

1 15A NCAC 18A .2901 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 18A .2901 DISBURSEMENT OF FUNDS**

4 (a) For the purposes of this Rule, the following definitions shall apply:

5 (1) “Department” means the North Carolina Department of Health and Human Services.

6 (2) “Disaster” means when a declaration has been made by the President of the United States under 44
7 C.F.R. Part 206, Subpart B, which is hereby incorporated by reference, including any subsequent
8 editions or amendments, or by the Governor of North Carolina under G.S. 166A-19.3(3).

9 (3) “Emergency” means when a state of emergency declaration has been issued under G.S. 166A-
10 19.3(19).

11 (4) “Event” means a National Special Security Event designated by the President of the United States
12 under 18 U.S.C. 3056(e)(1), which is hereby incorporated by reference, including any subsequent
13 editions or amendments.

14 (5) “Rate of compliance” means the number of inspections for food and lodging establishments
15 conducted by the local health department during the previous state fiscal year divided by the number
16 of inspections mandated to be conducted by the local health department per state fiscal year pursuant
17 to G.S. 130A-249 and 10A NCAC 46 .0213, not to exceed a value of 1.

18 (b) Fees collected pursuant to G.S. 130A-248(d), minus state expenses budgeted for the collection and inventory
19 program, shall be distributed to local health departments for the support of local public health programs and activities
20 as follows:

21 (1) ~~Seven~~seven hundred and fifty dollars (\$750.00) to each county; and

22 (2) the ~~remaining~~ balance of funds that remain after the distribution described in Subparagraph (b)(1)
23 of this Rule shall be distributed to each county in accordance with the following formula: formula
24 provided in Subparagraph (b)(2)(A) of this Rule. After the distribution of funds pursuant to
25 Subparagraph (b)(2)(A) of this Rule, the balance of any funds that remain shall be distributed in
26 accordance with the formula provided in Subparagraph (b)(2)(B) of this Rule to the counties that
27 have one hundred percent compliance with the inspection requirements for food and lodging
28 establishments as set out in G.S. 130A-249 and 10A NCAC 46 .0213 in the immediately preceding
29 state fiscal year:

30 ~~(a)(A)~~ (A) [the remaining balance of funds after distribution in ~~Paragraph (1)~~Subparagraph (b)(1) of
31 this Rule] multiplied by (the number of facilities in the county divided by the number of
32 facilities in the state) multiplied by (the (the county's percentage rate of compliance
33 compliance) with mandatory inspection requirements for food and lodging establishments
34 in G.S. 130A-249 and 15A NCAC 25 .0213 for the previous fiscal year, not to exceed 100
35 percent) equals the allocation to the county; and

36 ~~(b)(B)~~ (B) distribution of remaining funds to counties with 100 percent compliance with mandatory
37 inspection requirements for food and lodging establishments in G.S. 130A-249 and 15A

1 ~~NCAC 25 .0213 during the previous fiscal year shall be made in accordance with the~~
2 ~~following:~~ [total amount of remaining funds after distribution in Paragraph-Subparagraph
3 ~~(b)(2)(A)] ~~(2)(a)~~ multiplied by (the number of facilities in the county divided by the~~
4 number of facilities in all counties with 100 percent compliance with mandatory inspection
5 requirements for food and lodging establishments as set forth in G.S. 130A-249 and
6 ~~15A10A NCAC 2546 .0213 during the previous fiscal year) equals the additional allocation~~
7 to the county.

8 (c) Notwithstanding the definition of rate of compliance in Paragraph (a) of this Rule, the total amount of funds
9 distributed to a local health department shall be calculated in accordance with Paragraph (b) of this Rule, but using
10 the local health department's rate of compliance from the last state fiscal year that was completed immediately prior
11 to a disaster, emergency, or event, when:

12 (1) one or more counties served by the local health department is named in a disaster or emergency
13 declaration or in an event designation;

14 (2) the local health director or the local health director's designee submits a written attestation to the
15 State Environmental Health Director that includes the following:

16 (A) an explanation of how disruption caused by the disaster, emergency, or event is such that
17 inspections that are required pursuant to G.S. 130A-249 and 10A NCAC 46 .0213 for food
18 and lodging establishments cannot be carried out as planned because of the local health
19 department's involvement in the response to the disaster, emergency, or event; and

20 (B) a statement that the loss of funds as a result of the local health department's decreased rate
21 of compliance is expected to result in a financial hardship to the local health department's
22 environmental health program; and

23 (3) the Department determines that sufficient funds are available to make a disbursement to the local
24 health department in accordance with this Paragraph.

25 (d) Attestations written pursuant to Paragraph (c) of this Rule shall be submitted to the State Environmental Health
26 Director by mail at 5605 Six Forks Road, 1632 Mail Service Center, Raleigh, NC 27699-1632.

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28 *History Note: Authority G.S. 130A-9; 130A-248; 130A-249;*
29 *Eff. May 1, 1991.*