1001	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1002	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1003	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1101	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1102	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1103	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1104	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1105	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1106	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1201	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1203	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1301	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1302	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1409	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1501	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1601	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1602	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1603	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1604	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1605	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1606	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1607	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1608	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1609	14:08 NCR 579		14:13 NCR 1154	*						

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21 NCAC 56 .1701	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1702	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1703	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1704	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1705	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1706	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1707	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1708	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1709	14:08 NCR 579		14:13 NCR 1154	*						
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15A NCAC 01J .0101		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01J .0102		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0202		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0301	14:08 NCR 644	14:08 NCR 644								
15A NCAC 01J .0303		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0402		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0502		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0504		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01J .0601		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01J .0604		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01J .0701		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0703		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0803		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0903		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0904		13:18 NCR 1528	13:22 NCR 1827	*						
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15A NCAC 01L .0203		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0301	14:08 NCR 644	14:08 NCR 644								
15A NCAC 01L .0303		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0501		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L .0503		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0601		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0604		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0701		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0801		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L .0902		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L .1003		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .1004		13:18 NCR 1528	13:22 NCR 1827	*						
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0200	13:22 NCR 1818									
15A NCAC 07H .0201	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .0203	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0208	12:21 NCR 1873									
15A NCAC 07H .0209	12:21 NCR 1873		13:23 NCR 1937	S/L						14:02 NCR 74
15A NCAC 07H .0210	12:02 NCR 52									
15A NCAC 07H .0300	13:05 NCR 436									
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0306	12:19 NCR 1763									
15A NCAC 07H .0309	13:05 NCR 436		13:13 NCR 1044	S	Object	07/15/99				
					Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 07H .1100	12:21 NCR 1873									

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					Action	Date				
15A NCAC 07H .1103	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1203	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .1300	14:06 NCR 428									
15A NCAC 07H .1301	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .1303	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .1400	12:21 NCR 1873									
15A NCAC 07H .1403	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .1500	12:21 NCR 1873									
15A NCAC 07H .1503	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .1600	11:15 NCR 1200									
15A NCAC 07H .1600	14:06 NCR 428									
15A NCAC 07H .1601	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .1603	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .1700	12:21 NCR 1873									
15A NCAC 07H .1803	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .1805		13:07 NCR 593	13:16 NCR 1259	*	Object	07/15/99				
					Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 07H .1901	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .1903	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .2003	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .2100	14:06 NCR 428									
15A NCAC 07H .2101	13:05 NCR 436		13:13 NCR 1044	S	Approve	07/15/99	*		14:06 NCR 490	
15A NCAC 07H .2102	13:05 NCR 436		13:13 NCR 1044	S	Approve	07/15/99	*		14:06 NCR 490	
15A NCAC 07H .2103	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .2105	13:05 NCR 436		13:13 NCR 1044	S	Object	07/15/99				
					Approve	08/19/99	*		14:09 NCR 708	

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					Action	Date				
15A NCAC 07H .2203	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .2300	14:06 NCR 428									
15A NCAC 07H .2301	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .2303	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07H .2401	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07H .2402	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07H .2403	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99			14:04 NCR 330	
15A NCAC 07H .2404	13:05 NCR 436		13:13 NCR 1044	S	Object	05/20/99				
					Approve	06/17/99	*		14:05 NCR 402	
15A NCAC 07H .2405	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07H .2501	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07H .2502	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07H .2503	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07H .2504	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07H .2505	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07J .0200	12:24 NCR 2202									
15A NCAC 07J .0204		13:07 NCR 593	Temp Expired 06/28/99							
15A NCAC 07J .0204	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07J .0404	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07J .0405	12:24 NCR 2202									
15A NCAC 07J .0405	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07J .0406	14:06 NCR 428		14:09 NCR 662	S/L						
15A NCAC 07K .0203	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07K .0203	14:06 NCR 428									
15A NCAC 07K .0208	12:21 NCR 1873									
15A NCAC 07K .0208	14:06 NCR 428									
15A NCAC 07K .0209	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07L .0202	12:21 NCR 1874									

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					Action	Date				
15A NCAC 07L .0203	12:21 NCR 1874									
15A NCAC 07L .0206	12:21 NCR 1874									
15A NCAC 07L .0302	12:21 NCR 1874									
15A NCAC 07L .0304	12:21 NCR 1874									
15A NCAC 07L .0401	12:21 NCR 1874									
15A NCAC 07L .0405	12:21 NCR 1874									
15A NCAC 07M .0300	12:24 NCR 2202									
15A NCAC 07M .0307	13:22 NCR 1818		14:09 NCR 666	S/L						
15A NCAC 07M .0401	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
			14:09 NCR 666	*						
15A NCAC 07M .0401	14:01 NCR 44	14:01 NCR 44	14:09 NCR 666	*						
15A NCAC 07M .0402	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
			14:09 NCR 666	*						
15A NCAC 07M .0402	14:01 NCR 44	14:01 NCR 44	14:09 NCR 666	*						
15A NCAC 07M .0403	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
			14:09 NCR 666	*						
15A NCAC 07M .0403	14:01 NCR 44	14:01 NCR 44	14:09 NCR 666	*						
Environmental Management Commission										
Notice of Intent to Adopt Temporary Rules (Tar-Pamlico River Basin)										14:05 NCR 369
Notice of Intent to Adopt Temporary Rules (Implementation Plan for Use of Hurricane Floyd Relief Funds)										14:14 NCR 1218
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0100	13:08 NCR 621									
15A NCAC 02B .0101	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0110	13:08 NCR 621		14:06 NCR 434	*						
15A NCAC 02B .0200	13:08 NCR 621									
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0211	13:08 NCR 621		14:06 NCR 434	*						
15A NCAC 02B .0220	13:08 NCR 621		14:06 NCR 434	*						

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					Action	Date				
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0223	13:08 NCR 621		14:06 NCR 434	*						
15A NCAC 02B .0225	13:08 NCR 621		14:06 NCR 434	*						
15A NCAC 02B .0225	13:19 NCR 1606		13:23 NCR 1929	*						
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0230	14:10 NCR 823	14:10 NCR 823								
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/SE						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L	Object Approve	01/15/98 02/19/98	*		12:22 NCR 2012	Disapproved (HB 1402)
		12:02 NCR 77 12:14 NCR 1348 12:20 NCR 1836 13:24 NCR 2017	11:14 NCR 1136 14:04 NCR 287 12:06 NCR 462	L L/SE S/L/SE						
15A NCAC 02B .0234	14.11 NCR 906									
15A NCAC 02B .0241	14:03 NCR 125		14:09 NCR 660	*						
15A NCAC 02B .0242		13:24 NCR 2017	14:04 NCR 287	*						
15A NCAC 02B .0245	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0246	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0247	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0255	13:23 NCR 1901		14:03 NCR 162	SE						
15A NCAC 02B .0256	13:23 NCR 1901		14:03 NCR 162	SE						
15A NCAC 02B .0257	13:23 NCR 1901		14:03 NCR 162	SE						
15A NCAC 02B .0258	13:23 NCR 1901		14:03 NCR 162	L/SE						
15A NCAC 02B .0259	13:23 NCR 1901	14:13 NCR 1177	14:03 NCR 162	L/SE						
15A NCAC 02B .0260	13:23 NCR 1901	14:13 NCR 1177	14:03 NCR 162	SE						
15A NCAC 02B .0261	13:23 NCR 1901	14:13 NCR 1177	14:03 NCR 162	SE						
15A NCAC 02B .0262	13:23 NCR 1901									

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					Action	Date				
15A NCAC 02B .0303	13:14 NCR 1111		13:20 NCR 1727	*						
15A NCAC 02B .0304	13:14 NCR 1111		13:20 NCR 1727	*						
15A NCAC 02B .0306	13:14 NCR 1111		13:20 NCR 1727	*						14:02 NCR 73
15A NCAC 02B .0306	13:19 NCR 1606		13:23 NCR 1929	*						
15A NCAC 02B .0308	12:16 NCR 1489									
15A NCAC 02B .0308	13:14 NCR 1111		13:20 NCR 1727	*						
15A NCAC 02B .0310	13:19 NCR 1606		13:23 NCR 1929	*						
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Disapproved (HB 1402)
15A NCAC 02B .0317	13:19 NCR 1606		13:23 NCR 1929	*						
15A NCAC 02C .0100	14:10 NCR 743									
15A NCAC 02C .0102	14:10 NCR 743									
15A NCAC 02C .0103	14:10 NCR 743									
15A NCAC 02C .0105	14:10 NCR 743									
15A NCAC 02C .0107	14:10 NCR 743									
15A NCAC 02C .0108	14:10 NCR 743									
15A NCAC 02C .0110	14:10 NCR 743									
15A NCAC 02C .0111	14:10 NCR 743									
15A NCAC 02C .0112	14:10 NCR 743									
15A NCAC 02C .0113	14:10 NCR 743									
15A NCAC 02C .0114	14:10 NCR 743									
15A NCAC 02C .0117	14:10 NCR 743									
15A NCAC 02C .0118	14:10 NCR 743									
15A NCAC 02D	13:12 NCR 943									
15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0101	12:16 NCR 1482									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									

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					Action	Date				
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0501	13:16 NCR 1252									
15A NCAC 02D .0506	14:04 NCR 265									
15A NCAC 02D .0518	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0521	14:04 NCR 265									
15A NCAC 02D .0523	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0524	13:08 NCR 621		14:03 NCR 162	*	Approve	11/17/99	*			
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0540	13:04 NCR 356									
15A NCAC 02D .0541	13:08 NCR 621									
15A NCAC 02D .0541	13:16 NCR 1252		14:03 NCR 162	*	**Object**	**11/17/99**				
15A NCAC 02D .0542	13:24 NCR 1994									
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									

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					Action	Date				
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0926	13:16 NCR 1252									
15A NCAC 02D .0927	13:16 NCR 1252									
15A NCAC 02D .0932	13:16 NCR 1252									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0948	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0949	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0950	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0951	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .0958	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .1005	14:04 NCR 265									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1103	14:04 NCR 265									
15A NCAC 02D .1104	13:04 NCR 356									
15A NCAC 02D .1104	13:16 NCR 1252									
15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1200	14:04 NCR 265									

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15A NCAC 02D .1201	13:12 NCR 943		14:03 NCR 162	*						
			14:14 NCR 1237	*						
15A NCAC 02D .1202	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1203	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1204	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1205	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1206	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1207	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1208	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1209	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1201	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1202	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1203	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1204	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1205	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1206	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1207	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1208	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1209	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1400	13:24 NCR 1994									
15A NCAC 02D .1404	11:15 NCR 1200									
15A NCAC 02D .1700	12:02 NCR 52									
15A NCAC 02D .1703	13:16 NCR 1252		14:07 NCR 524	*						
15A NCAC 02D .1708	13:16 NCR 1252		14:07 NCR 524	*						
15A NCAC 02D .1709	13:16 NCR 1252		14:07 NCR 524	*						
15A NCAC 02D .1801		13:18 NCR 1545	14:03 NCR 162	SE	**Object**	**11/17/99**				
		13:22 NCR 1860	14:03 NCR 162	SE	**Object**	**11/17/99**				
15A NCAC 02D .1802		13:18 NCR 1545	14:03 NCR 162	SE	**Object**	**11/17/99**				
		13:22 NCR 1860	14:03 NCR 162	SE	**Object**	**11/17/99**				

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15A NCAC 02D .1803		13:18 NCR 1545	14:03 NCR 162	SE	Approve	11/17/99	*			
		13:22 NCR 1860	14:03 NCR 162	SE	Approve	11/17/99	*			
15A NCAC 02D .1804		13:18 NCR 1545	14:03 NCR 162	SE	Approve	11/17/99				
15A NCAC 02D .1805		13:18 NCR 1545								
		13:24 NCR 2017								
15A NCAC 02D .1903	12:16 NCR 1482									
15A NCAC 02D .1903	13:12 NCR 943									
15A NCAC 02D .1904	12:16 NCR 1482									
15A NCAC 02D .2101	13:04 NCR 356		14:07 NCR 524	L						
15A NCAC 02D .2102	13:04 NCR 356		14:07 NCR 524	L						
15A NCAC 02D .2103	13:04 NCR 356		14:07 NCR 524	L						
15A NCAC 02D .2104	13:04 NCR 356		14:07 NCR 524	L						
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02E .0102	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0103	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0106	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0107	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0201	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0202	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0205	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0501	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0502	13:20 NCR 1715		13:24 NCR 1998	S/L/SE						14:01 NCR 3
15A NCAC 02E .0503	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02E .0504	13:20 NCR 1715		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02H .0226	12:20 NCR 1817	13:04 NCR 426	13:05 NCR 491	*						
		Temp Expired 05/11/99								
15A NCAC 02H .0806	13:04 NCR 356		14:02 NCR 80	L						
15A NCAC 02H .0800	13:08 NCR 621									
15A NCAC 02H .1202	11:15 NCR 1200									

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15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L .0202	13:04 NCR 356									
15A NCAC 02L .0202	14:10 NCR 743									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	13:24 NCR 1994	14:07 NCR 550	14:11 NCR 908	S/L						
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0102	13:08 NCR 621		14:03 NCR 162	*	Approve	11/17/99				
15A NCAC 02Q .0102	13:12 NCR 943		14:03 NCR 162	*	Approve	11/17/99				
15A NCAC 02Q .0102		13:18 NCR 1545	14:03 NCR 162	*	Approve	11/17/99				
15A NCAC 02Q .0102	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0102	14:04 NCR 265									
15A NCAC 02Q .0103	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0109	14:04 NCR 265									
15A NCAC 02Q .0202	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0304	14:04 NCR 265									
15A NCAC 02Q .0305	14:04 NCR 265									
15A NCAC 02Q .0306	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02Q .0401	14:04 NCR 265									
15A NCAC 02Q .0502	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	S						
15A NCAC 02Q .0503	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0507	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0508	13:08 NCR 621	14:10 NCR 823	14:07 NCR 524	*						
15A NCAC 02Q .0508	14:04 NCR 265									

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					Action	Date				
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0702	13:12 NCR 943		13:20 NCR 1727	*	Approve	10/04/99	*		14:10 NCR 839	
			14:03 NCR 162	*						
15A NCAC 02Q .0703	13:04 NCR 356									
15A NCAC 02Q .0703	14:04 NCR 265									
15A NCAC 02Q .0711	13:04 NCR 356									
15A NCAC 02Q .0711	13:16 NCR 1252									
15A NCAC 02Q .0800	14:04 NCR 265									
15A NCAC 02R .0204	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0205	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0600	12:02 NCR 52									
15A NCAC 02S .0101	14:04 NCR 272		14:10 NCR 755	*						
15A NCAC 02S .0102	14:04 NCR 272		14:10 NCR 755	*						
15A NCAC 02S .0201	14:04 NCR 272		14:10 NCR 755	*						
15A NCAC 02S .0202	14:04 NCR 272		14:10 NCR 755	*						
Forest Resources, Division of										
15A NCAC 09C .0200	14:13 NCR 1092									
15A NCAC 09C .0400	14:13 NCR 1092									
15A NCAC 09C .1101		14:14 NCR 1316								
15A NCAC 09C .1102		14:14 NCR 1316								
15A NCAC 09C .1103		14:14 NCR 1316								
15A NCAC 09C .1104		14:14 NCR 1316								
Health Services, Commission for										
15A NCAC 13A .0101	14:04 NCR 265		14:10 NCR 757	S						
	14:05 NCR 370		14:10 NCR 757	S						
15A NCAC 13A .0102	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0103	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0104	14:04 NCR 265		14:10 NCR 757	*						

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	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0106	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0108	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0110	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0112	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0113	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0118	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0134	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0188	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0189	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0190	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0191	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0301	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0432		12:14 NCR 1352								
15A NCAC 18A .0433	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0434	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0435	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0500	14:09 NCR 656									
15A NCAC 18A .0600	14:09 NCR 656									
15A NCAC 18A .0700	14:09 NCR 656									
15A NCAC 18A .0800	14:09 NCR 656									
15A NCAC 18A .0900	14:09 NCR 656									

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					Action	Date				
15A NCAC 18A .1000	13:16 NCR 1252									
15A NCAC 18A .1300	13:16 NCR 1252									
15A NCAC 18A .1600	13:16 NCR 1252									
15A NCAC 18A .1601		12:21 NCR 1882	Temp Expired 01/26/99							
15A NCAC 18A .1611		12:21 NCR 1882 13:12 NCR 979 Temp Expired 01/26/99	Temp Expired 01/26/99 13:20 NCR 1738	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 18A .1700	13:16 NCR 1252									
15A NCAC 18A .1720	12:16 NCR 1482	12:18 NCR 1713 12:21 NCR 1882 12:24 NCR 2228	Temp Expired 12/11/98 Temp Expired 01/26/99 Temp Expired 03/12/99							
15A NCAC 18A .1808	13:08 NCR 621		13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1809	14:11 NCR 906	14:12 NCR 1041								
15A NCAC 18A .1810		12:24 NCR 2228 13:20 NCR 1740	13:13 NCR 1047	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 18A .1811	14:11 NCR 906	14:12 NCR 1041								
15A NCAC 18A .1812	13:08 NCR 621		13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1812	14:11 NCR 906	14:12 NCR 1041								
15A NCAC 18A .1938	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
15A NCAC 18A .1952		13:12 NCR 979	14:03 NCR 234	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 18A .1953		13:12 NCR 979	14:03 NCR 234	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 18A .1954		13:12 NCR 979	14:03 NCR 234	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 18A .1955		13:12 NCR 979	14:03 NCR 234	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 18A .1956	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
15A NCAC 18A .2400	13:16 NCR 1252									
15A NCAC 18A .2515	14:04 NCR 265		14:11 NCR 909	*						
15A NCAC 18A .2515	14:06 NCR 428		14:11 NCR 909	*						
15A NCAC 18A .2600	12:04 NCR 240									
15A NCAC 18A .2618	N/A	N/A	N/A	N/A	Approve	08/19/99			14:09 NCR 708	
15A NCAC 18A .2802	14:11 NCR 907	14:12 NCR 1041								

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					Action	Date				
15A NCAC 18A .2805	12:16 NCR 1482									
15A NCAC 18A .2806	12:16 NCR 1482									
15A NCAC 18A .2806	14:11 NCR 907	14:12 NCR 1041								
15A NCAC 18A .2807	12:16 NCR 1482									
15A NCAC 18A .2809	12:16 NCR 1482									
15A NCAC 18A .2810	14:11 NCR 907	14:12 NCR 1041								
15A NCAC 18A .2811	12:16 NCR 1482									
15A NCAC 18A .2812	14:11 NCR 907	14:12 NCR 1041								
15A NCAC 18A .2814	12:16 NCR 1482									
15A NCAC 18A .2815	14:11 NCR 907	14:12 NCR 1041								
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2818	12:16 NCR 1482									
15A NCAC 18A .2821	12:16 NCR 1482									
15A NCAC 18A .2825	14:11 NCR 907	14:12 NCR 1041								
15A NCAC 18A .2826	12:16 NCR 1482									
15A NCAC 18A .2835	12:16 NCR 1482									
15A NCAC 18A .2836	12:16 NCR 1482									
15A NCAC 18C .0301	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0302	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0303	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0305	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0306	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*						
15A NCAC 18C .0307	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0308	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0309	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .1304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*						

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					Action	Date				
15A NCAC 18C .1513	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 18C .1538	14:05 NCR 370		14:10 NCR 757	S/L						
15A NCAC 18C .2007	14:05 NCR 370		14:10 NCR 757	S/L/SE						
15A NCAC 18C .2008	14:05 NCR 370		14:10 NCR 757	S/L						
15A NCAC 18D .0201	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0203	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0205	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0206	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0304	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0305	13:23 NCR 1928		14:06 NCR 468	*						
15A NCAC 18D .0307	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0308	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0309	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0403	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 18D .0701	13:23 NCR 1928		14:06 NCR 468	S/L						
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Land Resources/Land Quality/Sedimentation Control Commission										
15A NCAC 04B .0106	12:20 NCAC 1817		13:09 NCR 760	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 04B .0107	12:20 NCAC 1817		13:09 NCR 760	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 04B .0126	14:07 NCR 520		14:12 NCR 962	S/L						
15A NCAC 04B .0127	12:20 NCAC 1817		13:09 NCR 760	*	Approve	08/19/99			14:09 NCR 708	

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					Action	Date				
15A NCAC 04C .0107	13:12 NCR 943		13:19 NCR 1651	*	Approve	10/04/99			14:10 NCR 839	
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 03	13:14 NCR 1113									
15A NCAC 03	13:17 NCR 1377									
15A NCAC 03H .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03H .0103	12:23 NCR 2089 13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03I .0101	13:14 NCR 1113	14:01 NCR 18 14:04 NCR 323	14:06 NCR 443	*						
15A NCAC 03I .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03I .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03I .0107	N/A		N/A	N/A	Approve	06/17/99			14:05 NCR 402	
15A NCAC 03I .0114	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03I .0117	N/A		N/A	N/A	**Extend Review**	**11/17/99**				
15A NCAC 03I .0120	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03J .0103		13:08 NCR 739								
15A NCAC 03J .0103	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03J .0103	14:09 NCR 688	14:09 NCR 688								
15A NCAC 03J .0104	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03J .0110	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03J .0202	11:07 NCR 407 13:14 NCR 1113		11:11 NCR 888	*						
15A NCAC 03J .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03J .0302	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03J .0305	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03J .0402	14:09 NCR 655									
15A NCAC 03K .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						

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15A NCAC 03K .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03K .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03K .0202	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03K .0502	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03L .0205	14:09 NCR 688	14:09 NCR 688								
15A NCAC 03L .0206	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0202	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0301	14:12 NCR 958	14:12 NCR 1038								
15A NCAC 03M .0501		13:08 NCR 739								
	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0503	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0504	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0506		13:22 NCR 1865								
15A NCAC 03M .0506		14:12 NCR 1038								
15A NCAC 03M .0507	13:10 NCR 803									
15A NCAC 03M .0507	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0511	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0513	13:14 NCR 1113	14:01 NCR 18								
		14:04 NCR 323	14:06 NCR 443	*						
15A NCAC 03M .0513	13:19 NCR 1666	13:19 NCR 1666								
15A NCAC 03M .0515	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03M .0515	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0515		14:12 NCR 1038								
15A NCAC 03M .0516	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						

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15A NCAC 03O .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0101	14:09 NCR 688	14:09 NCR 688								
15A NCAC 03O .0102	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0103	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0104	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0107	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0108	13:14 NCR 1113	14:01 NCR 18								
		14:04 NCR 323	14:06 NCR 443	*						
15A NCAC 03O .0109	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0109	14:09 NCR 688	14:09 NCR 688								
15A NCAC 03O .0110	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0111	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0201	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0302	13:14 NCR 1113	14:01 NCR 18								
		14:04 NCR 323	14:06 NCR 443	*						
15A NCAC 03O .0303	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0304	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0305	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0306	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0307	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0308	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0309	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0310	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03O .0401	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 03O .0402	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						

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15A NCAC 03O .0403	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 03O .0404	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 03O .0405	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 03O .0406	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*						
15A NCAC 03P .0101	N/A		N/A	N/A	Approve	07/15/99			14:06 NCR 490	
15A NCAC 03P .0102	N/A		N/A	N/A	Approve	07/15/99			14:06 NCR 490	
15A NCAC 03Q .0106	N/A		N/A	N/A	Approve	06/17/99			14:05 NCR 402	
15A NCAC 03Q .0107	11:26 NCR 1985		13:13 NCR 1043	*	Approve	05/20/99			14:04 NCR 330	
15A NCAC 03Q .0107	14:12 NCR 958									
Parks and Recreation Commission										
15A NCAC 12A .0001	12:13 NCR 1097									
15A NCAC 12A .0004	12:13 NCR 1097									
15A NCAC 12A .0005	12:13 NCR 1097									
15A NCAC 12B .0101	12:13 NCR 1097									
15A NCAC 12B .0104	12:13 NCR 1097									
15A NCAC 12B .0106	12:13 NCR 1097									
15A NCAC 12B .0203	12:13 NCR 1097									
15A NCAC 12B .0401	12:13 NCR 1097									
15A NCAC 12B .0402	12:13 NCR 1097									
15A NCAC 12B .0501	12:13 NCR 1097									
15A NCAC 12B .0602	12:13 NCR 1097									
15A NCAC 12B .0701	12:13 NCR 1097									
15A NCAC 12B .0702	12:13 NCR 1097									
15A NCAC 12B .0802	12:13 NCR 1097									
15A NCAC 12B .1001	12:13 NCR 1097									
15A NCAC 12B .1004	12:13 NCR 1097									
15A NCAC 12B .1102	12:13 NCR 1097									

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 12B .1201	12:13 NCR 1097									
Water Pollution Control System Operators Certification Commission										
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08F .0406	13:16 NCR 1252									
15A NCAC 08F .0407	13:16 NCR 1252									
Waste Management										
Public Notice - Seaboard Chemical Corporation										14:01 NCR 3
Well Contractors Certification Commission										
15A NCAC 27 .0101	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0110	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0201	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0301	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0401	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0410	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0420	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0430	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0440	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0501	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 27 .0510	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0520	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 27 .0601	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0701	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
		Temp Expired 09/30/99			Agcy withdrew	09/30/99				
15A NCAC 27 .0801	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 27 .0810	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0820	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0830	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0840	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				
					Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0901	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0910	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0920	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0930	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99			14:09 NCR 708	
Wildlife Resources Commission										
15A NCAC 10B .0100	14:08 NCR 577									
15A NCAC 10B .0105	13:07 NCR 595	13:07 NCR 595	13:12 NCR 948	*	Object	04/15/99				
					Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 10B .0109	N/A		N/A	N/A	Approve	06/17/99			14:05 NCR 402	
15A NCAC 10B .0113	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0115	13:18 NCR 1502		13:22 NCR 1842	*						
15A NCAC 10B .0116	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10B .0119	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10B .0200	14:08 NCR 577									
15A NCAC 10B .0202	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0203	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0203	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10B .0204	N/A		N/A	N/A	Approve	06/17/99			14:05 NCR 402	
15A NCAC 10B .0205	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0209	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10B .0209	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10B .0212	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Object	04/15/99				
					Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 10B .0302	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99			14:02 NCR 84	

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					Action	Date				
15A NCAC 10B .0403	13:23 NCR 1928		14:12 NCR 963	*						
15A NCAC 10C .0107	13:08 NCR 625		13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0107	14:09 NCR 655									
15A NCAC 10C .0200	14:08 NCR 577									
15A NCAC 10C .0205	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0205	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10C .0206	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0300	14:08 NCR 577									
15A NCAC 10C .0305	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0305	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0400	14:08 NCR 577									
15A NCAC 10C .0401	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0401	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10C .0402	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0407	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0500	14:08 NCR 577									
15A NCAC 10C .0501	13:14 NCR 1113		13:20 NCR 1737	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 10C .0502	13:14 NCR 1113		13:20 NCR 1737	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 10C .0503	13:14 NCR 1113		13:20 NCR 1737	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10C .0503	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10D .0100	14:08 NCR 577									
15A NCAC 10D .0102	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10D .0102	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10D .0102	13:19 NCR 1609									
15A NCAC 10D .0103	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10D .0103	13:19 NCR 1609	14:07 NCR 551	14:01 NCR 6	*						
15A NCAC 10D .0103	14:08 NCR 577		14:12 NCR 963	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 10D .0104	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10F .0201	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
15A NCAC 10F .0202	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
15A NCAC 10F .0300	14:01 NCR 5									
15A NCAC 10F .0303	14:02 NCR 79									
15A NCAC 10F .0310	13:07 NCR 595	13:15 NCR 1231	13:11 NCR 905	L	Approve	02/18/99	*		13:24 NCR 2037	
15A NCAC 10F .0311	14:13 NCR 1092									
15A NCAC 10F .0317	13:08 NCR 625		13:14 NCR 1116	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10F .0321	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10F .0323	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10F .0327	14:08 NCR 577									
15A NCAC 10F .0330	13:03 NCR 269	13:07 NCR 595	13:07 NCR 595	S/L	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10F .0330	13:11 NCR 855	13:15 NCR 1217	13:15 NCR 1231	L	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10F .0332	14:08 NCR 577		14:13 NCR 1145	L						
15A NCAC 10F .0333	14:02 NCR 79		14:08 NCR 580	L						
15A NCAC 10F .0336	14:08 NCR 577									
15A NCAC 10F .0339	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10F .0339	13:23 NCR 1928		14:08 NCR 580	L						
15A NCAC 10F .0342	13:07 NCR 585	13:15 NCR 1231	13:11 NCR 905	L	Approve	02/18/99	*		13:24 NCR 2037	
15A NCAC 10F .0353	14:02 NCR 79		14:12 NCR 963	L						
15A NCAC 10F .0354	14:02 NCR 79									
15A NCAC 10F .0355	14:04 NCR 272		14:08 NCR 580	L						
15A NCAC 10F .0355	14:13 NCR 1092									
15A NCAC 10F .0367	13:14 NCR 1113	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10I .0100	14:11 NCR 906									

FINAL DECISION LETTERS

Voting Rights Act 14:02 NCR 75

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
Voting Rights Act										14:03 NCR 123
Voting Rights Act										14:04 NCR 263
Voting Rights Act										14:08 NCR 576
Voting Rights Act										14:10 NCR 739
Voting Rights Act										14:11 NCR 905
Voting Rights Act										14:13 NCR 1089
Voting Rights Act										14:14 NCR 1222
FORESTERS, BOARD OF REGISTRATION FOR										
21 NCAC 20 .0101		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99			14:10 NCR 839	
21 NCAC 20 .0103		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0104		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0105		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0106		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0117		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0120		13:19 NCR 1695	13:23 NCR 1942	*	Object Approve	10/04/99 11/17/99	 *			
21 NCAC 20 .0122		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0123		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
GENERAL CONTRACTORS LICENSING BOARD										
21 NCAC 12 .0202	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0204		13:06 NCR 568	13:13 NCR 1048	*	Approve	05/20/99			14:04 NCR 330	
21 NCAC 12 .0204	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0205	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0209	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0307	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0402	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0405	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0410	13:22 NCR 1821		14:06 NCR 474	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 12 .0504	13:13 NCR 1040		13:18 NCR 1524	*						
			13:24 NCR 2015	*	Approve	11/17/99				
21 NCAC 12 .0901	13:22 NCR 1821		14:06 NCR 474	*						
21 NCAC 12 .0907	13:22 NCR 1821		14:06 NCR 474	*						
GEOLOGISTS, BOARD FOR LICENSING OF										
21 NCAC 21 .0501	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						
21 NCAC 21 .0502	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						
21 NCAC 21 .0514	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						
21 NCAC 21 .0515	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						
21 NCAC 21 .1101	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						
21 NCAC 21 .1102	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						
GOVERNOR'S EXECUTIVE ORDERS										
Number 152 - Eff. 05/21/99										14:01 NCR 1
Number 153 - Eff. 05/28/99										14:02 NCR 72
Number 154 - Eff. 07/14/99										14:06 NCR 426
Number 155 - Eff. 07/20/99										14:07 NCR 510
Number 156 - Eff. 07/20/99										14:07 NCR 510
Number 157 - Eff. 08/13/99										14:07 NCR 510
Number 158 - Eff. 08/30/99										14:07 NCR 510
Number 159 - Eff. 09/15/99										14:08 NCR 574
Number 160 - Eff. 09/16/99										14:08 NCR 574
Number 161 - Eff. 09/19/99										14:08 NCR 574
Number 162 - Eff. 10/18/99										14:10 NCR 737
Number 163 - Eff. 10/18/99										14:10 NCR 737
Number 164 - Eff. 10/18/99										14:10 NCR 737
Number 165 - Eff. 11/15/99										14:12 NCR 953

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					Action	Date				
GOVERNOR, OFFICE OF										
9 NCAC 05G .0101		14:03 NCR 245								
9 NCAC 05G .0102		14:03 NCR 245								
9 NCAC 05G .0103		14:03 NCR 245								
9 NCAC 05G .0104		14:03 NCR 245								
HEALTH AND HUMAN SERVICES										
Aging										
10 NCAC 22	10:23 NCR 2956									
Blind/State Rehabilitation Council, Commission for the										
10 NCAC 19G .0823		13:17 NCR 1378	13:21 NCR 1785	*	**Return to agcy**	**07/15/99**				
					Approve	11/17/99	*			
10 NCAC 19G .0827		13:17 NCR 1378	13:21 NCR 1785	*	Approve	11/17/99				
Child Day Care Commission										
10 NCAC 03U .0102	12:21 NCR 1873		14:03 NCR 154	*						
10 NCAC 03U .0700	14:10 NCR 742									
10 NCAC 03U .2501	12:21 NCR 1873		14:03 NCR 154	*						
10 NCAC 03U .2502	12:21 NCR 1873		14:03 NCR 154	*						
10 NCAC 03U .2510	12:21 NCR 1873		14:03 NCR 154	L						
10 NCAC 03U .2804	12:21 NCR 1873		14:03 NCR 154	*						
10 NCAC 03U .2811	12:21 NCR 1873		14:03 NCR 154	S						
Controller, Office of										
10 NCAC 01B .0418	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*		14:06 NCR 490	
10 NCAC 01B .0419	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*		14:06 NCR 490	
10 NCAC 01B .0420	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*		14:06 NCR 490	
10 NCAC 01B .0501	14:07 NCR 518	14:08 NCR 594	14:14 NCR 1224	*						
10 NCAC 01B .0502	14:07 NCR 518	14:08 NCR 594	14:14 NCR 1224	*						
Facility Services										
Abbreviated Notice of Temporary Rule-Making										14:04 NCR 264

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 03R .0213		14:14 NCR 1282								
10 NCAC 03R .0304		14:14 NCR 1282								
10 NCAC 03R .0305		14:14 NCR 1282								
10 NCAC 03R .1613		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .1613		14:14 NCR 1282								
10 NCAC 03R .1615		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .1615		14:14 NCR 1282								
10 NCAC 03R .1713		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .1713		14:14 NCR 1282								
10 NCAC 03R .1714		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .1714		14:14 NCR 1282								
10 NCAC 03R .1715		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .1715		14:14 NCR 1282								
10 NCAC 03R .1912		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .1912		14:14 NCR 1282								
10 NCAC 03R .1913		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .1913		14:14 NCR 1282								
10 NCAC 03R .1914		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .1914		14:14 NCR 1282								
10 NCAC 03R .2113		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .2113		14:14 NCR 1282								
10 NCAC 03R .2713		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .2713		14:14 NCR 1282								
10 NCAC 03R .2715		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .2715		14:14 NCR 1282								
10 NCAC 03R .4203		13:14 NCR 1119	14:04 NCR 279	*	Approve	11/17/99				
10 NCAC 03R .4203		14:14 NCR 1282								

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					Action	Date				
10 NCAC 03R .6001	11:22 NCR 1704									
10 NCAC 03R .6112		12:15 NCR 1431 Temp Expired 04/15/99	13:02 NCR 178	S/L/SE	Object Object Returned to Agy	10/22/98 12/17/98 04/15/99				
10 NCAC 03R .6201		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99	*			
10 NCAC 03R .6202		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99	*			
10 NCAC 03R .6203		13:14 NCR 1119 14:04 NCR 314	14:03 NCR 130	*	Approve	11/17/99	*			
10 NCAC 03R .6204		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99	*			
10 NCAC 03R .6205		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6206		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6207		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6208		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99				
10 NCAC 03R .6209		13:14 NCR 1119 14:04 NCR 314	14:03 NCR 130	S/L/SE	Approve	11/17/99	*			
10 NCAC 03R .6210		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99				
10 NCAC 03R .6211		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99				
10 NCAC 03R .6212		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99				
10 NCAC 03R .6213		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6214		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6215		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6216		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6217		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6218		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6219		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6220		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99				
10 NCAC 03R .6221		13:14 NCR 1119 14:04 NCR 314	14:03 NCR 130	S/L/SE	Approve	11/17/99	*			
10 NCAC 03R .6222		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99	*			
10 NCAC 03R .6223		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				

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					Action	Date				
10 NCAC 03R .6224		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99	*			
10 NCAC 03R .6225		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6226		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99				
10 NCAC 03R .6227		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6228		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99				
10 NCAC 03R .6229		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99				
10 NCAC 03R .6230		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99	*			
10 NCAC 03R .6231		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99	*			
10 NCAC 03R .6232		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6233		13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99	*			
10 NCAC 03R .6234		13:14 NCR 1119	14:03 NCR 130	S/L/SE	**Object**	**11/17/99**				
10 NCAC 03R .6235		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6236		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6237		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6238		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6239		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6240		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6241		13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99				
10 NCAC 03R .6242	12:14 NCR 1035	12:14 NCR 1035								
10 NCAC 03R .6243	12:14 NCR 1035	12:14 NCR 1035								
10 NCAC 03R .6250		14:14 NCR 1282								
10 NCAC 03R .6252		14:14 NCR 1282								
10 NCAC 03R .6253		14:14 NCR 1282								
10 NCAC 03R .6254		14:14 NCR 1282								
10 NCAC 03R .6255		14:14 NCR 1282								
10 NCAC 03R .6256		14:14 NCR 1282								
10 NCAC 03R .6257		14:14 NCR 1282								

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					Action	Date				
10 NCAC 03R .6258		14:14 NCR 1282								
10 NCAC 03R .6259		14:14 NCR 1282								
10 NCAC 03R .6260		14:14 NCR 1282								
10 NCAC 03R .6261		14:14 NCR 1282								
10 NCAC 03R .6263		14:14 NCR 1282								
10 NCAC 03R .6264		14:14 NCR 1282								
10 NCAC 03R .6265		14:14 NCR 1282								
10 NCAC 03R .6266		14:14 NCR 1282								
10 NCAC 03R .6267		14:14 NCR 1282								
10 NCAC 03R .6268		14:14 NCR 1282								
10 NCAC 03R .6269		14.14 NCR 1282								
10 NCAC 03R .6270		14:14 NCR 1282								
10 NCAC 03R .6271		14:14 NCR 1282								
10 NCAC 03R .6272		14:14 NCR 1282								
10 NCAC 03R .6273		14:14 NCR 1282								
10 NCAC 03R .6274		14:14 NCR 1282								
10 NCAC 03R .6275		14:14 NCR 1282								
10 NCAC 03R .6276		14:14 NCR 1282								
10 NCAC 03R .6277		14:14 NCR 1282								
10 NCAC 03R .6278		14:14 NCR 1282								
10 NCAC 03R .6279		14:14 NCR 1282								
10 NCAC 03R .6280		14:14 NCR 1282								
10 NCAC 03R .6281		14:14 NCR 1282								
10 NCAC 03R .6282		14:14 NCR 1282								
10 NCAC 03R .6283		14:14 NCR 1282								
10 NCAC 03R .6284		14:14 NCR 1282								
10 NCAC 03R .6285		14:14 NCR 1282								

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					Action	Date				
10 NCAC 03R .6286		14:14 NCR 1282								
10 NCAC 03R .6287		14:14 NCR 1282								
10 NCAC 03R .6288		14:14 NCR 1282								
10 NCAC 03R .6289		14:14 NCR 1282								
10 NCAC 03R .6290		14:14 NCR 1282								
10 NCAC 03R .6291		14:14 NCR 1282								
10 NCAC 03R .6292		14:14 NCR 1282								
10 NCAC 03R .6293		14:14 NCR 1282								
10 NCAC 03S .0108	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0109	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0207	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0208	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0209	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0210	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0211	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0213	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0214	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0307	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0308	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0407	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0408	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0506	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0507	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0508	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0509	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0510	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0511	12:24 NCR 2194		14:05 NCR 374	*						

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					Action	Date				
10 NCAC 03S .0614	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0615	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0616	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0617	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0618	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0619	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0706	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0707	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0806	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0807	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0808	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0901	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0902	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0903	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .0904	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1001	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1002	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1003	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1004	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1005	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1006	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1101	12:24 NCR 2194		14:05 NCR 374	*	**Object**	**11/17/99**				
10 NCAC 03S .1201	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1202	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1203	12:24 NCR 2194		14:05 NCR 374	*	**Object**	**11/17/99**				
10 NCAC 03S .1204	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1205	12:24 NCR 2194		14:05 NCR 374	*						

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10 NCAC 03S .1206	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1207	12:24 NCR 2194		14:05 NCR 374	*	**Object**	**11/17/99**				
10 NCAC 03S .1301	12:24 NCR 2194		14:05 NCR 374	*	**Object**	**11/17/99**				
10 NCAC 03S .1302	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1303	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1401	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1501	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1601	12:24 NCR 2194		14:05 NCR 374	*	**Object**	**11/17/99**				
10 NCAC 03S .1701	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1702	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1801	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1802	12:24 NCR 2194		14:05 NCR 374	*	**Object**	**11/17/99**				
10 NCAC 03S .1803	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1804	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1805	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1806	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1901	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1902	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .1903	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2001	12:24 NCR 2194		14:05 NCR 374	*	**Object**	**11/17/99**				
10 NCAC 03S .2002	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2101	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2102	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2103	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2104	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2105	12:24 NCR 2194		14:05 NCR 374	*						
10 NCAC 03S .2106	12:24 NCR 2194		14:05 NCR 374	*						

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					Action	Date				
Health Services, Commission for										
15A NCAC 16A .1104	13:14 NCR 1114		14:01 NCR 12	*	**Object**	**10/04/99**				
15A NCAC 16A .1106	13:14 NCR 1114		14:01 NCR 12	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 19A .0401	13:11 NCR 855	13:24 NCR 2034	13:24 NCR 2004	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 19A .0401	13:22 NCR 1818	13:24 NCR 2034	13:24 NCR 2004	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 19A .0401	14:06 NCR 483	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 19A .0404	13:11 NCR 855		13:24 NCR 2004	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 19A .0404	13:22 NCR 1818		13:24 NCR 2004	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 19A .0406	13:11 NCR 855		13:24 NCR 2004	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 19A .0406	13:22 NCR 1818		13:24 NCR 2004	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 19A .0502	13:11 NCR 855	13:13 NCR 1059	13:24 NCR 2004	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 19A .0502	13:22 NCR 1818		13:24 NCR 2004	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 21F .1201	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 21F .1202	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 21F .1203	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 21F .1204	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 21H .0110	12:20 NCR 1822		13:07 NCR 591	S	Extended Rev. Agcy Withdrew	01/21/99 02/02/99				
15A NCAC 21H .0111	12:20 NCR 1822		13:07 NCR 591	S	Approve	01/21/99	*		13:22 NCR 1868	
15A NCAC 21H .0113	12:20 NCR 1822		13:07 NCR 591	*	Approve	01/21/99			13:22 NCR 1868	
15A NCAC 21H .0314	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 21 I .0102	14:04 NCR 272									
15A NCAC 21 I .0103	14:04 NCR 272									
15A NCAC 21J .0102	14:04 NCR 272									
15A NCAC 21 J .0103	14:04 NCR 272									
15A NCAC 23 .0201	13:22 NCR 1820		14:02 NCR 80	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 23 .0202	13:22 NCR 1820	13:18 NCR 1555	14:02 NCR 80	S/L	Approve	10/04/99			14:10 NCR 839	
15A NCAC 23 .0204	13:22 NCR 1820		14:02 NCR 80	*	Approve	10/04/99			14:10 NCR 839	

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					Action	Date				
15A NCAC 23 .0501	13:22 NCR 1820		14:02 NCR 80	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 24A .0402	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 24A .0403	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 26C	13:22 NCR 1820									
15A NCAC 26C .0101	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*			
15A NCAC 26C .0102	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*			
15A NCAC 26C .0103	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*			
15A NCAC 26C .0104	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*			
15A NCAC 26C .0105	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*			
15A NCAC 26C .0106	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*			
15A NCAC 26C .0107	13:22 NCR 1820		14:01 NCR 12	*						
Medical Assistance										
10 NCAC 26B .0113	14:01 NCR 4	14:04 NCR 319								
10 NCAC 26D .0101	14:09 NCR 687	14:09 NCR 687								
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0212		12:09 NCR 827 Temp.Expired 7/31/98 12.13 NCR 733								
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10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0213		12:09 NCR 827								
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	14:08 NCR 595	14:08 NCR 595								
10 NCAC 26H .0304		13:03 NCR 316	13:08 NCR 668	S/L	Object	12/17/98				
					Approve	01/21/99	*		13:22 NCR 1868	
10 NCAC 26H .0304		14:05 NCR 394								
10 NCAC 26H .0401		13:02 NCR 248	13:12 NCR 947	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 26H .0401		14:13 NCR 1176								

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10 NCAC 26H .0511	14:13 NCR 1092									
10 NCAC 26I .0101	13:02 NCR 175		13:07 NCR 588	*						
10 NCAC 26M .0301		14:04 NCR 319								
10 NCAC 26M .0302		14:04 NCR 319								
10 NCAC 26M .0303		14:04 NCR 319								
10 NCAC 26M .0304		14:04 NCR 319								
10 NCAC 26M .0305		14:04 NCR 319								
10 NCAC 50B .0101	14:07 NCR 545	14:07 NCR 545								
10 NCAC 50B .0102		13:18 NCR 1526	14:10 NCR 750	S/L/SE						
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175		13:10 NCR 806	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 50B .0305		14:03 NCR 246								
10 NCAC 50B .0311	13:03 NCR 268									
10 NCAC 50B .0311	14:07 NCR 545	14:07 NCR 545								
10 NCAC 50B .0313	13:02 NCR 175		13:10 NCR 806	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 50B .0313		13:18 NCR 1526	14:10 NCR 750	S/L/SE						
10 NCAC 50B .0403	14:07 NCR 545	14:07 NCR 545								
10 NCAC 50B .0408	14:07 NCR 545	14:07 NCR 545								
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10 NCAC 42B .1201	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
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10 NCAC 42B .1212	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
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10 NCAC 42B .1213	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
		14:10 NCR 799	14:13 NCR 1106	S						
10 NCAC 42B .1214	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .1215	14:05 NCR 370									
10 NCAC 42B .1407	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .1707	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						

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					Action	Date				
10 NCAC 42B .1803	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .2013	14:05 NCR 370									
10 NCAC 42B .2014	14:05 NCR 370									
10 NCAC 42B .2406		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42B .2501	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .2502	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .2503	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .2601		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42C .2005	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2011	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2012	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2013	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
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10 NCAC 42C .2014	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
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10 NCAC 42C .2015		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42C .2207	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2214	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2302	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2501	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2505	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2506	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2703	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3401	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
10 NCAC 42C .3402	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3701	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3703	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3801	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3802	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						

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10 NCAC 42C .3803	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3804	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3805	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3806	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3807	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3808	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3809	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3810	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3901	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3902	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3903	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .4001		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42D .1301	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42D .1302	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1303		14:10 NCR 799	14:13 NCR 1106	S						
10 NCAC 42D .1303	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
10 NCAC 42D .1304		14:10 NCR 799	14:13 NCR 1106	S/SE						
10 NCAC 42D .1401	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1402	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1407	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S/SE						
		14:10 NCR 799	14:13 NCR 1106	S/SE						
10 NCAC 42D .1410	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1411	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1412	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1413	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S/SE						
		14:10 NCR 799	14:13 NCR 1106	S/SE						
10 NCAC 42D .1414	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
		14:10 NCR 799	14:13 NCR 1106	S						

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10 NCAC 42D .1415	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1416	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42D .1503	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1605	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1804	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1813	14:05 NCR 370									
10 NCAC 42D .1821	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1831		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42D .1832	14:05 NCR 370									
10 NCAC 42D .1833	14:05 NCR 370									
10 NCAC 42D .1901	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1902	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1903	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1904	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1905	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1906	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1907	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1908	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1909	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1910	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2001	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2002	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2003	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2004	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2005	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2006	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2007	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2008	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						

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10 NCAC 42D .2009	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2010	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2011	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2101	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2102	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2201	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2202	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2203	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2301		14:10 NCR 799	14:13 NCR 1106	*						
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .0802	12:20 NCR 1820	13:22 NCR 1853	13:22 NCR 1853	*						
10 NCAC 14V .0803	12:20 NCR 1820	13:22 NCR 1853	13:22 NCR 1853	*						
10 NCAC 14V .0804	12:20 NCR 1820	13:22 NCR 1853	13:22 NCR 1853	*						
10 NCAC 14V .0805	12:20 NCR 1820	13:22 NCR 1853	13:22 NCR 1853	*						
10 NCAC 14V .3600	14:07 NCR 518									
10 NCAC 14V .3800	12:20 NCR 1820									
10 NCAC 14V .4000	12:20 NCR 1820									
10 NCAC 14V .4301	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99	*		13:22 NCR 1868	
10 NCAC 14V .4302	12:19 NCR 1762		13:07 NCR 586	*	Object	01/21/99				
					Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 14V .4303	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99			13:22 NCR 1868	
10 NCAC 14V .4304	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99	*		13:22 NCR 1868	
10 NCAC 14V .4305	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99			13:22 NCR 1868	
10 NCAC 14V .4306	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99			13:22 NCR 1868	
10 NCAC 14V .5000	12:20 NCR 1820									
10 NCAC 45G .0410	13:23 NCR 1947	13:23 NCR 1947	14:09 NCR 659	*						
10 NCAC 45H .0205	11:19 NCR 1762	12:24 NCR 2223 Temp Expired 03/12/99	13:05 NCR 487	*	Approve	11/17/99				
Secretary of Health and Human Services										

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					Action	Date				
10 NCAC 14V .7000	14:07 NCR 518									
10 NCAC 14V .7006		12:01 NCR 31 Temp Expired 03/28/98	12:07 NCR 511	*						
10 NCAC 14V .7201	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7202	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7203	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7204	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7205	13:05 NCR 436		13:13 NCR 1042	*						
Social Services Commission										
10 NCAC 24	14:06 NCR 427									
10 NCAC 29C .0103		13:06 NCR 566	13:19 NCR 1611	*	Approve	07/15/99			14:06 NCR 490	
10 NCAC 29C .0201	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0201	14:12 NCR 1036	14:12 NCR 1036								
10 NCAC 29C .0202	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0202	14:12 NCR 1036	14:12 NCR 1036								
10 NCAC 29C .0203	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0204	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0205	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0206	14:10 NCR 798	14:10 NCR 798								
10 NCAC 41E .0401	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0403	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0404	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0405	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0406	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0501	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0502	12:11 NCR 919		13:05 NCR 438	*						

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			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0503	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0507	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0508	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0509	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0510	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0511	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0512	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0513	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0514	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0515	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0516	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0517	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0518	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0604	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41E .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0501	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0507	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0508	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0509	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0510	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0511	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0512	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0513	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0603	12:11 NCR 919		13:05 NCR 438	*						

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10 NCAC 41G .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0707	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0708	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0801	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0802	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0803	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0804	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0805	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0806	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0807	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0808	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0809	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

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					Action	Date				
10 NCAC 41G .0902	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1001	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1002	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1004	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1005	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1006	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1007	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1008	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1009	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1010	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1011	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1012	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1013	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1202	12:11 NCR 919		13:05 NCR 438	*						

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					Action	Date				
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1205	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1206	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1207	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1208	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1301	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1302	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1303	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1304	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1305	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1306	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1307	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1308	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1309	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1402	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41H	14:10 NCR 742									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41P	14:10 NCR 742									
10 NCAC 41R .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0102	12:11 NCR 919		13:05 NCR 438	*						

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					Action	Date				
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R .0107	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Object	02/18/99				
					Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0301	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0302	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0303	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0304	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0305	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0306	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0307	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0401	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0402	12:11 NCR 919		13:05 NCR 438	*						

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					Action	Date				
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0403	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0404	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0405	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0406	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0407	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0501	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0503	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0607	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0608	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0609	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

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					Action	Date				
10 NCAC 41S .0610	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0611	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0612	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0613	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0613		14:04 NCR 321								
10 NCAC 41S .0614	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0615	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Object	02/18/99				
					Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0707	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0708	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0709	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0710	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0711	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0712	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0713	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 41T .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0205	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0206	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 42A .0801	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0802	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0803	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0804	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0805	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0806	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0807	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0808	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0809	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0810	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42E	14:10 NCR 742									

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					Action	Date				
10 NCAC 42E .0801	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42E .1501	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42E .1502	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42V .0108	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42Z	14:10 NCR 742									
10 NCAC 42Z .1001	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 43L .0401	14:12 NCAC 1036	14:12 NCR 1036								
10 NCAC 47B .0103	14:07 NCR 519	14:08 NCR 602	14:13 NCR 1100	*						
10 NCAC 47B .0204	14:07 NCR 519	14:08 NCR 602	14:13 NCR 1100	*						
10 NCAC 47B .0407	14:07 NCR 519	14:08 NCR 602	14:13 NCR 1100	*						
Vocational Rehabilitation Services										
10 NCAC 20A .0101	14:07 NCR 519									
10 NCAC 20A .0102	14:07 NCR 519									
10 NCAC 20B .0102	14:07 NCR 519									
10 NCAC 20B .0103	14:07 NCR 519									
10 NCAC 20B .0105	14:07 NCR 519									
10 NCAC 20B .0108	14:07 NCR 519									
10 NCAC 20B .0201	14:07 NCR 519									
10 NCAC 20B .0202	14:07 NCR 519									
10 NCAC 20B .0203	14:07 NCR 519									
10 NCAC 20B .0204	14:07 NCR 519									
10 NCAC 20B .0206	14:07 NCR 519									
10 NCAC 20B .0208	14:07 NCR 519									
10 NCAC 20B .0210	14:07 NCR 519									
10 NCAC 20B .0217	14:07 NCR 519									
10 NCAC 20B .0224		13:17 NCR 1379	14:05 NCR 392	*						
10 NCAC 20B .0225	14:07 NCR 519									

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 20B .0228		13:17 NCR 1379	14:05 NCR 392	*						
10 NCAC 20C .0101	14:07 NCR 519									
10 NCAC 20C .0120	14:07 NCR 519									
10 NCAC 20C .0122	14:07 NCR 519									
10 NCAC 20C .0123	14:07 NCR 519									
10 NCAC 20C .0201	14:07 NCR 519									
10 NCAC 20C .0202	14:07 NCR 519									
10 NCAC 20C .0203	14:07 NCR 519									
10 NCAC 20C .0204	14:07 NCR 519									
10 NCAC 20C .0205	14:07 NCR 519									
10 NCAC 20C .0206	14:07 NCR 519									
10 NCAC 20C .0301	14:07 NCR 519									
10 NCAC 20C .0302	14:07 NCR 519									
10 NCAC 20C .0303	14:07 NCR 519									
10 NCAC 20C .0304	14:07 NCR 519									
10 NCAC 20C .0305	14:07 NCR 519									
10 NCAC 20C .0306	14:07 NCR 519									
10 NCAC 20C .0307	14:07 NCR 519									
10 NCAC 20C .0308	14:07 NCR 519									
10 NCAC 20C .0310	14:07 NCR 519									
10 NCAC 20C .0311	14:07 NCR 519									
10 NCAC 20C .0313	14:07 NCR 519									
10 NCAC 20C .0314	14:07 NCR 519									
10 NCAC 20C .0315	14:07 NCR 519									
10 NCAC 20C .0316	14:07 NCR 519									
10 NCAC 20C .0401	14:07 NCR 519									
10 NCAC 20C .0408	14:07 NCR 519									

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 20C .0502	14:07 NCR 519									
10 NCAC 20C .0601	14:07 NCR 519									
10 NCAC 20C .0603	14:07 NCR 519									
10 NCAC 20C .0604	14:07 NCR 519									
10 NCAC 20D .0101	14:07 NCR 519									
10 NCAC 20D .0201	14:07 NCR 519									
10 NCAC 20D .0301	14:07 NCR 519									
HOUSING FINANCE AGENCY										
24 NCAC 01H .0103	13:22 NCR 1822		14:02 NCR 82	*	Agcy Withdrew	10/04/99				
INSURANCE										
11 NCAC 04	14:12 NCR 957									
11 NCAC 06B .0201	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0202	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0203	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0204	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0205	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0301	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0302	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0303	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0304	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0401	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0402	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0403	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0404	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 06B .0405	12:09 NCR 744		14:10 NCR 752	*						
11 NCAC 10 .0105	14:10 NCR 809	14:10 NCR 809	14:14 NCR 1225	*						
11 NCAC 10 .1110	14:10 NCR 809	14:10 NCR 809	14:14 NCR 1225	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
11 NCAC 11F .0401	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0402	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0403	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0404	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0405	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0501	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0502	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0503	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0504	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 12	14:12 NCR 957									
11 NCAC 12 .0308	14:10 NCR 819	14:10 NCR 819								
11 NCAC 12 .0327	14:12 NCR 1038	14:12 NCR 1038								
11 NCAC 12 .1025	N/A		N/A		Approve	10/04/99			14:10 NCR 839	
11 NCAC 12 .1701	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 12 .1702	14:02 NCR 78		14:06 NCR 433	*	Approve	11/17/99				
11 NCAC 12 .1702	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 12 .1703	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 12 .1707	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 12 .1709	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 13 .0317	14:10 NCR 822	14:10 NCR 822	14:14 NCR 1237	*						
11 NCAC 13 .0318	14:10 NCR 822	14:10 NCR 822	14:14 NCR 1237	*						
11 NCAC 13 .0324	14:10 NCR 822	14:10 NCR 822	14:14 NCR 1237	*						
11 NCAC 13 .0326	14:10 NCR 822	14:10 NCR 822	14:14 NCR 1237	*						
11 NCAC 13 .0406	14:10 NCR 822	14:10 NCR 822								
11 NCAC 13 .0514	14:02 NCR 78		14:06 NCR 433	*	Approve	11/17/99				
11 NCAC 13 .0518	14:02 NCR 78		14:06 NCR 433	*	Approve	11/17/99				
11 NCAC 18	14:12 NCR 957									

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
Home Inspector Licensure Board										
11 NCAC 08 .0900	14:12 NCR 957									
11 NCAC 08 .1103	14:08 NCR 577		14:12 NCR 959	*						
11 NCAC 08 .1105	14:08 NCR 577		14:12 NCR 959	*						
11 NCAC 08 .1106	14:08 NCR 577		14:12 NCR 959	*						
11 NCAC 08 .1107	14:08 NCR 577		14:12 NCR 959	*						
11 NCAC 08 .1116	14:08 NCR 577		14:12 NCR 959	*						
11 NCAC 08 .1300	14:08 NCR 577									
JUSTICE										
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
12 NCAC 09B .0106	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
12 NCAC 09B .0107	13:14 NCR 1110		13:19 NCR 1611	*	Ext. Review	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99			14:10 NCR 839	
12 NCAC 09B .0109	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0110	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0112	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0113	13:14 NCR 1110		13:19 NCR 1611	*	Ext. Review	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99			14:10 NCR 839	
12 NCAC 09B .0115	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0201	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0202	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0203	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0204	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				

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					Action	Date				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0205	13:14 NCR 1110		13:19 NCR 1611	S/L	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0206	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0207	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0208	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0226	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0227	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Returned to Agency					
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0228	13:14 NCR 1110		13:19 NCR 1611	S	Object	06/17/99				
					Returned to Agency					
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0232	13:14 NCR 1110		13:19 NCR 1611	S	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0233	13:14 NCR 1110		13:19 NCR 1611	S	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0302	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0303	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0304	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0305	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09B .0312	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0403	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0404	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0405	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0406	13:14 NCR 1110		13:19 NCR 1611	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0407	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 09B .0414	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0415	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09C .0211	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09C .0212	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09C .0213	13:14 NCR 1110		13:19 NCR 1611	*	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	10/04/99	*		14:10 NCR 839	
12 NCAC 09C .0403	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09E .0107	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
Private Protective Services Board										
12 NCAC 07D .0807	13:14 NCR 1110		14:07 NCR 523	*						
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0103	13:14 NCR 1110		13:19 NCR 1637	S	Object	06/17/99				
					Return to Agcy	07/15/99				
					Approve	11/17/99	*			
12 NCAC 10B .0302	14:12 NCR 957									
12 NCAC 10B .0303	14:12 NCR 957									
12 NCAC 10B .0502	13:14 NCR 1110		13:19 NCR 1637	L	Object	06/17/99				
					Approve	11/17/99	*			
12 NCAC 10B .0505	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0506	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0507	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0508	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0509	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0601	13:14 NCR 1110		13:19 NCR 1637	S/L	Object	06/17/99				
					Approve	11/17/99	*			
12 NCAC 10B .0606	13:14 NCR 1110									
12 NCAC 10B .0607	13:14 NCR 1110									
12 NCAC 10B .0703	13:14 NCR 1110		13:19 NCR 1637	S/L	Approve	06/17/99	*		14:05 NCR 402	

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 10B .0908	13:14 NCR 1110		13:19 NCR 1637	S/L	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0909	14:12 NCR 957									
12 NCAC 10B .1002	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .1401	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .1402	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 10B .1403	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 10B .1404	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 10B .1405	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 10B .1406	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99			14:05 NCR 402	
LABOR										
13 NCAC 01A .0100	14:07 NCR 519									
13 NCAC 01B .0100	14:07 NCR 519									
13 NCAC 01B .0200	14:07 NCR 519									
13 NCAC 01B .0300	14:07 NCR 519									
13 NCAC 01B .0400	14:07 NCR 519									
13 NCAC 01B .0500	14:07 NCR 519									
13 NCAC 01B .0600	14:07 NCR 519									
13 NCAC 01C .0100	14:07 NCR 519									
13 NCAC 01C .0200	14:07 NCR 519									
13 NCAC 01C .0300	14:07 NCR 519									
13 NCAC 01C .0400	14:07 NCR 519									
13 NCAC 01C .0500	14:07 NCR 519									
Elevator and Amusement Device Division										
13 NCAC 15 .0201		14:14 NCR 1315								
Occupational Safety and Health										
***Verbatim Adoption Federal Standards**										14:07 NCR 517
13 NCAC 07A .0401	14:02 NCR 78		14:12 NCR 961	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
13 NCAC 07F .0101	14:02 NCR 78									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	14:02 NCR 78									
13 NCAC 07F .0410	14:02 NCR 78									
13 NCAC 07F .0601	13:02 NCR 176		13:21 NCR 1786	S/L/SE	**Object**	**10/04/99**				
13 NCAC 07F .0602	13:02 NCR 176		13:21 NCR 1786	S/L	**Object**	**10/04/99**				
13 NCAC 07F .0603	13:02 NCR 176		13:21 NCR 1786	S/L/SE	**Object**	**10/04/99**				
13 NCAC 07F .0604	13:02 NCR 176		13:21 NCR 1786	S/L/SE	**Object**	**10/04/99**				
13 NCAC 07F .0605	13:02 NCR 176		13:21 NCR 1786	S/L/SE	**Object**	**10/04/99**				
13 NCAC 07F .0606	13:02 NCR 176		13:21 NCR 1786	S/L	**Object**	**10/04/99**				
Retaliatory Employment Discrimination										
13 NCAC 19 .0101	N/A	N/A	N/A	N/A	Approve	08/19/99			14:09 NCR 708	
Wage and Hour Division										
13 NCAC 12 .0501	13:03 NCR 268									
13 NCAC 12 .0801	13:03 NCR 268									
13 NCAC 12 .0802	13:03 NCR 268									
LANDSCAPE ARCHITECTS, BOARD OF										
21 NCAC 26 .0101	14:05 NCR 373		14:12 NCR 1015	*						
21 NCAC 26 .0104		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0104	14:05 NCR 373		14:12 NCR 1015	*						
21 NCAC 26 .0105		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0105	14:05 NCR 373		14:12 NCR 1015	*						
21 NCAC 26 .0302		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0302	14:05 NCR 373		14:12 NCR 1015	*						
21 NCAC 26 .0506		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0507		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0508		12:08 NCR 730	Temp Expired 07/12/98							
21 NCAC 26 .0509		12:08 NCR 730	Temp Expired 07/12/98							

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
MEDICAL BOARD										
21 NCAC 32	13:06 NCR 538									
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32B	12:04 NCR 245									
21 NCAC 32O .0118	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0119	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0120	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0121	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32R .0101	14:03 NCR 127									
21 NCAC 32R .0102	14:03 NCR 127									
21 NCAC 32R .0103	14:03 NCR 127									
21 NCAC 32R .0104	14:03 NCR 127									
MIDWIFERY JOINT COMMITTEE										
21 NCAC 33 .0102	14:12 NCR 958									
21 NCAC 33 .0106	14:12 NCR 958									
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34C	12:09 NCR 745									
MUNICIPAL INCORPORATIONS PETITION										
NURSING, BOARD OF										
21 NCAC 36 .0213	13:22 NCR 1821		14:02 NCR 82	*	Approve	11/17/99				
21 NCAC 36 .0220	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0221	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0227	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0318	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0404	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0405	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0701	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from pruposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 36 .0702	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0703	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0704	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0705	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR										
21 NCAC 37D .0202		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37D .0302	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0303	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0403	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0405	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0407	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0502	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0504	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0601	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0603	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0605	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0701	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0704	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37E .0101	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37E .0102		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37E .0102	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37F .0101	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37F .0102		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37F .0102	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37G .0102		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37G .0201		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37G .0201	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37G .0202	14:08 NCR 578									

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 37H .0102		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37H .0102	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37H .0104	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37I .0101	14:08 NCR 578		14:13 NCR 1149	*						
PHARMACY, BOARD OF										
21 NCAC 46 .1317	13:22 NCR 1821									
21 NCAC 46 .1413	13:22 NCR 1821		14:06 NCR 480	*	Approve	11/17/99	*			
21 NCAC 46 .1414	13:22 NCR 1821									
21 NCAC 46 .1508	13:22 NCR 1821		14:06 NCR 480	*	Approve	11/17/99	*			
21 NCAC 46 .1601	13:22 NCR 1821									
21 NCAC 46 .1804	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*	State Budget	03/20/98				
			13:02 NCR 246	SE	Object	12/17/98				
					Object	02/18/99				
					Object	04/15/99				
					Approve	05/20/99	*		14:04 NCR 330	
21 NCAC 46 .1810	13:22 NCR 1821		14:06 NCR 480	*						
21 NCAC 46 .1813	13:22 NCR 1821									
21 NCAC 46 .1814	13:22 NCR 1821		14:06 NCR 480	*						
21 NCAC 46 .1815		13:11 NCR 910	13:22 NCR 1848	*						
			13:24 NCR 2016	*	Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 46 .1816	13:22 NCR 1821		14:06 NCR 480	*						
21 NCAC 46 .2306	12:24 NCR 2203		13:04 NCR 419	*	**Object**	**11/19/98**				
21 NCAC 46 .2506	12:24 NCR 2203		13:04 NCR 419	*	**Object**	**12/17/98**				
Narrow Therapeutic Index Drugs										14:13 NCR 1091
PHYSICAL THERAPY EXAMINERS										
21 NCAC 48F .0102	14:06 NCR 489	14:06 NCR 489	14:10 NCR 771	*						
PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF										
21 NCAC 50 .0301	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0304	14:06 NCR 429		14:14 NCR 1242	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 50 .0306	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0310	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0402	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0404	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0406	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0412	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0501	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .0506	12:07 NCR 509	12:07 NCR 557	Temp Expired 06/28/98							
21 NCAC 50 .0506	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0508	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0512	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0513	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0514	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1001	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1004	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1006	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1007	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1008	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1009	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1010	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1011	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1013	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1014	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1101	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1204	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1205	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1206	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1210	14:06 NCR 429		14:14 NCR 1242	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 50 .1212	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1213	14:06 NCR 429		14:14 NCR 1242	*						
PSYCHOLOGY BOARD										
21 NCAC 54 .1611	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .1901	13:21 NCR 1784									
21 NCAC 54 .2006	12:05 NCR 338									
21 NCAC 54 .2010	12:05 NCR 338									
21 NCAC 54 .2104	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2301	12:05 NCR 338									
21 NCAC 54 .2302	12:05 NCR 338									
21 NCAC 54 .2303	12:05 NCR 338									
21 NCAC 54 .2304	12:05 NCR 338									
21 NCAC 54 .2305	12:05 NCR 338									
21 NCAC 54 .2306	12:05 NCR 338									
21 NCAC 54 .2307	12:05 NCR 338									
21 NCAC 54 .2308	12:05 NCR 338									
21 NCAC 54 .2309	12:05 NCR 338									
21 NCAC 54 .2310	12:05 NCR 338									
21 NCAC 54 .2311	12:05 NCR 338									
21 NCAC 54 .2312	12:05 NCR 338									
21 NCAC 54 .2313	12:05 NCR 338									
21 NCAC 54 .2314	12:05 NCR 338									
21 NCAC 54 .2401	12:05 NCR 338									
21 NCAC 54 .2402	12:05 NCR 338									
21 NCAC 54 .2501	12:05 NCR 338									
21 NCAC 54 .2502	12:05 NCR 338									
21 NCAC 54 .2503	12:05 NCR 338									
21 NCAC 54 .2504	12:05 NCR 338									

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 54 .2505	12:05 NCR 338									
21 NCAC 54 .2601	12:05 NCR 338									
21 NCAC 54 .2602	12:05 NCR 338									
21 NCAC 54 .2704	12:05 NCR 338		13:13 NCR 1050	*	Approve	11/17/99	*			
21 NCAC 54 .2706	12:05 NCR 338		13:13 NCR 1050	*	Approve	11/17/99	*			
21 NCAC 54 .2801	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2802	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2803	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2804	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2805	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2806	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2807	12:05 NCR 338		13:13 NCR 1050	*						
PUBLIC EDUCATION										
16 NCAC 06B .0108		13:13 NCR 1061	13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06C .0100	14:06 NCR 428									
16 NCAC 06C .0102			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0103			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0200	14:06 NCR 428									
16 NCAC 06C .0202			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0205			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0205			13:24 NCR 2008	*						
16 NCAC 06C .0206			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0207			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0300	14:06 NCR 428									
16 NCAC 06C .0301			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						

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					Action	Date				
16 NCAC 06C .0302			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0303			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0304			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0305			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0306			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0307			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0308			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0309			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0311			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0312			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0313			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0400	14:06 NCR 428									
16 NCAC 06C .0402		14:11 NCR 910								
16 NCAC 06C .0501			13:18 NCR 1503	*	Object	07/15/99				
					Approve	08/19/99	*		14:09 NCR 708	
16 NCAC 06D .0103		12:22 NCR 2010	13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
		Temp Expired 02/09/99								
16 NCAC 06D .0103			13:24 NCR 2008	S	Approve	10/04/99				
16 NCAC 06D .0210			13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
16 NCAC 06D .0301			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06D .0302			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06D .0303			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06D .0304			13:24 NCR 2008	S	Approve	10/04/99				
16 NCAC 06D .0305			13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
16 NCAC 06D .0501			13:24 NCR 2008	S	Approve	10/04/99	*			

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
16 NCAC 06D .0502			13:24 NCR 2008	S	Approve	10/04/99				
16 NCAC 06D .0503			13:24 NCR 2008	S	Object	10/04/99				
					Approve	11/17/99	*			
16 NCAC 06D .0504			13:24 NCR 2008	S	Object	10/04/99				
					Approve	11/17/99	*			
16 NCAC 06D .0505			13:24 NCR 2008	S	Approve	10/04/99	*			
16 NCAC 06D .0506			13:24 NCR 2008	S	Approve	10/04/99				
16 NCAC 06D .0507			13:24 NCR 2008	S	Approve	10/04/99	*			
16 NCAC 06E .0202			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06E .0301		13:05 NCR 523								
16 NCAC 06E .0301			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06G .0202			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06G .0308			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06G .0309			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06G .0311		12:22 NCR 2010	13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
		Temp Expired 02/09/99								
16 NCAC 06G .0502			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06H .0101			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
16 NCAC 06H .0101	N/A		N/A	N/A	Approve	10/04/99				
16 NCAC 06H .0103			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06H .0105			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
16 NCAC 06H .0105	N/A		N/A	N/A	Approve	10/04/99				
16 NCAC 06H .0106			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06H .0107			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
16 NCAC 06H .0107	14:06 NCR 428									
16 NCAC 06H .0107	N/A		N/A	N/A	Approve	10/04/99				
16 NCAC 06H .0108			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
16 NCAC 06H .0108	N/A		N/A	N/A	Approve	10/04/99				

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					Action	Date				
16 NCAC 06H .0109			13:18 NCR 1503	*	**Return to Agcy**	**07/15/99**				
16 NCAC 06H .0109	N/A		N/A	N/A	Approve	10/04/99				
16 NCAC 06H .0110			13:18 NCR 1503	*	Return to Agcy	07/15/99				
					Object	10/04/99				
					Approve	11/17/99	*			
REAL ESTATE COMMISSION										
21 NCAC 58A .0107	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0109	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0110	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0113	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0114	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0301	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0302	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0303	14:06 NCR 429		14:10 NCR 772	S						
21 NCAC 58A .0304	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0401	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0402	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0403	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0404	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0406	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0503	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0505	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0601	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .0615	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .1402	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .1703	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58A .1708	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58B .0101	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58B .0102	14:06 NCR 429		14:10 NCR 772	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 58C .0105	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0106	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0107	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0108	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0207	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0213	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0214	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0217	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0218	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0220	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0302	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0304	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0305	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0306	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0307	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0310	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0312	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0601	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0602	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0603	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0604	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0605	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0606	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0607	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58C .0608	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58E .0102	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58E .0202	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58E .0204	14:06 NCR 429		14:10 NCR 772	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 58E .0205	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58E .0304	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58E .0310	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58E .0412	14:06 NCR 429		14:10 NCR 772	*						
21 NCAC 58E .0515	14:06 NCR 429		14:10 NCR 772	*						
REFRIGERATION EXAMINERS, BOARD OF										
21 NCAC 60 .0102	14:08 NCR 579		14:12 NCR 1028	*						
21 NCAC 60 .0207	14:08 NCR 579		14:12 NCR 1028	*						
21 NCAC 60 .0311	14:08 NCR 579		14:12 NCR 1028	*						
21 NCAC 60 .0316	14:08 NCR 579		14:12 NCR 1028	*						
21 NCAC 60 .1102	14:08 NCR 579		14:12 NCR 1028	*						
REVENUE										
17 NCAC 04B .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0104	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0105	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0106	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0107	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0306	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0308	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0309	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0310	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0311	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0312	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0403	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0405	N/A		13:08 NCR 690	N/A						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
17 NCAC 04B .2902	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4302	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0103	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0201	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0202	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0203	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0703	N/A		13:08 NCR 690	N/A						
17 NCAC 04F .0005	N/A		13:08 NCR 690	N/A						
17 NCAC 05C .0102			12:14 NCR 1285	*						
17 NCAC 05C .0703			12:14 NCR 1285	*						
17 NCAC 06B .0105	N/A		13:08 NCR 694	N/A						
17 NCAC 06B .0118	N/A		13:09 NCR 762	N/A	Object	12/17/98				
					Object	03/18/99				
					Approve	04/15/99	*		14:02 NCR 84	
17 NCAC 07B .0124	N/A		13:08 NCR 695	N/A						
17 NCAC 07B .0125	N/A		13:08 NCR 695	N/A						
17 NCAC 07B .2101	N/A		13:09 NCR 767	N/A						
17 NCAC 09K .0601	N/A		13:08 NCR 695	N/A						
Tax Review Board										14:12 NCR 954
SECRETARY OF STATE										
18 NCAC 06 .1212		13:14 NCR 1151								
		14:08 NCR 645	14:08 NCR 645	*						
18 NCAC 06 .1304		13:14 NCR 1151								
		14:08 NCR 645	14:08 NCR 645	*						
18 NCAC 06 .1502		13:14 NCR 1151								
		14:08 NCR 645	14:08 NCR 645	*						
18 NCAC 06 .1802		12:07 NCR 534	12:14 NCR 1312	*						
		Temp Expired 06/28/98								

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
18 NCAC 06 .1803		12:07 NCR 534	12:14 NCR 1312	*						
		Temp Expired 06/28/98								
18 NCAC 10 .0101	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0201	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0301	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0302	13:09 NCR 759	13:14 NCR 1153								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0303	13:09 NCR 759	13:14 NCR 1153								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0304	13:09 NCR 759	13:14 NCR 1153								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0305	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0306		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0307		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0308		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0309		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0401	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
18 NCAC 10 .0402	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
18 NCAC 10 .0501	13:09 NCR 759	13:14 NCR 1153								
		13:18 NCR 1556								
18 NCAC 10 .0701		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0801		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0802		13:18 NCR 1556								
		14:12 NCR 1046								Temp Filed over obj
18 NCAC 10 .0901		13:18 NCR 1556								

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
		14:12 NCR 1046								Temp Filed over obj
SOCIAL WORK CERTIFICATION AND LICENSURE BOARD										
21 NCAC 63 .0101	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0102	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0103	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0104	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0105	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0201	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0202	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0204	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0205	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0206	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0207	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0208	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0209	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0210	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0211	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0212	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0213	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0301	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0302	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0303	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0304	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0305	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0306	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0401	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0402	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 63 .0403	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0404	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0501	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0503	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0507	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0508	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0509	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0601	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0602	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0603	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0604	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0607	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0609	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0701	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0702	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0703	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0704	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0801	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0802	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0803	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0804	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0805	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0806	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0807	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0808	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0809	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0820	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
STATE PERSONNEL COMMISSION										
25 NCAC 01B .0354	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01B .0414		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01B .0434		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01B .0437	13:05 NCR 436		13:09 NCR 773	*	Object	10/04/99				
					Approve	11/17/99	*			
25 NCAC 01C .0214		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01D .2516		11:13 NCR 1062	11:19 NCR 1429	*						
		Temp Expired								
25 NCAC 01D .2517		12:09 NCR 835	Temp Expired 07/31/98							
25 NCAC 01H .0602	13:05 NCR 436		13:09 NCR 773	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01H .0605	13:05 NCR 436		13:09 NCR 773	*	Object	10/04/99				
					Approve	11/17/99	*			
25 NCAC 01H .0606	13:05 NCR 436		13:09 NCR 773	*	Object	10/04/99				
					Approve	11/17/99	*			
25 NCAC 01J .0503	13:05 NCR 436		13:09 NCR 773	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01J .0506		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01J .0512	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0603	13:05 NCR 436		13:09 NCR 773	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01J .0603		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*		14:10 NCR 839	
SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD										
21 NCAC 68 .0101	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0503	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0507	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0509	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0511	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0601	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0706	14:10 NCR 749		14:14 NCR 1259	*						
TRANSPORTATION										

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
Highways, Division of										
19A NCAC 02D .0415	13:08 NCR 626		13:14 NCR 1116	*	Approve	04/15/99			14:02 NCR 84	
19A NCAC 02E .0201	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0202	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0203	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0206	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0207	14:03 NCR 126	14:09 NCR 695	14:09 NCR 695	*						
19A NCAC 02E .0208	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0209	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0210	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0211	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0212	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0213	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0214	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0215	14:03 NCR 126	14:09 NCR 695	14:09 NCR 695	*						
19A NCAC 02E .0221	13:04 NCR 361		13:10 NCR 811	*	Approve	03/18/99	*		14:01 NCR 48	
19A NCAC 02E .0222	13:04 NCR 361		13:10 NCR 811	*	Approve	03/18/99			14:01 NCR 48	
19A NCAC 02E .0224	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0225	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0602	14:03 NCR 126	14:09 NCR 695	14:09 NCR 695 14:12 NCR 1012	* *						
19A NCAC 02E .0603	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0604	14:03 NCR 126		14:09 NCR 670	*						
Motor Vehicles, Division of										
19A NCAC 03D .0801		14:11 NCR 911								
19A NCAC 03D .0802	14:14 NCR 1223									
19A NCAC 03G .0203	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0205	14:07 NCR 520		14:13 NCR 1145	*						

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 03G .0206	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0207	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0209	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0213	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03I .0207	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0301	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0302	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0307	13:16 NCR 1258		13:22 NCR 1843	*	Object	07/15/99				
					Approve	08/19/99	*		14:09 NCR 708	
19A NCAC 03I .0401	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0402	13:16 NCR 1258		13:22 NCR 1843	*	Object	07/15/99				
					Approve	08/19/99	*		14:09 NCR 708	
19A NCAC 03I .0501	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0601	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0701	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0804	13:16 NCR 1258		13:22 NCR 1843	*	Object	07/15/99				
					Approve	08/19/99	*		14:09 NCR 708	
VETERINARY MEDICAL BOARD										
21 NCAC 66 .0207	12:23 NCR 2089									
21 NCAC 66 .0208	12:23 NCR 2089									

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