

# NORTH CAROLINA REGISTER

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- (10) the waters of Taylor's Creek from the eastern end of the current no wake zone eastward to Channel Marker #1A;
- (11) the waters of the Newport River at Bogue Sound including all waters surrounding the Port of Morehead City to Brandt Island as delineated by appropriate markers;
- (12) the waters of Morgans Creek as delineated by appropriate ~~markers.~~ markers;
- (13) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel, beginning at its intersection with Bogue Sound at 34°N 42' 6", 76°W 58' 53" as delineated by appropriate markers.

(b) Speed Limit. It is unlawful to operate a motorboat or vessel at a speed greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Carteret County, with respect to the regulated areas designated in Subparagraphs (1), (3), (5), (6), (7), (8), ~~(10)~~ and (12), (10), (12) and (13) of Paragraph (a) of this Rule, and the Board of Commissioners of the Town of Beaufort, with respect to the regulated area designated in Subparagraph (2) of Paragraph (a) of this Rule, and the Board of Commissioners of Morehead City, with respect to Subparagraph (4) and (9) of Paragraph (a) of this Rule, and the North Carolina Sate Ports Authority, with respect to the regulated area designed in Subparagraph (11) of Paragraph (a) of this Rule are designated as suitable agencies for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

Authority G.S. 75A-3; 75A-15.

**15A NCAC 10F .0354 PITT COUNTY**

(a) Regulated Areas. This Rule applies to the waters described in this Paragraph:

- (1) The entire inlet of Hardee Creek from the Tar River in Pitt County.
- (2) The Seine Beach area of the Tar River beginning at Chicod Creek and extending to the east side of the Grimesland Bridge as marked by appropriate markers.
- (3) That portion of Tranters Creek from 35°N 34' 9.3", 77°W 5' 29" to 35°N 34' 1.3", 77°W 5' 23.3" as delineated by appropriate markers.

(b) Speed Limit. No person shall operate a motorboat or vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Pitt County is designated a suitable agency for placement and maintenance of markers implementing this Rule.

Authority G.S. 75A-3; 75A-15.

**TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 25 - INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Interpreter and Transliterator Licensing Board intends to adopt the rule cited as 21 NCAC 25 .0406 and amend the rules cited as 21 NCAC 25 .0203-.0205 and .0501.*

**Proposed Effective Date:** August 1, 2010

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): If you want the Board to schedule a public hearing on this rule, mail your written request for hearing to the North Carolina Interpreter and Transliterator Licensing Board, P. O. Box 1632, Garner, NC 27529.*

**Reason for Proposed Action:** *The Board proposes to adopt and amend these rules in order to comply with G.S. 93B-15(b), which provides that: Occupational licensing boards shall adopt rules to postpone or waive continuing education, payment of renewal and other fees, and any other requirements or conditions relating to the maintenance of licensure by an individual who is currently licensed by and in good standing with the board, is serving in the armed forces of the United States, and to whom G.S. 105-249.2 grants an extension of time to file a tax return.*

**Procedure by which a person can object to the agency on a proposed rule:** *If you wish to object to the adoption of any one or more of these proposed rules, state the reasons for your objection in a written comment and mail your written comment to the North Carolina Interpreter and Transliterator Licensing Board, P. O. Box 1632, Garner, NC 27529.*

**Comments may be submitted to:** *Laurie Shaw, Executive Secretary, North Carolina Interpreter and Transliterator Licensing Board, P.O. Box 1632, Garner, NC 27529; phone (919) 779-5709; fax (919) 779-5642; email lshaw@mgmt4u.com*

**Comment period ends:** June 1, 2010

**Procedure for Subjecting a Proposed Rule to Legislative Review:** *If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions*

concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal Impact:**

- State
- Local
- Substantial Economic Impact ( $\geq$ \$3,000,000)
- None

**SECTION .0200 – LICENSING**

**21 NCAC 25 .0203**

**APPLICATION FEES**

(a) The Board shall not review a license application until the appropriate license fee has been paid pursuant to the following fee schedule:

|   |          |
|---|----------|
| Application for Initial Full License under G.S. 90D-7 and -9                            | \$225.00 |
| Application for Renewal of Full License   | \$150.00 |
| Application for Initial Provisional License under G.S. 90D-8                            | \$225.00 |
| Application for Renewal of Provisional License  | \$150.00 |
| Application for Initial Full License under S. L. 2002-182, s. 7 (Grandfather provision) | \$75.00  |
| Application for Replacement of Lost, Damaged or Destroyed License                       | \$10.00  |

(b) These fees shall be nonrefundable and shall be paid by cash or by cashier's check, certified check, or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board.

(c) The Board shall waive the license application renewal fee for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

*Authority G.S. 90D-6(6); 90D-10(b); 93B-15; S.L. 2009-458.*

**21 NCAC 25 .0204  
LICENSE**

**RENEWAL OF A FULL**

(a) An application for the renewal of a full license is not timely filed unless it is received by the Board on or before the expiration date of the license being renewed.

(b) If a licensee does not timely file an application for the renewal of a full license, the licensee shall not practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or herself as a licensed interpreter or transliterator, or use the title "Licensed Interpreter for the Deaf", "Licensed Transliterator for the Deaf", or any other title or abbreviation to indicate that the person is a licensed interpreter or transliterator until he or she receives a new initial license.

(c) An untimely filed application for the renewal of a full license shall be processed as an application for a new initial license.

(d) The Board shall not review an untimely filed application for the renewal of a full license until the applicant pays the initial full license fee specified by Rule .0203 of this Section;

(e) If the license being renewed has been suspended by the Board, any renewal license issued to the applicant shall be suspended as well until the term of the suspension has expired.

(f) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds a full license and is in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

*Authority G.S. 90D-6; 90D-11; 90D-12; 93B-15; S.L. 2009-458.*

**21 NCAC 25 .0205  
LICENSE**

**RENEWAL OF A PROVISIONAL**

(a) An application for the renewal of a provisional license is not timely filed unless it is received by the Board on or before the expiration date of the license being renewed.

(b) If a licensee does not timely file an application for the renewal of a provisional license, the licensee shall not practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or herself as a licensed interpreter or transliterator, or use the title "Licensed Interpreter for the Deaf", "Licensed Transliterator for the Deaf", or any other title or abbreviation to indicate that the person is a licensed interpreter or transliterator until he or she receives either a renewed provisional license, as described in Paragraph (c) of this Rule, or an initial full license.

(c) An application to renew an expired provisional license shall be approved by the Board if it is received by the Board within one year after the provisional license expired and if the application demonstrates that the applicant continues to qualify for a provisional license. A provisional license cannot be renewed after it has expired a second time.

(d) If the license being renewed has been suspended by the Board, any renewal license issued to the applicant shall be suspended as well until the term of the suspension has expired.

(e) The Board shall renew a provisional license as many as three times upon receipt of timely applications that demonstrate that the applicant continues to qualify for a provisional license. The Board may, in its discretion, renew a provisional license a fourth or fifth time if the applicant timely files an application that demonstrates to the Board's satisfaction that the applicant's progress toward full licensure was delayed by:

- (1) a life-altering event, such as an acute or chronic illness suffered by either the applicant or a member of the applicant's immediate family;
- (2) active military service; or
- (3) a catastrophic natural event, such as a flood, hurricane, or tornado.

(f) The Board shall not for any reason renew a provisional license for a sixth time.

(g) The Board shall not issue an initial provisional license to anyone who has previously held a provisional license.

(h) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds a provisional license and is in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15; S.L. 2009-458.

**SECTION .0400 - REPORTING AND DISCLOSURE REQUIREMENTS**

**21 NCAC 25 .0406 DEADLINES**

**EXTENSION OF REPORTING**

The reporting deadlines in this Section are extended for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

Authority G.S. 93B-15; S.L. 2009-458.

**SECTION .0500 - CONTINUING EDUCATION**

**21 NCAC 25 .0501 REQUIREMENTS**

**CONTINUING EDUCATION**

(a) A licensee shall earn at least two continuing education units ("CEUs") each licensure year. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a setting in which three or more persons come together at the same location at the same time as a group to listen to a lecture, to view a demonstration, to participate in group discussions, or to learn through any combination of these or similar activities.

(b) Surplus CEUs shall not be carried forward from the licensure year in which they were earned to any subsequent licensure year.

(c) A licensee may not earn CEUs while interpreting, whether or not the licensee is compensated for his or her services.

(d) The Board shall waive the continuing education requirements in this Section for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

Authority G.S. 90D-6; 90D-8; 90D-11; 93B-15; S.L. 2009-458.

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Interpreter and Transliterator Licensing Board intends to adopt the rule cited as 21 NCAC 25 .0211.*

**Proposed Effective Date:** August 1, 2010

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): If you want the Board to schedule a public hearing on this rule, mail your written request for hearing to: The North Carolina Interpreter and Transliterator Licensing Board, PO Box 1632, Garner, NC 27529.*

**Reason for Proposed Action:** *The Board proposes to adopt this rule in order to comply with the requirements of G.S. 93B-2(d).*

**Procedure by which a person can object to the agency on a proposed rule:** *If you wish to object to the adoption of this rule, state the reasons for your objection in a written comment and mail your written comment to: The North Carolina Interpreter and Transliterator Licensing Board, PO Box 1632, Garner, NC 27529.*

**Comments may be submitted to:** *Laurie Shaw, Executive Secretary, North Carolina Interpreter and Transliterator Licensing Board, PO Box 1632, Garner, NC 27529, phone (919)779-5709, fax (919)779-5642, email lshaw@mgmt4u.com*

**Comment period ends:** June 1, 2010

**Procedure for Subjecting a Proposed Rule to Legislative Review:** *If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.*

**Fiscal Impact:**

- State
- Local
- Substantial Economic Impact (≥\$3,000,000)
- None

**SECTION .0200 - LICENSING**

21 NCAC 25 .0211  
TO EXPEND FUNDS

SUSPENSION OF AUTHORITY

In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2, the Board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

Authority G.S. 93B-2(d)

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CHAPTER 32 – MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rules cited as 21 NCAC 32B .1301-.1303, .1350, .1360, 1401-.1402, .1601-.1602, .1701-.1705, .2001; 32F .0106 and 32R .0105 and repeal the rules cited as 21 NCAC 32B .0101-.0102, .0104-.0106, .0301-.0302, .0304-.0309, .0311-.0315, .0401-.0402, .0501-.0508, .0603-.0608, .0701-.0707, .0901-.0902, .1101-.1105, .1201-.1207; 32J .0101-.0103.

Proposed Effective Date: August 1, 2010

Public Hearing:

Date: June 1, 2010

Time: 10:00 a.m.

Location: NC Medical Board, 1203 Front Street, Raleigh, 27609

Reason for Proposed Action: The purpose of the proposed amendments and repeals is to reorganize the current licensing rules.

Procedure by which a person can object to the agency on a proposed rule: A person may submit objections to the proposed amendments, in writing by 06/01/2010, to the Rules Coordinator, North Carolina Medical Board, 1203 Front Street, Raleigh, NC 27609 or email rules@ncmedboard.org using Licensing Rules on the subject line.

Comments may be submitted to: Rules Coordinator, phone (919)326-1100, fax (919)326-0036, email rules@ncmedboard.org

Comment period ends: June 1, 2010

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written

objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- State
- Local
- Substantial Economic Impact (≥\$3,000,000)
- None

Note: Pursuant to G.S. 150B-21.17, the Codifier has determined that publication of the complete text of the rules proposed for repeal is impractical. The text of the repealed rules is accessible on the OAH Website: http://www.ncoah.com.

- 21 NCAC 32B .0101 DEFINITIONS
- 21 NCAC 32B .0102 DISCARDING APPLICATION MATERIAL
- 21 NCAC 32B .0104 CRIMINAL BACKGROUND CHECK
- 21 NCAC 32B .0105 FEDERATION CREDENTIAL VERIFICATION SERVICE PROFILE
- 21 NCAC 32B .0106 DATA BANK REPORTS
- 21 NCAC 32B .0301 MEDICAL EDUCATION
- 21 NCAC 32B .0302 ECFMG CERTIFICATION
- 21 NCAC 32B .0303 CITIZENSHIP
- 21 NCAC 32B .0304 APPLICATION FORMS
- 21 NCAC 32B .0305 EXAMINATION BASIS FOR ENDORSEMENT
- 21 NCAC 32B .0306 LETTERS OF RECOMMENDATION
- 21 NCAC 32B .0307 CERTIFIED PHOTOGRAPH AND CERTIFICATION OF GRADUATION
- 21 NCAC 32B .0308 FEE
- 21 NCAC 32B .0309 PERSONAL INTERVIEW
- 21 NCAC 32B .0311 ENDORSEMENT RELATIONS
- 21 NCAC 32B .0312 ROUTINE INQUIRIES
- 21 NCAC 32B .0313 GRADUATE MEDICAL EDUCATION AND TRAINING
- 21 NCAC 32B .0314 PASSING EXAM SCORE
- 21 NCAC 32B .0315 TEN-YEAR QUALIFICATION CREDENTIALS
- 21 NCAC 32B .0401 TEMPORARY LICENSE FEE
- 21 NCAC 32B .0402 APPLICATION FORM
- 21 NCAC 32B .0501 CERTIFICATION OF GRADUATION
- 21 NCAC 32B .0503 CERTIFIED PHOTOGRAPH
- 21 NCAC 32B .0504 LETTERS OF RECOMMENDATION
- 21 NCAC 32B .0505 APPOINTMENT LETTER
- 21 NCAC 32B .0506 FEE
- 21 NCAC 32B .0507 ECFMG CERTIFICATION
- 21 NCAC 32B .0508 MEDICAL EDUCATION
- 21 NCAC 32B .0603 CERTIFIED PHOTOGRAPH
- 21 NCAC 32B .0604 LETTERS OF RECOMMENDATION