

STATE OF NORTH CAROLINA OFFICE OF STATE BUDGET AND MANAGEMENT



Employment First State for Individuals with Disabilities

ROY COOPER GOVERNOR KRISTIN WALKER STATE BUDGET DIRECTOR

February 23, 2023

MEMORANDUM

TO: Governor Roy Cooper

The Honorable Phil Berger

President Pro Tempore of the Senate

The Honorable Tim Moore

Speaker of the House

Mr. Kevin Leonard, Executive Director

North Carolina Association of County Commissioners

Ms. Rose Williams, Executive Director North Carolina League of Municipalities

FROM: Kristin Walker fustur Waller

SUBJECT: Schedule of Anticipated Administrative Rule Actions and Summary of

Administrative Rules Affecting Local Governments

Enclosed is a report required by G.S. 150B-21.28. The report contains a schedule of rule actions state agencies anticipate taking in Fiscal Year 2023-24 that might affect the state government or local governments, or that might create a substantial economic impact. The second part of this report includes a summary of rules agencies adopted in Fiscal Year 2021-22 that had an economic impact on local governments.

Please contact Jessica Robinson (jessica.robinson@osbm.nc.gov) should you have any questions or comments about these items.

Enclosure

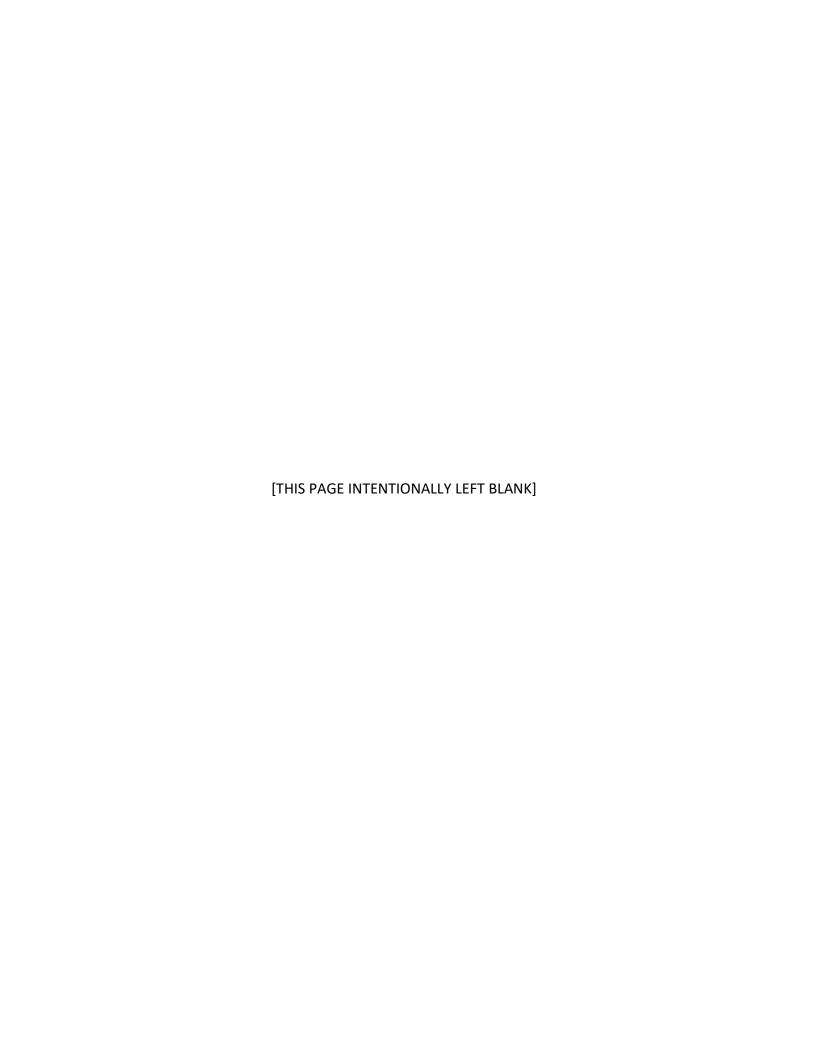
Cc: Ashley Snyder Erin Wynia

Jeff Hudson Adam Pridemore Chris Saunders Jennifer Davison



North Carolina Rules with Economic Impact 2023

NC Office of State Budget & Management 116 West Jones Street Raleigh, NC 27603 www.osbm.nc.gov



Background

On May 17, 1994, Governor James B. Hunt Jr. issued Executive Order No. 49 entitled "Fiscal Notes on Administrative Rules Affecting Local Governments." The Executive Order set forth policies and procedures for state agencies to follow when proposing permanent rules with an impact on local governments. Through Session Law 1995-415, the General Assembly incorporated these policies, as well as other changes, in <u>G.S. 150B-21.28</u> of the <u>Administrative Procedure Act</u> (APA). The revised APA increases state agencies' awareness of the effect proposed rules would have on local governments and enables local governments to be more involved in estimating the fiscal impact of permanent rules on local budgets.

According to requirements in the APA, the North Carolina Office of State Budget and Management (OSBM) prepares annually a report containing a schedule of anticipated rule actions in the upcoming fiscal year, as well as a summary of the projected economic impact on local governments of rules adopted in the preceding fiscal year. OSBM provides a copy of this annual report to the Governor, the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities, as required by the APA.

Outline

I. Summary

The Summary section contains statistics on anticipated rule actions in the following fiscal year that might have an economic impact, and rules adopted in the previous year with projected impact on local governments.

II. Schedule of Anticipated Rule Actions, July 1, 2023 – June 30, 2024

This section contains information on rules state agencies expect to adopt in SFY 2023-24 that would have an impact on: i) state expenditure or distribution of funds; ii) local government revenues or expenditures; or iii) would create a substantial economic impact. Substantial impact is statutorily defined as an aggregate financial impact to all parties involved of \$1,000,000 or greater over a 12-month period (G.S. 1508-21.4(b1)). The information in this section is organized by agency and agency division, and it includes the rule title, the North Carolina Administrative Code (NCAC) citation, staff contact information, proposed action, anticipated impact, and a brief description of the rule change.

III. Rules that Affected Local Governments, Adopted July 1, 2021 – June 30, 2022

The last section provides information on rules North Carolina agencies adopted in SFY 2021-22 that have a projected impact on local governments. The information is organized by agency and by adoption date, and it includes the rule title, NCAC citation, staff contact information, and expected net impact on local government revenues and expenditures over a five-year period.

I. Summary

In SFY 2023-24, state agencies anticipate taking action on 65 different rule packages, based on reports submitted by 69 percent of agencies. This report uses the terms "rule change" or "rule" to refer to a package of permanent individual rules an agency proposes to adopt together that constitute a new policy. Therefore, the number of individual rules on which the agencies plan to take action is higher than the number noted in this report. See Table 1 below for a breakdown by agency.

The 65 rule package actions agencies anticipate making in SFY 2023-24 is a larger amount than the 49 actions agencies anticipated engaging in during the current fiscal year (SFY 2022-23), based on information presented in the 2022 NC Rules with Economic Impact Report. Approximately 65% of the 65 anticipated rule actions with economic impact for the following year include an *amendment* to existing regulations. Approximately 19% of the anticipated rule actions are related to rule packages agencies are required to *readopt* per <u>G.S. 150B-21.3A.</u> New rule *adoptions* make up 32% of the anticipated actions, and 3% include rule *repeals* (see Table 2).

Table 1. Number of Anticipated Rules with Economic Impact in SFY 2023-24

	Number of Rule	
Agency	Packages	Percentage of Total
Department of Environmental Quality	20	30.8%
Department of Health and Human Resources	17	26.2%
Department of Labor	9	13.8%
Wildlife Resources Commission	7	10.8%
North Carolina Building Code Council	3	4.6%
North Carolina Board of Barber and Electrolysis Examiners	2	3.1%
North Carolina Industrial Commission	2	3.1%
Department of Public Instruction	2	3.1%
Department of State Treasurer	2	3.1%
Secretary of State	1	1.5%
Total Anticipated Rules	65	100.0%

Table 2. Number of Anticipated Rules by Type of Action

Type of Impact	Number of Rule Packages	Percentage of Total
Amend	32	49.2%
Readopt	12	18.5%
Adopt	11	16.9%
Adopt and Amend	8	12.3%
Adopt, Amend, and Repeal	2	3.1%
Repeal and Amend	0	0.0%
Repeal and Adopt	0	0.0%
Repeal	0	0.0%
Total Anticipated Rules	65	100.0%

The Department of Environmental Quality (DEQ) and Department of Health and Human Services (DHHS) anticipate carrying out the majority of the rulemaking in SFY 2022-23. Note that five of the 20 DEQ actions and seven of the 17 DHHS actions are readoptions of existing regulations, which are required for the agency to comply with the review of existing regulation provisions in <u>G.S. 150B-21.3A</u>.

As agencies continue to engage in the existing rule review process, there might be additional rulemaking actions than those contained in this report. Based on the <u>Readoption Schedule</u> published by the Office of Administrative Hearings (as of February 10, 2023), agencies are planning to review another 16 rule chapters, totaling 6,292 individual rules, in the following fiscal year. At this point, it is unclear how many of those rules will be repealed or readopted, and of those readopted, how many will result in an economic impact. Since agencies may still be in the planning stages for their readoption packages, they may not be able to state whether the rules will be readopted with substantive changes. Therefore, it is possible for the total number of rule actions with economic impact to be higher in the upcoming year than the 65 reported here.

Table 3 presents the number of anticipated rule actions in the next fiscal year that agencies estimate will have a state government, local government, or substantial economic impact, which is defined in <u>G.S. 150B-21.4(b1)</u> as an aggregate economic impact of \$1 million or more over a 12-month period. In comparison to the estimates for the current fiscal year (see the 2022 NC Rules with Economic Impact Report), agencies report an increase in rules that might have an impact on state or local governments, and an increase from two to 16 rules with substantial economic impact. For more details, see Table 6 in Section II of this report.

Table 3. Number of Anticipated Rules by Type of Impact

Type of Impact	Number of Rule Packages	Percentage of Total
State Government	34	52.3%
Local Government	23	35.4%
Substantial Economic Impact	16	24.6%

In SFY 2021-22, state agencies adopted 20 rule changes estimated to have an impact on local governments (either a cost or benefit), as shown in Table 4.

Table 4. Number of Rules Adopted in SFY 2021-2022 with Local Government Impact. by Agency

Agency	Number of Rule Packages	Percentage of Total
Department of Environmental Quality	9	45.0%
Department of Health and Human Services	7	35.0%
Wildlife Resources Commission	3	15.0%
Department of Labor	1	5.0%
Total Adopted Rules	20	100.0%

Table 5 below presents the estimated quantified impact on local governments over a five-year period resulting from the rules adopted in SFY 2021-22. The net present value of these quantified impacts on local governments is approximately \$4,000 in costs (computed using a 7% discount rate, as mandated in <u>G.S. 150B-21.4(b1)</u> for fiscal note analyses). Note, these rule changes may result in additional costs and

benefits to local governments during the next five years, however these impacts were difficult to quantify. See Table 7 in Section III of this report for more detailed information on these rule changes.

Table 5. Estimated Impact on Local Governments of Rules Adopted by Agencies in SFY 2021-2022, (in thousands of \$)*

Agency	SFY	SFY	SFY	SFY	SFY
	2020-21	2020-21	2021-22	2022-23	2023-24
Department of Environmental Quality	\$17	\$-274	\$-274	\$-274	\$-274
Department of Health and Human Services	\$732	-\$29	-\$28	\$27	\$0
Wildlife Resources Commission	\$1	\$0	\$0	\$0	\$0
Department of Labor	\$58	\$58	\$58	\$58	\$58
Total Impact of Adopted Rules	\$808	-\$245	-\$244	-\$243	-\$216

^{*}Note that positive values are net costs to local governments and negative values are net benefits.

Table 6. Schedule of Anticipated Rule Actions between July 1, 2023 and June 30, 2024

			Conta	ct				Impacts		
Division	Rule Title and Description	NCAC Citation(s)	Name	Phone	Rule Action	Required by Federal Law/ Regulation	State	Local	Substantial	
Board of Barber	and Electrolysis Examine	rs								
Board of Barber and Electrolysis Examiners	Mobile barber shops	21 NCAC 06L .0201- .0205; 06N .0101, .0116; 06O .0123- .0126	Dennis Seavers	919-814-0641	Adopt and Amend	No	S	-	U	
S.L. 2022-72, s. 2, established a new license type for mobile barber shops, which are much like food trucks but provide barber services. This rulemaking package would implement the regulations for the new license type.										
Board of Barber and Electrolysis Examiners	Electrology apprenticeship program	21 NCAC 06O .02010203; 06U .0101, .01060110; 06Z .01010110	Dennis Seavers	919-814-0641	Adopt and Amend	No	S	-	U	
North Carolina I	Building Code Council									
NCDOI-OSFM	2024 NC Administrative Code & Policies - Section 107 Inspections: 107.1 #5 Sheathing Inspections	11 NCAC 08 .0201 and 11 NCAC 008 .0202	David B. Rittlinger	919-647-0008	Adopt and Amend	No	-	-	SE	
	This amendment is propose resisting system.	ed to protect the public	by requiring sheathing	inspections where	e the sheathing is	s a major struct	ural compon	ent for the la	teral force	
NCDOI-OSFM	2024 NC Energy Conservation Code	11 NCAC 08 .0201 and 11 NCAC 008 .0202	David B. Rittlinger	919-647-0008	Adopt and Amend	No	U	U	SE	
	This amendment is propos	ed to protect the public	by updating the code to	o current standard	ls of practice.					

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NCDOI-OSFM	2024 NC Residential Code	11 NCAC 08 .0201 and 11 NCAC 008 .0202	David B. Rittlinger	919-647-0008	Adopt and Amend	No	U	U	SE
	This amendment is propos	sed to protect the public	by updating the code to	o current standard	ds of practice.				
Department of E	Environmental Quality								
DMF	Readopt Shellfish Plant and Inspection Rules	15A NCAC 18A .0301, .0305, .0401- .0424, .04260430, .04320439, .0501- .0504, .06010621, .07010713, .0801- .0806	Catherine Blum	252-726-7021	Readopt	No	S	-	-
	Pursuant to N.C.G.S. § 15 readoption of 23 rules, add with national requirements and update the rules for st designed to "promote and of the NSSP Guide for the industry through the Inter-Carolina must meet the micronsumers within and out that would subject violator shellfish may produce sma are expected, primarily durules, and through clarifying	option of three rules, and a provide efficiencies for akeholders. North Carol improve the sanitation of Control of Molluscan State Shellfish Sanitation nimum standards included of the State. The recess to criminal penalties foll unquantifiable costs to be to increased consumer	If the repeal of one rule, it the Division of Marin ina is part of the Nation of shellfish (oysters, classification). DMF Conference to developed in the Guide for N. quirements are already for failing to comply with the ostakeholders caught viconfidence in the safety.	Proposed change e Fisheries (DMF) hal Shellfish Sanit ms, mussels, and s staff work togeth guidelines for all C. shellfish to be a being enforced by the time and ter- olating the rule. C	es would help en) in the process ation Program (scallops) movin er with represent state shellfish puble to be sold to the DMF consimperature requi- Dverall, minima	of implemer (NSSP), whice g in interstate (ntatives from programs that (hrough inter- sistent with the rements for the unquantifial	orth Carolina rating and enformating and enformation in the is a federal/e commerce. a other states, to the summarization of the Guide. Prophe safety of help benefits for	remains in full recing the rule state coopera as stated in Sche federal gozed in the Guze and protectoosed changes uman consum r the State and	l compliance s, and clarify tive program ection I, page 2 wernment, and tide. North t N.C. shellfish s to one rule aption of d stakeholders
DMF	Data Collection and Harassment Prevention for the Conservation of Marine and Estuarine Resources	15A NCAC 03I .0113, 03O .0101, .0109, .0112, .0301	Catherine Blum	252-726-7021	Amend	No	S	-	-

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occurs in the process of obtaining data for the conservation of marine and estuarine resources, and data for the protection of public health related to the public health programs that fall under the authority of the MFC. Additional amendments more fully characterize the types of data that may be collected. The amendments support the importance of participation by persons engaged in regulated fishing activity in DMF data collection and provide a safer working environment for DMF employees. Data collected from the commercial and recreational fishing sectors are essential in fisheries management for the State and play a vital role in federal fisheries management, as well. The proposed amendments to these rules broaden the scope of enforceability to enhance protections for DMF employees as they collect data. Such protections not only enhance the DMF's data collection efforts, but also improve DMF's ability to provide a workplace that is free from unlawful harassment, which typically leads to higher employee satisfaction, lower turnover, and better recruitment. The proposed rules are expected to produce small unquantifiable costs to stakeholders caught violating the rules. Overall, unquantifiable benefits for the State and stakeholders are expected, primarily due to enhanced fisheries management and a safer working environment for DMF employees. DAQ S **Digital Documents** Katie Quinlan 919-707-8702 Amend No L 15A NCAC, Subchapters 02D and 02Q Revise rules that currently require submittals to the agency in hard copy format to allow digital or electronic submissions. DAQ **Advanced Clean** 15A NCAC 02D 919-707-8702 S L SE Katie Ouinlan Adopt No Trucks (ACT) Rule .2900 Adopt California's Advanced Clean Trucks (ACT) Rule under Section 177 of the Clean Air Act, to require manufacturers of medium and heavy duty (MHD) vehicles to sell an increasing percentage of zero-emission vehicles (ZEVs) in the state each year. 15A NCAC 02D S DAQ CO₂ Budget Trading Katie Quinlan 919-707-8702 Adopt No L SE **Program** .2800 Adopt Rules to become a participating State in the Regional Greenhouse Gas Initiative (RGGI) pursuant to the EMC-approved petition for rulemaking. DAQ Sulfur Dioxide 15A NCAC 02D Katie Quinlan 919-707-8702 S Amend No Emissions from .0516 **Combustion Sources** Clarify the applicability of the rule and limitations to various source categories. S U DAQ **Synthetic Minor Public** 15A NCAC 02Q Katie Quinlan 919-707-8702 Amend Yes L Noticing .0306, .0307, .0315 Revise rules pertaining to public notice requirements for synthetic minor facility permits, following anticipated proposal or action by EPA. DAQ 15A NCAC 02Q S L U **Synthetic Minor** Katie Quinlan 919-707-8702 Amend No **Permit Fee Revisions** .0203 Revise permit fees for synthetic minor facilities.

Due to the increasing occurrence and severity of harassment during, and decreasing participation in, N.C. Division of Marine Fisheries (DMF) data collection initiatives, amendments are proposed to several N.C. Marine Fisheries Commission (MFC) rules. Proposed amendments set requirements to address harassment by any person engaged in regulated activity under Chapter 113, Subchapter IV, of the General Statutes (e.g., fishing), not just licensees, of DMF employees that

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DWM	Adding Solar Panels as Universal Waste and Clarifications and Corrections to the Hazardous Waste Rules	15A NCAC 13A .0101, .0102, .0106, .0107, .01090113, and .0119	Jenny Patterson	919-270-3124	Amend	No	U	U	U	
	The proposed amendment that would otherwise be a The amendments will redu proposed amendments wil "annual" is used in describ Additional amendments ar amendments for authoriza the electronic manifest proimpact to state or local governments.	hazardous waste when de tee the cost of management I provide clarifications to ing the period of recurre the needed for corrections tion purposes provide clarificational se	isposed. Universal was ent of solar panels when the existing federal re- nce for training in the as well as to maintain a arification as it pertains	tes have less string in recycled (that we gulations that are federal regulations state authorization to delegation of a	gent management ould otherwise by incorporated by so, however, this to the Hazardo authority (e.g., cla	at standards to one a hazardous wereference in the orderm is not definus Waste Manarifying EPA re	encourage rec waste when die state rules. ned in state ru gement Progretains authorit	cycling instead sposed). Add For instance, iles or federal ram. The pro y over certain	d of disposal. litionally, the term regulations. oposed a portions of	
DWR	Triennial Review of Surface Water Quality Standards	15A NCAC 02B .0100, .0200, .0300	Chris Ventaloro	919-707-9016	Amend	Yes	-	-	-	
	Updating surface water qu	ality standards in complia	ance with Clean Water	Act.						
DWR	Watauga River Basin HQW/ORW Reclassifications	15A NCAC 02B .0305	Adriene Weaver	919-707-3692	Amend	Yes	S	L	-	
	Reclassify waters to Class HQW or ORW within the Watauga River Basin.									
DWR	Teer Quarry Water Supply Watershed Reclassification	15A NCAC 02B .0315	Elizabeth Kountis	919-707-3685	Amend	Yes	S	L	-	
DWR	Tar-Pamlico Wastewater	15A NCAC 02B .0733	John Huisman	919-707-3677	Amend	Yes	-	-	-	
	Update the Tar-Pamlico N	lutrient Management stra	tegy wastewater rule.							
DEMLR	Mining Rules Readoption; Mining: Mineral Resources: Organization and Administration	15A NCAC 5A	Toby Vinson	919-707-9201	Readopt	No	Ŭ	-	U	

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	The NC Mining Commis rules as required by the S		en re-formed and is in	the process of read	lopting this ru	le set. This se	t includes orga	nization and	administration	
DEMLR	Mining Rules Readoption; Mining: Mineral Resources: Permitting and Reporting	15A NCAC 5B	Toby Vinson	919-707-9201	Readopt	No	U	-	U	
	The NC Mining Commis requirement rules as requ			the process of read	lopting this ru	le set. This se	t includes Pern	nitting and R	eporting	
DEMLR	Mining Rule Readoption; Mining: Mineral Resources: Civil Penalties	15A NCAC 5F	Toby Vinson	919-707-9201	Readopt	No	U	-	U	
	The NC Mining Commission has only recently been re-formed and is in the process of readopting this rule set. This set includes Civil Penalty rules as required by the State Mining Act.									
DEMLR	Mining Rule Readoption; Mining Mineral Resources: Uranium Exploration Regulations	15A NCAC 5G	Toby Vinson	919-707-9201	Readopt	No	Ü	-	U	
	The NC Mining Commission has only recently been re-formed and is in the process of readopting this rule set. This set includes Uranium Exploration requirement rules as required by the State Mining Act.									
DCM	Inlet Hazard Areas	15A NCAC 07H .0304, .0308, .0310, .1800.	Ken Richardson	252-515-5433	Amend	No	-	L	-	
	These amendments reference the updated Inlet Hazard Area (IHA) boundary reports and maps. The methods used to calculate the inlet shoreline erosion rate setback factors and for mapping the IHA boundaries.									
DCM	Septic Tanks	15A NCAC 07H .0306, .0309; 07J .0210.	Mike Lopazanski	252-515-5431	Amend	No	-	L	-	
	Amendments clarify that any new septic tank systems and components as defined in 15A NCAC 18A .1935 (DEH rules) must meet the oceanfront setback provisions associated with the primary structure. The existing provisions regarding the relocation of septic tanks are proposed to be amended to clarify that septitank systems relocated with public funds must meet the applicable oceanfront setback, and that septic tank systems relocated with non-public funds are prohibited from being sited seaward of the primary structure or the Vegetation Line, Pre-project Vegetation Line or Measurement Line.									

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DCM	LUP Enforceable Policies	15A NCAC 07B .0702, .0803	Rachel Love-Adrick	252-515-5403	Amend	No	S	L	-	
	These amendments include enforceable Land Use Plan							nts to identify	y which	
Department of H	Health and Human Service	s								
DPH/ CPH	Environmental Health Rule Readoptions in 15A NCAC 18A .1000, .1500, .1600, and .2500	15A NCAC 18A .10011004; .1006; .1011; .1012; .1014; .1019; .1021; .1511 .16011621; .2518	Virginia Niehaus	919-634-0184	Readopt	No	U	L	-	
	Anticipated readoption of facilities, residential care fa							er camps, lo	cal confinement	
DPH/ CPH	Minimum Standard Health Department: Staffing	10A NCAC 46 .0301	Virginia Niehaus	919-634-0184	Amend	No	U	L	-	
	Anticipated amendment of	the rule that establishes	minimum requirement	s for health depar	rtment staffing.					
DPH/ CPH	Newborn Screening Fee	10A NCAC 42B .0108	Virginia Niehaus	919-634-0184	Amend	No	S	-	U	
	Anticipated amendment of Secretary of the United Sta RUSP).									
Commission for MH/DD/SAS	Staff Definition	10A NCAC 27G .0104	Denise Baker	984-236-5272	Amend	No	U	U	U	
	Amendment will permit both pre- and post-degree experience to be considered when credentialing an individual as a Qualified Professional; add definitions for "Family Partner" and "Direct Support Professional"									
Commission for MH/DD/SAS	Definitions	10A NCAC 28A .0102	Denise Baker	984-236-5272	Amend	No	U	U	U	
	Amendment will permit be	oth pre- and post-degree	experience to be consid	dered when crede	ntialing an indi	vidual as a Qu	alified Profes	sional		
Commission for MH/DD/SAS	Admissions	10A NCAC 28F .1101	Denise Baker	984-236-5272	Adopt	No	U	U	U	
	Adopt new rules governing	g State-operated neuro-n	nedical facilities							
DHSR	Certificate of Need SMFP Permanent Rules and Readoptions	10A NCAC 14C .1401, .1403, .2703	Nadine Pfeiffer	919-855-3811	Readopt	No	U	-	-	

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Two rules are being proposed for readoption following the periodic review and expiration of existing rules process having been identified as "Necessary With Substantive Public Interest," in Subchapter 10A NCAC 14C for criteria and standards for neonatal services. In addition, one rule is proposed for amendment to make a temporary rule permanent to complement or be made consistent with the 2023 State Medical Facilities Plan (SMFP). The Healthcare Planning and Certificate of Need Section of DHSR is responsible for reviewing applications and awarding applicants a Certificate of Need (CON) only when need is demonstrated based on the State Medical Facilities Plan and criterion in law for health care providers acquiring, replacing, or adding to their facilities and equipment, and for the initiation of certain medical services. Monitoring of the progress of conditions in the awarded CON is conducted by the Healthcare Planning and Certificate of Need Section through licensing with the respective agency within DHSR. The proposed rules for readoption, 10A NCAC .1401 and .1403, are revised to reflect the need methodology change for neonatal services for removing an exception for an applicant in a defined neonatal service area to demonstrate an unmet need if a need is determined in the SMFP, in addition, definitions have been updated. Rule 10A NCAC 14C .2703 is proposed for amendment so that correct performance standards reflective of the MRI need methodology changes in the SMFP shall be used by CON applicants for MRI services. There is a possibility for state impact if the rules increase the time for CON applications review by CON staff. The amount of anticipated fiscal economic impact is unknown. There will be no local government impact. These changes are not predicted to be of a substantial fiscal impact.

DHSR/MCC

Medical Care Commission rule 10A NCAC 13A

.0201

Nadine Pfeiffer

Nadine Pfeiffer

919-855-3811 Amend

Readopt

No

No

S

S

L

petitions

One rule is being amended to revise, update and clarify the requirements for the procedure for rule petition submission and rule petition approval by the NC Medical Care Commission (MCC). The MCC is granted rulemaking authority for specific healthcare programs in G.S. 143B-165. Petitions are submitted to the DHSR Director, who serves as the Secretary to the Commission. Staff within DHSR serve to support the Commission in fulfilling their statutory work. The rule has been reorganized to identify items the petitioner may include in the petition but are not required to submit and to add criteria for petition approval by the Commission. In addition, requirements governed by and text restating statutory requirements have been removed. Costs will be incurred by the person in preparing and submission of a petition. The amount of time saved by the state agency from this rule amendment results in a minimal fiscal impact. There is no local government or substantial economic impact for this rule amendment.

919-855-3811

DHSR/MCC

Adult Care 10A NCAC 13F Home/Family Care .0402, .0601-.0606, Home Phase 5 .0801-.0802; 10A Readoptions NCAC 13G .0601, .0801-.0802

Twelve rules are being readopted following the periodic review and expiration of existing rules process having been identified as "Necessary With Substantive Public Interest," in Subchapters 10A NCAC 13F and 10A NCAC 13G. Adult Care Homes and Family Care Homes are licensed long-term residential healthcare facilities operated by for-profit and non-profit entities that located in urban and rural areas in the State. The Adult Care Licensure Section of DHSR is responsible for the licensure and regulatory oversight of licensed Adult Care Homes and licensed Family Care Homes. They also have oversight by the County Department of Social Services in where they are located. These rules for readoption have yet to be drafted with stakeholder input. These rules will update requirements for qualifications of the administrator-in-charge; management of facilities with a capacity or census of seven to 30 residents, 31 to 80 residents, and 81 or more residents; personal care and other staffing of personal care aide supervisors; staffing chart; management and other staff; and resident assessment and care plan. Costs will be incurred by the private entity licensed Adult Care Homes and Family Care Homes with these rule changes. However, it is anticipated that local government will be impacted from oversight activities costs by the County DSS offices. It is anticipated there may be a state impact with a cost incurred to the Adult Care Licensure Section for regulatory compliance activities. None of these changes are predicted to be of a substantial fiscal impact; however, the amount of fiscal impact is unknown.

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]	Nursing Pool Licensure	10A NCAC 13L .0201, .0301, .0302	Nadine Pfeiffer	919-855-3811	Amend	No	S	-	U		
	These rules are being amended in response to the N.C. Medical Care Commission's granting of a petition submitted for rulemaking. Nursing Pools are any person, firm, corporation, partnership, or corporation licensed and operated for-profit that engage for hire in the business for providing or procuring temporary employment in healthcare facilities for nursing personnel, including nurses, nursing assistants, nurses aides, and orderlies. The Acute and Home Care Licensure & Certification Section of DHSR is responsible for licensing and regulating these providers. These rules have yet to be drafted with stakeholder input. These rule amendments will revise the application for license, written policies and procedures, and personnel records. It is anticipated that costs may be incurred by these rule changes by the licensed nursing pool providers in developing policies and procedures, storing medical records, and implementing a staff evaluation process. It is anticipated there will be a state impact with a cost incurred to the Acute and Home Care Licensure & Certification Section for regulatory compliance activities, but no local government impact. The amount of anticipated fiscal economic impact is unknown. Until the rules are finished being developed, it is unknown if the amount of fiscal impact will be of a substantial fiscal impact. **Adult Care Home and 10A NCAC 13F** Nadine Pfeiffer 919-855-3811 Readopt No S										
DHSR/MCC	Adult Care Home and Family Care Home Construction Readoptions and Amendments – Phase 4.5	10A NCAC 13F .0206, .03010302, .03040307, .0309- .0311, .1304; 10A NCAC 13G .0206, .03010302, .0305- .0309, .03120313, .03150318	Nadine Pfeiffer	919-855-3811	Readopt	No	S	-	-		

Nineteen rules are being readopted following the periodic review and expiration of existing rules process having been identified as "Necessary With Substantive Public Interest," in Subchapters 10A NCAC 13F and 10A NCAC 13G, and six rules are being amended. Adult Care Homes and Family Care Homes are licensed long-term residential healthcare facilities operated by for-profit and non-profit entities that located in urban and rural areas in the State. The Adult Care Licensure Section of DHSR is responsible for the licensure and regulatory oversight of licensed Adult Care Homes and licensed Family Care Homes. They also have oversight by the County Department of Social Services in where they are located. The Construction Section of DHSR is responsible for regulating the physical plant and construction aspect for these providers. The final draft of these rules will be completed with stakeholder input following statutory changes by the General Assembly clarifying rulemaking authority. These rules are being readopted with substantive and non-substantive changes, and being amended to clarify the physical plant requirements for adult care homes and family care homes for bed capacity, application of physical plant requirements, design and construction, living room, dining room, kitchen, bedrooms, bathroom, outside entrance and exits, outside premises, laundry equipment, housekeeping and furnishings, plans and specifications, physical environment, housekeeping and furnishings, fire alarm system, plan for evacuation, fire safety and disaster plan, building service equipment, electrical outlets, special care unit building requirements, and other physical plant requirements. The likelihood of costs being incurred by the licensed Adult Care Home and Family Care Home providers is unknown for private entities, and negligible to none for local government impact. It is anticipated there will be a state impact with a minimal cost incurred to the Construction Section for regulatory compliance activities. The amount of anticipated fis

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DHSR/MCC Emergency Medic Services and Traur rules		Nadine Pfeiffer	919-855-3811	Readopt	No	S	L	U
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Twenty five rules will be amended in this package for Emergency Medical Services and Trauma Rules in Subchapter 10A NCAC 13P. The Office of Emergency Medical Services Section of DHSR is responsible for the regulatory oversight of emergency medical services and trauma systems, and to credential emergency medical system personnel in providing responses to emergencies and disasters. The final draft of these rules are still in the process of being approved with stakeholder input. The rules will revise and update abbreviations and definitions; EMS system requirements; ground ambulance, medical ambulance/evacuation bus, pediatric specialty care ground ambulance requirements; forbidden weapons and explosives; patient transportation between hospitals; ground ambulance manufacturing standards; specialty care transport program criteria; medical oversight for EMS systems, air medical, and specialty care transport systems; emergency medical dispatch priority requirements; credentialing requirements for emergency personnel; continuing education requirements for EMS educational programs and educational institutions; initial and renewal trauma designation processes; EMS educational institutions requirements; and EMS personnel credentials. These changes effect either the EMS individual credentialed personnel, private entities, the EMS System (made up of local and county governments) and OEMS, therefore state and local government will be impacted, but the amount of the fiscal impact is unknown at this time. It is unknown whether these changes will be of a substantial fiscal impact.

DHSR/RPC	Radiation Protection	10A NCAC 15 .0501-	Nadine Pfeiffer	919-855-3811	Readopt	Yes	U	-	_
,	Phase 4 Readoptions	.0517 .05190525			r				

This package contains 24 rules. Twenty-three rules are being readopted following the periodic review and expiration of existing rules process having been identified as "Necessary With Substantive Public Interest" in Chapter 10A NCAC 15. Safety requirements for licensed operators of industrial radiography sources are regulated by the Radiation Protection Section (RPS) of DHSR. Radiation for industrial radiography is operated by persons licensed utilizing this source of radiation in private for-profit entities located in urban and rural areas in the State. The rules are still in the process of being drafted with stakeholder input, however; it is anticipated that seven rules will be repealed through readoption, sixteen rules will be repealed, and one rule will be amended from stakeholder input through a subcommittee of the Radiation Protection Commission. It is anticipated the rule amendment will combine all the safety requirements for industrial radiography operations into one rule and refer the requirements to the federal regulations applicable for these services. It is anticipated that minimal costs will be incurred by this rule change that affect the licensed providers and that no local government impact will be impacted. It is undetermined whether there will be any state impact for costs incurred to the Radiation Protection Section for regulatory compliance activities. The amount of anticipated fiscal economic impact is unknown. None of these changes are predicted to be of a substantial fiscal impact.

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DHSR/RPC	Radiation Protection Phase 5 Readoptions	10A NCAC 15 .03010322, .0324, .0327, .0328, .03300335, .03370344, .0348, .03510365, .07010702,	Nadine Pfeiffer	919-855-3811	Readopt	Yes	U	-	U			
	This package contains 57 r "Necessary With Substanti (RPS) of DHSR. Licenses material except as authoriz drafted; however, it is antic input through a subcommi scope; the exemptions for material; general and speci- licenses for luminous safet anticipated that minimal co undetermined whether the whether these changes are	rules. All of the rules are ave Public Interest" in Chare issued by the RPS to sed in a specific or general cipated that ten rules will attee of the Radiation Prosource material, sealed raffic types of licenses; sourcy devices; broad scope sposts will be incurred by the will be any state impactive.	persons to receive, pos al license for private for be readopted with sub- tection Commission. I adioactive sources in the ree material general lice pecific licenses; and ref- nis rule change that affect for cost incurred to t	The licensing of research, use, transfer e-profit entities loostantive changes at is anticipated the healing arts, quantes; general licenter the requirement ect the licensed pr	radioactive mater, own, transport cated in urban a and 47 rules will erule readoption antities other that to the federation coviders and that	erial is regulated the manufacture and rural areas and be repealed the manufacture and source mate cture, transfer, al regulations aput no local gove	d by the Radia and produce in the State. Through reador the requiremental, items co- install general oplicable for the ternment impa	ation Protect s, or acquire r These rules h ption from si ents for the p ntaining other ally licensed of these types of ct will be imp	ion Section adioactive ave yet to be cakeholder curpose and er than source levices; general clicenses. It is bacted. It is			
DCDEE	Staff/Child Ratios for Centers	10A NCAC 09 .0713	Dedra Alston	919-814-6307	Amend	No	S	-	-			
	To align it with statute and	l provide clarity pertainin	ng to the staff/child rate	ios and multi-age	group allowanc	e.						
DCDEE	Cooperative Arrangement for Instructional Needs	10A NCAC 09 .2513	Dedra Alston	919-814-6307	Adopt	No	S	-	-			
	To clarify a 2020 statute change to G.S. 110-86(2)(i) that exempted cooperative arrangements for "instructional needs" from child care licensure requirements. Minimal, unquantified benefits are expected in the form of time savings to the regulated community and DCDEE.											
DCDEE	Enhanced Space Requirements	10A NCAC 09 .2809	Dedra Alston	919-814-6307	Amend	No	S	-	-			
	To correct a conflict with a	another rule regarding ou	ıtdoor space requireme	nts in child care f	acilities.							
North Carolina l	Industrial Commission											
North Carolina Industrial Commission	Amendments to Mediation Rule(s) and/or amendment to Mediation Form(s).	11 NCAC 23G .01010112	Gina Cammarano, Rulemaking Coordinator	919-807-2524	Amend	No	S	L	SE			

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	We potentially could amend potentially include, but not voluntary mediations) to he required to file a Report of potentially could amend on Gen. Stat. §97-81(a), notwice clarity on the forms.	necessarily be limited to elp the Commission bett Mediator if a mediation the or more of our media	er track the mediations is scheduled but not coion forms. Any substa	0101 to require the sin its program and ompleted within the antive amendment	te filing of an and Rule 11 No the required to the to our exist	appointment of CAC 23G .0106 imeframe. Additing forms are st	f mediator for to make it clo tionally, or in abject to form	m in all med ear that a med the alternative al rulemaking	lations (even diator is e, we g per N.C.			
North Carolina Industrial Commission	Amendment to Medical Fee Schedule	11 NCAC 23J .0102	Gina Cammarano	919-807-2524	Amend	No	S	L	SE			
	We potentially could amendour Rules), to provide for a but that are not payable uncodes.	ı dollar amount or range	of dollar amounts to b	be paid for certain	CPT codes t	hat are commor	nly used in wo	rkers' compe	nsation cases			
Department of L	abor											
Occupational Safety and Health	Heat Stress Prevention - Construction and General Industry	13 NCAC 07H	Jill F. Cramer	919-707-7710	Adopt	No	S	L	SE			
Occupational Safety and	Heat Stress Prevention - Agriculture	13 NCAC 07F.300	Jill F. Cramer	919-707-7710	Adopt	No	S	L	SE			
Health	Implements requirements for agricultural employers when the ambient temperature reaches 80 degrees Fahrenheit or higher to include a heat stress prevention program; emergency response procedures; a heat stress prevention training program; and requirements for high heat exposure periods.											
Occupational Safety and Health	Airborne infectious Disease -Public Health Emergency - Migrant Housing	13 NCAC 16	Jill F. Cramer	919-707-7710	Adopt	No	U	U	SE			
Occupational Safety and Health	Airborne infectious Disease -Public Health Emergency - Agriculture	13 NCAC 07F.0300	Jill F. Cramer	919-707-7710	Adopt	No	S	U	SE			

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Occupational Safety and Health	Airborne infectious Disease -Public Health Emergency - General Industry	13 NCAC 07I	Jill F. Cramer	919-707-7710	Adopt	No	S	L	SE
Occupational Safety and Health	Airborne infectious disease -Public Health Emergency - Construction	13 NCAC 07I	Jill F. Cramer	919-707-7710	Adopt	No	S	L	SE
Occupational Safety and	Modernization of rule petition information	13 NCAC 07A.0512	Jill F. Cramer	919-707-7710	Amend	No	-	-	-
Health									
Elevator and Amusement Device	Modernization of Rules by Incorporation by reference of ASTM F2374-21a - Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices	13 NCAC 15	Jill F. Cramer	919-707-7710	Amend	No	-	-	U
Wage and Hour	Modernization of various wage and hour rules	13 NCAC 12	Jill F. Cramer	919-707-7710	Amend	No	U	U	Ü
	ducation/Department of l								
DPI - Educator Preparation and Teacher	"LICENSURE" (There is no title in the NCAC.)	16 NCAC 06C .0300	Thomas Ziko	984-236-2245	Adopt, Amend, and Repeal	No	-	-	SE
Licensure	Teacher licensure rules are multiple practice evidence fees to support the program	points of attainment of l							

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DPI - Educator Preparation	Teacher Education	16 NCAC 06C .0200	Thomas Ziko	984-236-2245	Adopt and Amend	No	-	L	SE
Programs	Education preparation pr Changes may result in cos					cies on prog	gram approval	s, renewals ar	nd revocations.
Secretary of State	2								
Notary Enforcement	Remote Electronic Notary Act rules	18 NCAC 07	Ann B. Wall	919 814 5310	Adopt and Amend	No	S	L	SE
Department of S	The Remote Electronic N remote electronic notaries among others. The Deparremote principal identity; journals and communication investigations of online plants. The Department's goal is located principals to ensurules must be drafted in a legal, health-care, and other tate Treasurer Surety Rules	s public (RENPs), certain rtment must adopt rules for approval and licensing of ion technology recordings latforms and certain of the to establish a system that re that transactions are no ccordance with RENA so	traditional notaries, a for topics that include conline platforms and geologication of reme eir officers and employ will continue to prote to repudiated as a result as to enhance and fa	and vendors offering eregistration of REI d vendors; contents otely located princip oyees. mote public confideral alt of: (1) Mental incacilitate economic ac	g communication NPs and instruct and secure, control pals; information and in the reliability of the potivity being control page 15 cm.	n platforms, tors; identity fidential stor technology ility of signa rincipal; (2) ducted remo	rege and reten security stand tures and the Coercion or dotely, and ensu	fing and cred d credential artion of electr dards; backgreated identification duress; or (3)	ential analysis, nalysis to verify onic notary ound of remotely Fraud. The
Governmental Employees'		.0211			•				
Retirement System Board of Trustees	Establish how non-taxing note online at https://ww				er any subseque	nt withdrawa	ıl libaility that	may be incu	rred. See fiscal
State Treasurer - Unclaimed Property Division	Escheats and Abaondoned Poperty Rules Reviewing and updating a	20 NCAC 08 all rules in 20 NCAC 08	Laura Rowe	919-814-3851	Adopt, Amend, and Repeal	No	Ü	U	Ü
Wildlife Decourse	as Commission								
Wildlife Resource NCWRC	Game Lands	15A NCAC 10D	Carrie Ruhlman	919-707-0011	Amend	No	S	U	-
	Multiple modifications to	include changes to use, e	stablishment of a nev	v game land, target s	shooting, fishing	g, permit req	uirements, an	d administrat	ive updates.

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NCWRC	Inland Fishing	15A NCAC 10C	Carrie Ruhlman	919-707-0011	Amend	No	S	U	-			
	Modify size and/or creel or Wild Trout;	limits; modify list of water	rs designated as Public	Mountain Trout V	Waters to furthe	r classifications	: Hatchery Su	pported, Dela	ayed Harvest			
NCWRC	Water Safety	15A NCAC 10F	Carrie Ruhlman	919-707-0011	Amend	No	S	U	-			
	Modify and add no wake zones throughout the state.											
	Wildlife Management	15A NCAC 10B	Carrie Ruhlman	919-707-0011	Adopt and Amend	No	S	U	-			
	Modify hunting and trapping seasons and bag limits and regulations in CWD surveilllance areas.											
NCWRC	Hunter Education	15A NAC 10K	Carrie Ruhlman	919-707-0011	Amend	No	U	U	-			
	Update rule language and requirements as part of periodic review.											
NCWRC	Wildlife Conservation Areas	15A NCAC 10J	Carrie Ruhlman	919-707-0011	Amend	No	U	U	-			
	Update rule language and requirements as part of periodic review.											
NCWRC	Protection of Endangered species	15A NCAC 10I .0102	Carrie Ruhlman	919-707-0011	Amend	No	U	U	-			
	Update rule language and	requirements as part of p	eriodic review.									

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Table 7. Rules with Estimated Local Government Impact Adopted Between July 1, 2021 and June 30, 2022

					Qu.	25 2025- 26			
Agency Division	Development 15A NCAC 07J Daniel Permit Extensions .0403 and .0404 Govoni 15A NCAC 07O Coastal Reserve .01010105; Rebecca DEQ/DCM Program .02010203 Ellin 15A NCAC 07H .0104, .03040306, .0308,	Date Adopted	2021- 22		2023- 24	2024- 25	2025- 26		
2 1gomy, 12 misson	Tuu oj Tuu Enuige	Cumon(s)	Contact	Dun 2 1110pm	. 22				2020 20
artment of Environr	mental Quality								
		15A NCAC 07H	Heather						
DEQ/DCM	Beach Mats	.0308; 07K .0207	Coats	9/15/21		Un	quantifi	ed	
	Development	15A NCAC 07I	Daniel						
DEQ/DCM				9/15/21		Un	quantifi	ed	
		•							
_DEQ/DCM	Program		Ellin	10/1/21		Un	quantifi	ed	
		, ,							
	Beach Management	.0310; 07J .1200, .12011206,	Mike						
DEQ/DCM	Plans	.12011200,	Lopazanski	4/27/22	\$291	\$0	\$ 0	\$0	\$0
BEQ/BGM	Relocation and	15A NCAC 07H	Бораванокі	1, 27, 22	Ψ2>1	ΨΟ	40		
	Elevation of	.0306 and 07K	Mike						
DEQ/DCM	Structures	.0208	Lopazanski	4/27/22		Un	quantifi	ed	
		15A NCAC 03L					•		
	Foreign Crab Meat	.0210, 18A .0136,							
DEQ/DMF	Repackaging	.0173	David Dietz	2/25/22		Un	quantifi	.ed	
		15A NCAC 03J							
		.0301; 03L .0201-							
DEO/DME	DI CIEND	.0205; 03R .0110,	D '1D'	5 /40 /22		т.т		,	
DEQ/DMF	Blue Crab FMP	.0118	David Dietz	5/19/22		Un	quantifi	ea	
		15A NCAC 02B .0202, .0208,							
		.0202, .0208,							
		.0216, .0218-							
	Surface Water	.0220, .0301,	Julie						
	Surface water	.0220, .0301,	Tune						

^{*} Note that positive values are net costs to local governments and negative values are net benefits. The table does not present unquantified costs and benefits.

III. Rules with Estimated Local Government Impact Adopted in SFY 2020-2021

	Reinstating Permitting Mechanism for Non-Jurisdictional Wetlands and	15A NCAC 02H .1301, .1401-	Julie						
DEQ/DWR	Waters	.1405	Ventaloro	1/13/22	-\$107	-\$107	-\$107	-\$107	-\$107
			Total quantified impact for I	Department of Environmental Quality:	\$17	-\$274	-\$274	-\$274	-\$274
tment of Health an	d Human Services								
	Serving School								
	Aged Children								
D.11110 /D 0D DD	During Covid-19	10A NCAC 09	Dedra	0.40.40.4					
DHHS/DCDEE	Emergency	.31013104	Alston	8/3/21			Unquanti	fied	
	Wastewater	45 A NICAC	T: 1						
DITTE /DDIT	Treatment and	15A NCAC	Trish	0 /4 /21	#20	#20	#2 0	#27	I I
DHHS/DPH	Disperal Systems	18A/18E 15A NCAC 18A	Angoli	8/4/21	-\$30	-\$29	-\$28	-\$27	Unquant
	Sanitation of Food	.26502655,							
	Service Service	.2661, .2670,	Virginia						
DHHS/DPH	Establishments	.2674	Niehaus	8/4/21	\$762	\$0	\$0	\$ 0	\$0
Diffic, Diff	Restaurant and	.2071	TVICITAGS	0/ 1/21	Ψ/0 <u>2</u>	Ψ0	Ψ0	ΨΟ	Ψ
	Lodging Fee	15A NCAC 18A	Virginia						
DHHS/DPH	Distribution	.2901	Niehaus	5/4/22			Unquanti	fied	
,	Display Spas at	15A NCAC 18A	Virginia	, ,					
DHHS/DPH	Temporary Events	.2508, .2545	Niehaus	5/4/22			Unquanti	fied	
DIIII3/DIII	Hospital	10A NCAC 22Q	TVICITAUS	3/ 4/ 22			Onquanu	iica	
	Uncompensated	.01010106; 22R	Shazia						
DHHS/DHB	Care Fund	.01010105	Keller	5/23/22			Unquanti	fied	
	3,000	10A NCAC 14C		7, 20, 22					
		.1601, .1603,							
		.1701, .1703,							
		.1901, .1903,							
	Certificate of Need	.2701, .2703,	Lisa						
DHHS/DHSR	Group 2	.3701, .3703	Pittman	11/10/21			Unquanti	e a	

^{*} Note that positive values are net costs to local governments and negative values are net benefits. The table does not present unquantified costs and benefits.

III. Rules with Estimated Local Government Impact Adopted in SFY 2020-2021

				Total for ALL Agencies (quantifiable impact	\$808				
			Total qu	antified impact for Wildlife Resources Commission:	\$1	\$0	\$0	\$0	
WRC	County	.0354	Ruhlman	4/14/22	\$1	\$0	\$0	\$0	
	No Wake Zone Pitt	15A NCAC 10F	Carrie						
WRC	Various	15A NCAC 10D .0100 & .0200	Carrie Ruhlman	2/24/22		Ī	Unquanti	fied	
WRC	Protected Species List	15A NCAC 10I .01030105	Carrie Ruhlman	7/29/21		1	Unquanti	fied	
fe Resources C									
				Total quantified impact for Department of Labor:	\$58	\$58	\$58	\$58	
DOL	Boiler Fees and Updates	.0422, .0423, .0701	Jill Cramer	3/8/22	\$58	\$58	\$58	\$58	
		.0405, .0406, .0409, .0420,							
		.0214, .0303, .0401, .0402,							
		.0211, .0213,							
		.0205, .0207,							
		.0101, .0103, .02010203,							
		13 NCAC 13							

^{*} Note that positive values are net costs to local governments and negative values are net benefits. The table does not present unquantified costs and benefits.