



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK BENTON • Chief Deputy Secretary for Health
KELLY KIMPLE • Acting Director, Division of Public Health

MEMORANDUM

DATE: September 3, 2024
TO: Rulemaking Interested Persons
FROM: Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health and Director of Regulatory and Legal Affairs, Division of Public Health
RE: Notification of Proposed Rule Amendment: 10A NCAC 46 .0301

Pursuant to G.S. 150B-21.2, this memorandum serves as the required notice to interested persons that the Commission for Public Health (CPH) is proposing to amend the requirements for local health department staffing set out in rule 10A NCAC 46 .0301 to clarify and update terminology as well as update minimum education requirements for local health department public health nursing staff. CPH has submitted notice of its intent to amend this rule to the NC Office of Administrative Hearings (OAH).

In accordance with G.S. 150B-21.4, a fiscal note was prepared for the proposed rule and approved by CPH. The proposed rule is expected to have an impact on state and local funds, but is not expected to have a substantial economic impact. The fiscal note was approved by the NC Office of State Budget and Management (OSBM) on July 15, 2024.

The notice of text that was published in today's edition of the NC Register is attached to this memorandum and may be found on OAH's website at <https://www.oah.nc.gov/rules-division/north-carolina-register>. The text of the proposed rule and fiscal note may be found on the CPH's website at <https://cph.dph.ncdhhs.gov/>.

A public hearing on the proposed rule is scheduled for Wednesday, September 25, 2024 at 2:00 p.m. The public hearing will be held by teleconference. You may participate in the public hearing by dialing 919-715-0769. No access code is required.

CPH is accepting public comments on the proposed rule from September 3, 2024 through November 4, 2024. You may submit comments by email to cphcomment@dhhs.nc.gov or by mail to Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health, 1931 Mail Service Center, Raleigh, NC 27699-1931. Comments will also be accepted at the public hearing. The proposed effective date of the rule amendment is January 1, 2025.

Should you have questions related to this memorandum, the proposed rule, or the fiscal note, please contact Susan Little, Chief Public Health Nurse, NC Department of Health and Human Services, Division of Public Health at (919) 215-4471.

Attachment

cc: Dr. Ronald May, Chair, Commission for Public Health
Dr. Kelly Kimple, Acting Director, Division of Public Health
Dr. Susan Little, Chief Public Health Nurse, Division of Public Health

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609
MAILING ADDRESS: 1931 Mail Service Center, Raleigh, NC 27699-1931
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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to amend the rule cited as 10A NCAC 46 .0301.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://cph.dph.ncdhhs.gov/>

Proposed Effective Date: *January 1, 2025*

Public Hearing:

Date: *September 25, 2024*

Time: *2:00 p.m.*

Location: *This public hearing will be held by teleconference at (919) 715-0769 (no access code required).*

Reason for Proposed Action: *Rule 10A NCAC 46 .0301, which contains minimum standards for health department staffing, is proposed for amendment to clarify and update terminology as well as update minimum education requirements for local health department public health nursing staff.*

Comments may be submitted to: *Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email cphcomment@dhhs.nc.gov*

Comment period ends: *November 4, 2024*

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 46 - LOCAL STANDARDS

SECTION .0300 - LOCAL HEALTH DEPARTMENT STAFF

10A NCAC 46 .0301 MINIMUM STANDARD HEALTH DEPARTMENT: STAFFING

In addition to meeting the requirements in 10A NCAC 48B .0103, to be accredited pursuant to G.S. 130A-34.1, a local health department shall meet the following requirements:

- (1) The local health department shall employ a full-time health director who meets the requirements of G.S. 130A-40, ~~director,~~ a full-time public health nurse who meets the requirements of Item (2) of this Rule, a full-time registered environmental health specialist who is authorized as agent of the state in accordance with 15A NCAC 01O .0100, ~~sanitarian,~~ and a full-time administrative assistant. ~~secretary.~~ For purposes of this Rule, full-time means the employee is employed to work a standard work week of the local health department. ~~However, the local health department may share a local health director with one or more other local health departments.~~
- (2) All ~~local health department~~ public health nurses employed by a local health department shall: ~~shall either:~~
 - (a) Hold an active unencumbered license to practice as a registered nurse in accordance with 21 NCAC 36, which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at <http://reports.oah.state.nc.us/ncac.asp>; Have a nursing degree from a baccalaureate school accredited by the National League for Nursing or the Commission on Collegiate Nursing Education; or
 - (b) Complete within one year of employment with the health department an introductory course in principles and practices of public health and public health nursing sponsored by the Department and Department. The curriculum for the course shall be developed by the Department with input from local health departments and schools of nursing. Public health nurses employed by a local health department after the effective date of this Rule shall complete the introductory course within one year of employment with the local health department.

Public health nurses employed by a local health department on the effective date of this Rule who have not completed the introductory course or who completed it prior to January 1, 2023 shall complete the introductory course by December 31, 2027; and nursing.

- (c) Complete within three years of first publication each public health nursing refresher course sponsored by the Department following the public health nurse's completion of the introductory course required in Sub-item (2)(b) of this Rule. Refresher courses shall be published on the Division of Public Health's website at <https://www.dph.ncdhhs.gov/local-health-departments> and align with the American Nurses Association's Public Health Nursing: Scope and Standards of Practice, 3rd edition and any subsequent amendments or editions, which is incorporated by reference and available at <https://www.nursingworld.org/nurses-books/public-health-nursing-scope-and-standards-of-prac/>.

*History Note: Authority G.S. 130A-5(3); 130A-9; 130A-34.1;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1985;
Transferred and Recodified from 10 NCAC 12 .0101 Eff. April 4, 1990;
Amended Eff. October 1, 2008; September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, ~~2016~~ 2016;
Amended Eff. January 1, 2025.*