

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

CHAPTER 05 – RULES REVIEW COMMISSION

SECTION .0100 - GENERAL

26 NCAC 05 .0101 DEFINITIONS

As used in this Chapter the following terms have the following meanings unless the context indicates otherwise:

- (1) "Commission" or "RRC" means the Rules Review Commission as established in G.S. 143B-30.1.
- (2) "Objection letter" means any letter or other written correspondence from the public pursuant to G.S. 150B-21.3(b2) objecting to a rule and requesting review of the rule by the General Assembly filed with the Rules Review Commission while the rule is under review by the Rules Review Commission.
- (3) "Review" means the statutory "Part 3. Review by Commission" at G.S. 150B-21.8 and following including the RRC action as set out in G.S. 150B-21.10.
- (4) "Rewritten rules" mean rules that have been revised in an attempt to satisfy an objection by the Commission.
- (5) "Technical Changes" mean the changes made by an agency to reply to a request from the Commission or its staff as set out in G.S. 150B-21.10. Technical changes shall not result in a substantive change in the meaning, interpretation, or application of a rule and include the following categories of changes:
 - (a) Correcting errors of a general nature including:
 - (i) obvious typographical errors, misspellings, punctuation, and grammatical errors;
 - (ii) preferred English or legal usage;
 - (iii) errors in complying with OAH or, perhaps, statutory requirements that are not substantive errors; and
 - (iv) proof of compliance with the legally required process.
 - (b) Correcting errors that would appear to be substantive changes except that they do not change the intended or accepted meaning, interpretation or application of the rule including:
 - (i) changing "should" or "will" to "shall" or "must;"
 - (ii) clarifying the use of "approved;"
 - (iii) clarifying or correcting the use of "and," "or" or "and/or;"
 - (iv) clarifying or deleting commonly used adjectives or adverbs such as "thoroughly," "clearly," "adequately," "appropriate," and "substantial;" and
 - (v) inserting substantive contents of a rule's catchline (or title) into the rule itself.
 - (c) Requesting agencies to rewrite a rule, paragraph, or portions of a rule to more clearly express the intent of the agency when the meaning and application of the rule is known and understood.
 - (d) Acting on agencies' requests on behalf of citizens or agency staff to clarify the intent, requirements, or prohibition of a rule that would not result in a change in the rule's enforcement.
 - (e) Deleting or rewriting portions of rules that are not necessary rather than raising objections.

History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.

26 NCAC 05 .0102 COMMUNICATIONS WITH COMMISSIONERS

- (a) Any person who wishes to address the Commission or individual commissioners shall comply with Rules .0103, .0104, and .0105 of this Chapter.
- (b) The Rules Review Commission does not encourage oral communications with individual commissioners regarding rules before the commission. However, to the extent that any individual commissioner allows oral communications, then such communication is permitted.

History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.

26 NCAC 05 .0103 SUBMISSION OF WRITTEN COMMENTS CONCERNING PERMANENT RULES TO THE RRC

- (a) Written comments submitted by any person concerning a permanent rule shall be received by the RRC staff by 5:00 p.m. of the fifth business day prior to the RRC meeting at which the permanent rule is to be reviewed. If comments are submitted electronically, the comments shall be sent to rrc.comments@oah.nc.gov.
- (b) Written comments shall state how a rule either complies with or fails to comply with the statutory grounds for the RRC's review set out in G.S. 150B-21.9.
- (c) Persons submitting comments shall also submit a copy of the comments at the same time and in the same manner to the agency's rulemaking coordinator. Rulemaking coordinator contact information is located at www.ncoah.com/rules.
- (d) A person or agency may submit rebuttal comments concerning permanent rules. Comments from a person shall be submitted in the same manner as set out in Paragraph (a) of this Rule prior to 5:00 p.m. of the business day before the RRC meeting at which the rule is to be reviewed. An agency may submit rebuttal comments before or at the RRC meeting.
- (e) Any person submitting written comments or submitting rebuttal comments at an RRC meeting shall submit sufficient copies for each of the Commissioners, commission counsel, agency rulemaking coordinator, and the permanent record, a total of 16 copies.
- (f) The Chair may waive the requirements of this Rule based on the factors in Rule .0112 of this Chapter.
- (g) Written comments not submitted in accordance with this Rule are subject to being excluded from the record by the Commission.

*History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008;
Amended Eff. May 1, 2016.*

26 NCAC 05 .0104 SUBMISSION OF WRITTEN COMMENTS CONCERNING TEMPORARY RULES TO THE RRC

- (a) Written comments submitted by any person concerning a temporary rule shall be received by the RRC staff by 5:00 p.m. the business day prior to the RRC meeting at which the temporary rule is to be reviewed. If comments are submitted electronically, the comments shall be sent to rrc.comments@oah.nc.gov.
- (b) Written comments shall state how a rule either complies with or fails to comply with the statutory grounds for the RRC's review set out in G.S. 150B-21.1 and G.S. 150B-21.9.
- (c) Persons submitting comments shall also submit a copy of the comments at the same time and in the same manner to the agency's rulemaking coordinator. Rulemaking coordinator contact information is located at www.ncoah.com/rules.
- (d) A person or agency may submit rebuttal comments concerning temporary rules. An agency may submit rebuttal comments at the RRC meeting.
- (e) Any person submitting written comments or rebuttal comments at an RRC meeting shall submit sufficient copies for each of the Commissioners, commission counsel, agency rulemaking coordinator, and the permanent record, a total of 16 copies.
- (f) The Chair may waive the requirements of this Rule based on the factors in Rule .0112 of this Chapter.
- (g) Written comments not submitted in accordance with this Rule are subject to being excluded from the record by the Commission.

*History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008;
Amended Eff. May 1, 2016.*

26 NCAC 05 .0105 REQUIRED NOTICE PRIOR TO ORAL RRC PRESENTATION

- (a) The Chair may allow an agency or any person to make oral statements in support of or in opposition to a rule or report as set forth in Rule .0206 of this Chapter.
- (b) Any person or agency desiring to make an oral statement concerning a permanent rule shall notify the RRC staff in writing by 5:00 p.m. of the second business day before the RRC meeting. The notice shall identify the rule upon which the oral statement will be made and shall also include the name, address, telephone number, fax number and email address of the individual who will be making the oral statement. If the person did not submit a written comment, the person shall state whether the oral statement will support or oppose the rule or report.

(c) Any person or agency desiring to make an oral statement concerning a temporary rule shall notify the RRC staff prior to the start of the RRC meeting or RRC designee meeting at which a temporary rule will be reviewed. The notice shall identify the rule upon which the oral statement will be made and shall also include the name, address, telephone number, fax number and email address of the individual who will be making the oral statement. If the person did not submit a written comment, the person shall state whether the oral statement will support or oppose the rule.

(d) At the same time the person notifies the RRC staff, the person shall also notify the rule making coordinator for the agency proposing the rule if the person wishes to speak in opposition to the rule or report. If a person fails to notify the agency in accordance with this rule, the Chair may deny a request to make an oral statement to the RRC.

(e) If the Commission asks an individual to address a rule or report, the prior notice required by this Rule does not apply.

*History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008;
Amended Eff. April 1, 2014.*

26 NCAC 05 .0106 LIMITATIONS ON ORAL PRESENTATIONS

(a) The RRC Chair in open session may set time limits on oral presentations before the Commission.

(b) Unless the Chair sets other time limits for oral presentations, the time allowed for presentations shall not exceed ten minutes for each requesting person or agency. The Chair may require that oral presentations be limited to representative spokespersons for those advocating or those opposing rule approval by the RRC.

(c) Factors that the Chair may use in determining time limits include the length of the agenda and time remaining in the meeting; the number of contested rules; the complexity of the issues; the public interest in a particular rule or report; the number of people desiring to address the RRC concerning the rule or report; the variations in their arguments (i.e., whether they are adding additional information to the debate or merely being repetitive of earlier speakers or earlier points raised by the same speaker) and the level of agreement within their positions or relationships; the nature of the comments in relation to the RRC scope of review; and the amount of notice given to the agency.

(d) The agency adopting the rule shall be allowed an opportunity to address the Commission when a person addresses the Commission in opposition to a rule, unless the agency fails to appear after notice of written comments opposing approval of the rule. When a comment in opposition to a rule first occurs by an oral comment at the Commission meeting, the agency shall be allowed an opportunity to address the Commission at the next meeting of the Commission or Commission's designee where the rule is under review.

*History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008;
Amended Eff. April 1, 2014.*

26 NCAC 05 .0107 WITHDRAWAL OF RULES AFTER FILING WITH RRC

An agency may withdraw a rule after filing with the RRC and before review by the RRC when:

- (1) the rule is an adoption;
- (2) the staff recommendation to object to the rule applies to the amendment to the rule and not to the existing language;
- (3) there is no staff recommendation to object to the rule; or
- (4) the rule was not adopted in accordance with the Administrative Procedure Act.

*History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.*

26 NCAC 05 .0108 SUBMISSION OF REWRITTEN RULES OR RULES WITH TECHNICAL CHANGES

(a) The RRC shall not review rewritten rules until the next regular meeting following the meeting at which a rule was originally reviewed by the RRC.

(b) Agencies may submit technical changes prior to the meeting at which a rule is initially reviewed for consideration and approval by the Commission at that meeting.

(c) All rules containing technical changes shall be submitted to the RRC staff by the earlier of:

- (1) 5:00 p.m. 10 business days after the Requests for Technical Change are submitted to the agency rulemaking coordinator; or

- (2) 5:00 p.m. of the Friday before the RRC meeting. If that Friday is a holiday, then the rules shall be submitted on the last business day before the holiday.
- (d) All rewritten rules shall be submitted to the RRC staff by 5:00 p.m. of the Friday before the RRC meeting. If that Friday is a holiday, then the rewritten rules shall be submitted on the last business day before the holiday.
- (e) These deadlines may be waived by RRC staff when an agency which is a board or commission does not meet until the day of the deadline or later or when the original submission is deficient and requires further changes.

History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008;
Amended Eff. February 1, 2012.

26 NCAC 05 .0109 COMMUNICATIONS WITH RRC STAFF

Any person desiring to confer with RRC staff may do so at any time that staff is available. However, this shall not be a confidential communication and staff may inform an agency or any other person of such communication and may invite rebuttal response.

History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.

26 NCAC 05 .0110 FILING OBJECTION LETTERS

The RRC shall not consider any objection letter which is dated prior to the time the agency adopts the rule.

History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.

26 NCAC 05 .0111 RESPONSE TO OBJECTION LETTERS

- (a) The RRC staff shall respond to any objection letter for which it has a return address and that is not eligible for consideration.
- (b) The RRC staff's response shall inform the letter writer that the objection letter is not eligible for consideration as it was untimely and inform the letter writer how to file a timely objection letter.
- (c) The RRC staff may respond to letters that were filed by a single individual on behalf of multiple individuals to the individual filing the letters.

History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.

26 NCAC 05 .0112 WAIVER

- (a) The Commission in open session may waive any rule for which no specific waiver provision is set out.
- (b) Any person or agency requesting a waiver shall do so in writing and shall set out the specific rule for which a waiver is requested and the reasons justifying such a waiver.
- (c) Any person desiring a waiver of the Commission's rules shall submit a copy of the request to the rulemaking coordinator for the agency proposing a rule at the same time and in the same manner as the submission to the RRC.
- (d) The factors to be used in deciding whether to waive a rule are:
- (1) the necessity for a waiver;
 - (2) the amount of notice given to the Commission and its staff, the agency proposing the rule, and interested parties;
 - (3) the applicant's responsibility for the conditions creating the need for a waiver;
 - (4) the applicant's previous requests for a waiver;
 - (5) the applicant's knowledge of or experience with the rulemaking process;
 - (6) the precedential value of such a waiver;
 - (7) the harm to the applicant if a waiver is not granted;
 - (8) the harm to the agency if a waiver is granted when the agency is not the applicant.

History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.

26 NCAC 05 .0113 WITHDRAWAL OF OBJECTION LETTERS

- (a) A person may request that the Commission allow withdrawal of his or her previously filed objection letter to a rule prior to the meeting at which that rule is approved as set out below.
- (b) A request to withdraw an objection letter after a rule has been approved is untimely and shall be returned to the requesting party with a denial by the Commission staff.
- (c) The original request to withdraw a previously filed objection letter must be signed by the person who wrote the objection letter, notarized and delivered to the Commission by the close of business on the last day prior to the meeting at which the rule that is the subject of the objection letter is approved.
- (d) The Commission shall act on the request to withdraw the previously filed objection letter at the meeting. The staff attorney offering comments on the rule shall also announce how the request to withdraw the previously filed objection letter would affect the rule's effective date and whether the rule would be subject to legislative review.
- (e) The Commission shall base its decision on:
 - (1) the factual circumstances concerning the objection letter and the request to withdraw any letter;
 - (2) any defects in either the objection letter or the request to withdraw the objection letter;
 - (3) the history of the particular rulemaking;
 - (4) the notice provided to all parties and the Commission;
 - (5) the good faith of the person making the withdrawal request; and
 - (6) any factors the Commission may use in deciding whether to grant a waiver from its rules.

*History Note: Authority G.S. 143B-30.1;
Eff. December 1, 2010.*

26 NCAC 05 .0114 RRC RULE APPROVAL CONTINGENT ON TECHNICAL CHANGE

- (a) When the Commission approves a rule, the approval is contingent on an agency's making all requested technical changes.
- (b) The agency must make such change prior to the close of business on the next business day after the rule is approved, or such other date or time as may be set by the Commission, in order for the rule to take effect on the first day of the following month.
- (c) If the change has not been made as set out in Paragraph (b) of this Rule, then the rule shall be calendared on the Commission's agenda for the following month.

*History Note: Authority G.S. 143B-30.1; 150B-21.10;
Eff. February 1, 2012.*

SECTION .0200 – PERIODIC REVIEW OF EXISTING RULES

26 NCAC 05 .0201 SCOPE

The purpose of this Section is to implement the existing rules review required by G.S. 150B-21.3A.

*History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014.*

26 NCAC 05 .0202 DEFINITIONS

In addition to the definitions in G.S. 150B-21.3A and in Rule .0101 of this Chapter, for the purposes of this Section the following definitions apply:

- (1) "Determination" means a classification of a rule as
 - (a) unnecessary;
 - (b) necessary with substantive public interest; or
 - (c) necessary without substantive public interest.
- (2) "Existing rules" means rules currently in the Code at the time the schedule contained in Rule .0211 of this Section becomes effective and are not repealed, transferred, expired, or reserved.
- (3) "Report" means the report established pursuant to Rule .0206 of this Section, used to implement steps one through three in G.S. 150B-21.3A(c).

History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014.

26 NCAC 05 .0203 DEADLINES

- (a) The Commission shall submit by email to the rulemaking coordinator of an agency subject to the review a report containing its existing rules. Agencies shall have 10 business days after the report is sent to review it for accuracy and completeness. An agency shall notify the Commission staff by email at oah.rules@oah.nc.gov of any errors or missing rules within the 10 business days following the date the RRC sent the report.
- (b) An agency shall complete the report as set out in Rule .0206(b) of this Section. The agency shall then submit its initial report to the Office of Administrative Hearings at the above email address and OAH shall post the report on its website within five business days of receipt.
- (c) All reports shall be filed on or before the 15th day of the month for Commission review of the report at its meeting the following month, using the schedule set forth in Rule .0211 of this Section. Commission counsel shall notify an agency if he or she intends to recommend reviewing this report at a later meeting. The Commission may delay reviewing a report until a later meeting if the workload of the Commission and its staff makes the review impracticable. If the Commission delays reviewing a report, it shall notify the agency. In rescheduling any review, the Commission shall consider the date on which the report was filed with the Commission.
- (d) All deadlines that require filing or notification as set forth in this Rule shall be by 5:00 p.m. on the business day of the deadline or the next business day following the deadline if the deadline falls on a non-business day.

History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014.

26 NCAC 05 .0204 EXTENSION OF TIME

- (a) If the agency cannot meet the filing deadline set forth in Rules .0203(c) and .0211 of this Section, the agency head may submit a written request for an extension of time from the Commission. The Commission shall consider the request at its next regularly scheduled meeting. The Commission's decision shall be made on a case by case basis, considering the justification offered by the agency requesting the extension, which may include:
- (1) the efforts of the agency to comply with the review;
 - (2) any illness or incapacity of the staff member assigned responsibility for submitting the report;
 - (3) changes of composition to the agency or its staff that resulted in a delay of the review;
 - (4) whether the agency received a volume of comments that requires additional time to respond; and
 - (5) arguments against the delay by members of the public.
- (b) A request solely citing time constraints to complete the report is insufficient for an extension of time.
- (c) If an agency head submits a request for an extension, the agency shall post notice on its website and notify its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d) that the RRC will review the request at its next regularly scheduled meeting. The notice shall also inform the public that individuals may contact the Commission to object to the delay.
- (d) Any person desiring to submit written arguments against the delay proposed by an agency shall submit the comments by email to the individual commissioners and to the RRC staff by 5:00 p.m. on the Tuesday prior to the meeting.

History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014.

26 NCAC 05 .0205 AGENCY REQUEST TO RESCHEDULE REPORTS FOR EARLIER REVIEW AND ADD UNNECESSARY RULES TO THE SCHEDULE

- (a) If an agency wishes to reschedule a report for review before the date set forth in Rule .0211 of this Section, the agency shall send a written request to the Commission. The request shall contain:
- (1) the Title and Chapter of the Report;
 - (2) the reason for the request;
 - (3) if the report was already posted, a copy of the report and any public comments received;
 - (4) the date the report was originally scheduled for review; and
 - (5) the date that the agency seeks for Commission review.
- (b) An agency seeking earlier review shall, on the date of submission of the request to the Commission, post notice on its website and notify its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d) of the meeting date on

which the Commission will review its request as set forth in Paragraph (e) of this Rule. The notice shall also inform the public that the individuals may contact the Commission to object to the rescheduling.

(c) The Commission's decision to grant the request for earlier review shall be made on a case-by-case basis, considering the following:

- (1) the reason offered by the agency;
- (2) the workload of the Commission; and
- (3) arguments against the rescheduling by members of the public.

(d) If an agency designates a rule as unnecessary and places it on the current year schedule as set forth in G.S. 150B-21.3A(e), it shall file written notice of this designation with the Commission. The Commission shall consider the notice at its next regularly scheduled meeting.

(e) For any requests made pursuant to this Rule, the Commission shall consider a request filed on or before the 15th day of the month at its meeting the next month and shall then place the rule or rules on the schedule. Following the Commission's decision, the Commission shall notify the agency of the date the agency is required to submit the report.

*History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014;
Amended Eff. December 1, 2016.*

26 NCAC 05 .0206 REPORT

(a) All agencies participating in the review shall use the report prepared by the Commission.

(b) The agency shall complete the following fields of the report prior to posting:

- (1) the initial agency determination;
- (2) whether a rule is necessary to implement or conform to federal law. If it is, the agency must include a citation to that law in the report; and
- (3) the public comment period, which shall be no less than 60 days and begin upon posting on the agency's and the Office of Administrative Hearings' websites. If the posting does not occur on the same day for both sites, the comment period shall begin upon posting on the second website.

(c) The agency shall post the report on its website continuously throughout the public comment period and accept comments on the initial determinations made by the agency in the report.

(d) Prior to submitting the report to the Commission, the agency shall state in the report whether comments were received and the final determination for each rule. The agency shall attach to the report a copy of every comment received. The full text of all comments shall be included with or attached to the report. The agency shall also attach a brief response addressing the merits of each comment.

(e) The agency shall submit a report with all fields completed along with all required attachments set forth in Paragraph (d) of this Rule. Reports that are not complete shall be considered not filed and shall be returned to the agency to complete.

(f) The agency shall submit the report to the Commission with one original of the report and the comments received. The agency shall also submit an electronic version of the report that shall be compatible with or convertible to the most recent version of Microsoft Excel. The electronic report shall be submitted by email at oah.rules@oah.nc.gov.

*History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014.*

26 NCAC 05 .0207 PUBLIC COMMENT

(a) For purposes of this Section, an agency shall accept public comments submitted to the agency by US Postal Service or other delivery service and electronic communication.

(b) The agency shall send notice of the posting and public comment period to its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d).

(c) Each agency shall include on its website and in any notice sent to interested persons the following:

- (1) instructions on how a person may comment on the determination;
- (2) to whom the comment should be directed;
- (3) the definition of "public comment" in G.S. 150B-21.3A(a)(5); and
- (4) that a comment must address the content of the rule to be considered by the Commission.

History Note: Authority G.S. 150B-21.2(d); 150B-21.3A;

Eff. April 1, 2014.

26 NCAC 05 .0208 AGENCY RESPONSE TO PUBLIC COMMENT

- (a) The agency shall address the substance of a public comment as defined in G.S. 150B-21.3A(a)(5).
- (b) Agencies are not required to respond to the individual but shall include a brief response to the merits of the public comment in the report submitted to the Commission.
- (c) The Commission shall consider a report incomplete if the agency does not respond to the merits of the public comments and shall return the report to the agency.

*History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014.*

26 NCAC 05 .0209 EXEMPTION FROM THE PERIODIC REVIEW OF EXISTING RULES

- (a) An agency requesting an exemption from the review pursuant to G.S. 150B-21.3A(d) may make an exemption request for an entire Section, Subchapter, Chapter, or Title of rules if the entire Section, Subchapter, Chapter, or Title of rules were adopted or amended within the previous 10 years prior to the review.
- (b) The Commission shall not grant an exemption for individual rules.
- (c) The agency head must make the written request to the Commission.
- (d) If an agency head submits a request for exemption, the agency shall post notice on its website and notify its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d).
- (e) The Commission shall post notice of the agency's request on its website and provide notice of a public hearing.
- (f) The Commission shall conduct a public hearing to determine whether it should grant the waiver. The Commission shall consider the following:
 - (1) the arguments of the agency;
 - (2) public input;
 - (3) impact on the regulated public affected by the rule; and
 - (4) whether granting the waiver is within the public interest.

(g) If the Commission grants the waiver request, the Section, Subchapter, Chapter, or Title shall be removed from the current schedule and shall not be reviewed under this Section until the new review schedule is set.

*History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014.*

26 NCAC 05 .0210 AGENCY PRESENTATION TO THE COMMISSION

If a representative from the agency does not appear at the meeting when the agency's report is being reviewed and a question regarding the report is raised, then the Commission shall defer the review to a subsequent meeting.

*History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014.*

26 NCAC 05 .0211 SCHEDULE

(a) The Commission shall review the report prepared for the identified portion of the Administrative Code on the month and year as set forth below:

July 2014	August 2014	September 2014	October 2014	November 2014
03 NCAC 01 21 NCAC 23 21 NCAC 37	04 NCAC 24 21 NCAC 08 21 NCAC 52 25 NCAC 01A 25 NCAC 01B 25 NCAC 01C 25 NCAC 02	04 NCAC 17 15A NCAC 01A 15A NCAC 01S 18 NCAC 03 18 NCAC 05 21 NCAC 01 21 NCAC 30	15A NCAC 02B 15A NCAC 02H 15A NCAC 02T 15A NCAC 02U	04 NCAC 14 11 NCAC 14 11 NCAC 18 11 NCAC 20 11 NCAC 21 11 NCAC 22 13 NCAC 08 13 NCAC 10 15A NCAC 12A 15A NCAC 12B

				15A NCAC 12C 15A NCAC 12D 15A NCAC 12F 15A NCAC 12G 15A NCAC 12I 15A NCAC 12J 15A NCAC 12K 15A NCAC 01G 15A NCAC 01H 21 NCAC 20 21 NCAC 21 21 NCAC 28 21 NCAC 69 24 NCAC 03
December 2014	January 2015	February 2015	March 2015	April 2015
10A NCAC 45 21 NCAC 02 21 NCAC 14 21 NCAC 62	02 NCAC 09B 02 NCAC 09C 02 NCAC 09D 02 NCAC 09E 02 NCAC 09F 02 NCAC 09G 02 NCAC 09H 02 NCAC 09J 02 NCAC 09K 02 NCAC 09M 02 NCAC 09N 02 NCAC 09O 02 NCAC 38 02 NCAC 43F 02 NCAC 51 02 NCAC 52A 02 NCAC 52K 02 NCAC 54 10A NCAC 13A 10A NCAC 13D 10A NCAC 14I 15A NCAC 01F	09 NCAC 03 09 NCAC 06 10A NCAC 97 15A NCAC 02S 21 NCAC 06 24 NCAC 02	04 NCAC 08 10A NCAC 05 10A NCAC 09 21 NCAC 42	10A NCAC 13L 10A NCAC 13M 10A NCAC 13O 10A NCAC 26A 10A NCAC 26B 10A NCAC 26D 15A NCAC 02R
May 2015	June 2015	July 2015	August 2015	September 2015
07 NCAC 04 15A NCAC 08 15A NCAC 18D 17 NCAC 03 17 NCAC 06	04 NCAC 02R 10A NCAC 21 10A NCAC 22 15A NCAC 07B 21 NCAC 50 21 NCAC 61	02 NCAC 20B 02 NCAC 37 02 NCAC 42 02 NCAC 59A 02 NCAC 59B 02 NCAC 59C 02 NCAC 59E 02 NCAC 59F 02 NCAC 59G 02 NCAC 60A 02 NCAC 60B 15A NCAC 01I 15A NCAC 09 21 NCAC 11	02 NCAC 57 10A NCAC 13H 19A NCAC 01 19A NCAC 04 19A NCAC 05 19A NCAC 06	04 NCAC 15 10A NCAC 63 15A NCAC 18C

		21 NCAC 60 21 NCAC 63		
October 2015	November 2015	December 2015	January 2016	February 2016
06 NCAC 01 06 NCAC 02 06 NCAC 03 06 NCAC 04 10A NCAC 40 10A NCAC 47 11 NCAC 11 11 NCAC 19 18 NCAC 01 18 NCAC 04 18 NCAC 13 25 NCAC 01D	10A NCAC 14J 10A NCAC 46 10A NCAC 48 13 NCAC 15 13 NCAC 20 15A NCAC 12H	15A NCAC 02D 15A NCAC 02Q	01 NCAC 01 01 NCAC 03 01 NCAC 04 01 NCAC 25 01 NCAC 26 10A NCAC 13P 10A NCAC 26E 10A NCAC 26F 15A NCAC 04 21 NCAC 18 21 NCAC 29	10A NCAC 10 10A NCAC 89 13 NCAC 07 13 NCAC 12 21 NCAC 32 21 NCAC 45
March 2016	April 2016	May 2016	June 2016	July 2016
10A NCAC 70I 10A NCAC 70K 15A NCAC 01L 15A NCAC 01N 20 NCAC 01 20 NCAC 07	10A NCAC 13J 10A NCAC 27A 10A NCAC 27B 10A NCAC 27D 11 NCAC 06 11 NCAC 13 16 NCAC 01 16 NCAC 02 16 NCAC 03 25 NCAC 01F	01 NCAC 05 10A NCAC 23 10A NCAC 25 21 NCAC 12 21 NCAC 38 26 NCAC 01 26 NCAC 02 26 NCAC 03 26 NCAC 04	14B NCAC 15B 17 NCAC 01 17 NCAC 10 17 NCAC 11 17 NCAC 12 25 NCAC 01H 25 NCAC 01I 25 NCAC 01J	04 NCAC 01 19A NCAC 02
August 2016	September 2016	October 2016	November 2016	December 2016
04 NCAC 06 10A NCAC 06 10A NCAC 67 10A NCAC 68 10A NCAC 69 10A NCAC 72 21 NCAC 22	12 NCAC 01 12 NCAC 02 12 NCAC 03 14B NCAC 18 12 NCAC 06 21 NCAC 17 21 NCAC 64 25 NCAC 01E 25 NCAC 01K 25 NCAC 01L 25 NCAC 01M 25 NCAC 01N	10A NCAC 39 10A NCAC 43C 10A NCAC 43E 10A NCAC 43G 10A NCAC 43H 10A NCAC 43I 10A NCAC 43J 18 NCAC 06 18 NCAC 07 18 NCAC 10	10A NCAC 14F 15A NCAC 10F 15A NCAC 10H 20 NCAC 08	01 NCAC 09 01 NCAC 15 01 NCAC 17 01 NCAC 19 01 NCAC 35 08 NCAC 01 08 NCAC 02 08 NCAC 03 08 NCAC 04 08 NCAC 05 08 NCAC 06 08 NCAC 07 08 NCAC 08 08 NCAC 09 08 NCAC 10 08 NCAC 12 11 NCAC 10 11 NCAC 16 14B NCAC 01 14B NCAC 02 14B NCAC 03 14B NCAC 04 14B NCAC 05 14B NCAC 06

				14B NCAC 07 15A NCAC 02A 15A NCAC 02C 15A NCAC 02E
January 2017	February 2017	March 2017	April 2017	May 2017
02 NCAC 48C 02 NCAC 48D 02 NCAC 48F 02 NCAC 52B 02 NCAC 52C 02 NCAC 52D 02 NCAC 52E 02 NCAC 52F 02 NCAC 52G 02 NCAC 52H 02 NCAC 52I 02 NCAC 59D 02 NCAC 59H 10A NCAC 27E 10A NCAC 27F 10A NCAC 27H	10A NCAC 01 15A NCAC 01D 15A NCAC 01E	10A NCAC 17 10A NCAC 71 21 NCAC 04 21 NCAC 31	10A NCAC 27L, Sections .0400 and .0500 10A NCAC 27I, Section .0600 10A NCAC 28A 15A NCAC 01C 15A NCAC 13A 15A NCAC 13B, Sections .0100 - .0800, .1000 - .1400, and .1600 -.1700 15A NCAC 13C	07 NCAC 01 07 NCAC 02G 07 NCAC 02H 07 NCAC 02I 07 NCAC 02J 07 NCAC 03 07 NCAC 05 07 NCAC 06 07 NCAC 07 07 NCAC 08 07 NCAC 09 07 NCAC 10 10A NCAC 13B 15A NCAC 27 21 NCAC 25
June 2017	July 2017	August 2017	September 2017	October 2017
14B NCAC 15C 15A NCAC 07O 17 NCAC 05 21 NCAC 26 21 NCAC 34	02 NCAC 29 02 NCAC 31 02 NCAC 39 02 NCAC 43A 02 NCAC 43B 02 NCAC 43C 02 NCAC 43D 02 NCAC 43E 02 NCAC 43G 02 NCAC 43L 02 NCAC 43M 02 NCAC 53 02 NCAC 58 18 NCAC 02 18 NCAC 08 18 NCAC 11 18 NCAC 12 24 NCAC 01	04 NCAC 12 04 NCAC 22 10A NCAC 70A 10A NCAC 70B 10A NCAC 70C 10A NCAC 70D 10A NCAC 70E 10A NCAC 70F 10A NCAC 70G 10A NCAC 70H 10A NCAC 70J 10A NCAC 70L 10A NCAC 70N 10A NCAC 700 14B NCAC 17 21 NCAC 57	04 NCAC 03 10A NCAC 43A 10A NCAC 43B 10A NCAC 43F 21 NCAC 46 21 NCAC 54	10A NCAC 13C 10A NCAC 42 10A NCAC 43D 10A NCAC 44 15A NCAC 02K
November 2017	December 2017	January 2018	February 2018	March 2018
10A NCAC 14A 10A NCAC 14G 10A NCAC 14H 11 NCAC 08, Sections .0200, .0400, and .1500 11 NCAC 08, Sections .0500 -	10A NCAC 41A 10A NCAC 41B 10A NCAC 41D 10A NCAC 41F 10A NCAC 41G 10A NCAC 70M 15A NCAC 03 15A NCAC 03Q,	10A NCAC 13F 10A NCAC 28B 10A NCAC 28C 15A NCAC 07A 15A NCAC 07H 15A NCAC 07I 15A NCAC 07J 15A NCAC 07K	01 NCAC 38 01 NCAC 39 01 NCAC 40 01 NCAC 41B 01 NCAC 43 01 NCAC 44 04 NCAC 19L 12 NCAC 10	07 NCAC 13A 07 NCAC 13B 07 NCAC 13C 07 NCAC 13D 07 NCAC 13F 07 NCAC 13G 07 NCAC 13I 07 NCAC 13K

.0800 11 NCAC 08, Sections .0900 and .1400 11 NCAC 08, Sections .1000 - .1300 14B NCAC 09 14B NCAC 10 14B NCAC 11 14B NCAC 12 14B NCAC 13 21 NCAC 16 21 NCAC 33 21 NCAC 36 21 NCAC 39 21 NCAC 66	Section .0100 15A NCAC 10B 15A NCAC 10C, Section .0100 15A NCAC 10C, Sections .0200-.0600 15A NCAC 13B, Section .1500 20 NCAC 03 20 NCAC 09	15A NCAC 07L 15A NCAC 07M	15A NCAC 02L 15A NCAC 02N 15A NCAC 02O 15A NCAC 02P	21 NCAC 48 21 NCAC 58
April 2018	May 2018	June 2018	July 2018	August 2018
07 NCAC 14 07 NCAC 15 10A NCAC 26C, Section .0100, Rule .0402, and Section .0500 10A NCAC 26C, Sections .0200, .0300, Rule .0401, and Section .0600 10A NCAC 27C 10A NCAC 28D 10A NCAC 28E 11 NCAC 12 21 NCAC 19	01 NCAC 06 01 NCAC 30 13 NCAC 01 13 NCAC 04 13 NCAC 05 13 NCAC 06 13 NCAC 13 13 NCAC 16 13 NCAC 17 13 NCAC 18 13 NCAC 19 21 NCAC 68	21 NCAC 07	19A NCAC 03	14B NCAC 16 20 NCAC 02 21 NCAC 65
September 2018	October 2018	November 2018	December 2018	January 2019
02 NCAC 09L 02 NCAC 34 04 NCAC 16	10A NCAC 13K 10A NCAC 41H 17 NCAC 04 21 NCAC 40	10A NCAC 14C 11 NCAC 05 11 NCAC 07 15A NCAC 18A	01 NCAC 41A 01 NCAC 41C 01 NCAC 41D 01 NCAC 41E 10A NCAC 13G 10A NCAC 41C 15A NCAC 01O 15A NCAC 02G 15A NCAC 02I 15A NCAC 02J 15A NCAC 10A 15A NCAC 10D 15A NCAC 10E 15A NCAC 10G 15A NCAC 10I 15A NCAC 10J 15A NCAC 10K	02 NCAC 46 02 NCAC 48A 02 NCAC 48B 02 NCAC 52J 02 NCAC 61 11 NCAC 01 11 NCAC 04 11 NCAC 17 15A NCAC 18A, Sections .0100, .0300 - .0900 and .3400

February 2019	March 2019	April 2019	May 2019	June 2019
04 NCAC 20 21 NCAC 03 21 NCAC 10 21 NCAC 53 21 NCAC 56	12 NCAC 09 17 NCAC 07	10A NCAC 15	10A NCAC 27G	10A NCAC 14E 10A NCAC 28F 10A NCAC 28G 10A NCAC 28H 10A NCAC 28I 10A NCAC 29C 10A NCAC 29D

(b) The report shall be filed in accordance with Rule .0203 of this Chapter.

History Note: Authority G.S. 150B-21.3A;
Eff. April 1, 2014;
Amended Eff. May 1, 2018; March 1, 2018; February 1, 2018; January 1, 2018; December 1, 2017;
November 1, 2017; September 1, 2017; July 1, 2017; June 1, 2017; May 1, 2017; April 1, 2017;
March 1, 2017; January 1, 2017; December 1, 2016; November 1, 2016; October 1, 2016; August 1,
2016; June 1, 2016; May 1, 2016; April 1, 2016; March 1, 2016; February 1, 2016; December 1,
2015.

SECTION .0300 - TEMPORARY RULES FOR RRC REVIEW

26 NCAC 05 .0301 FORMATTING REQUIREMENTS

An agency submitting temporary rules to be reviewed by the Commission shall comply with the requirements in 26 NCAC 02C .0100, .0200, and .0400, which are hereby incorporated by reference, including subsequent amendments and editions.

History Note: Authority G.S. 143B-30.1; 150B-21.1;
Eff. May 1, 2016.

26 NCAC 05 .0302 TEMPORARY RULEMAKING FINDINGS OF NEED FORM

(a) An agency shall submit a completed typed original Temporary Rulemaking Findings of Need form for each rule when filing a temporary rule for Commission review. The form may be accessed at no cost at www.ncoah.com/rules.

(b) The form sets forth the requirements of G.S. 150B-21.1 to allow the Commission to determine whether the temporary rule meets the statutory requirements.

(c) The agency head shall sign the original form pursuant to G.S. 150B-21.1(a4). If the agency head has delegated this authority to another person pursuant to statute, then the agency shall submit a copy of the delegation and cite the statutory authority that authorizes the delegation.

History Note: Authority G.S. 143B-30.1; 150B-21.1(a4);
Eff. May 1, 2016.

26 NCAC 05 .0303 FILING A TEMPORARY RULE

For each temporary rule, the agency shall file the following:

- (1) an original and two copies of the Temporary Rulemaking Findings of Need form. The original form shall be signed by the agency head or designee, as set forth in Rule .0302 of this Section;
- (2) if designation authority is invoked, a letter delegating the authority for the signature on the form, as set forth in Rule .0302 of this Section;
- (3) a copy of the relevant portion of the authority cited that authorizes the promulgation of the temporary rule;
- (4) an original and two copies of the temporary rule prepared in accordance with 26 NCAC 02C .0108, containing:
 - (a) an introductory statement that states the rule was adopted under temporary rulemaking procedures;

- (b) the text of the rule, showing any changes made after publication as set forth in 26 NCAC 02C .0405; and
 - (c) the history note, as set forth in 26 NCAC 02C .0406; and
- (5) an electronic version of the Rule, as set forth in 26 NCAC 02C .0105.

History Note: Authority G.S. 143B-30.1; 150B-21.1; 150B-21.19;
Eff. May 1, 2016.