

**RULES GOVERNING
DELEGATION OF AUTHORITY TO
ENFORCE COMMISSION FOR
PUBLIC HEALTH'S SANITATION
RULES**

15A NCAC 18A .2300

**North Carolina Department of Health and Human Services
Division of Public Health
Environmental Health Section**

**Effective January 1, 1985
Amended Effective July 1, 1998**

All Environmental Health Rules may be accessed online at:

<http://ehs.ncpublichealth.com/rules.htm>

**SECTION .2300 - DELEGATION OF AUTHORITY TO ENFORCE COMMISSION FOR PUBLIC
HEALTH'S SANITATION RULES**

Rules .2301 - .2306 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2301 - .2306); has been transferred and recodified from Rules .2301 - .2306 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2301 - .2306). Rule .2307 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2307); has been transferred and recodified from Rule .2308 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2308), effective April 4, 1990.

15A NCAC 18A .2301 SCOPE OF DELEGATED AUTHORITY

15A NCAC 18A .2302 ELIGIBILITY FOR DELEGATION OF AUTHORITY

15A NCAC 18A .2303 DELEGATION OF AUTHORITY

15A NCAC 18A .2304 EVALUATION

*History Note: Authority G.S. 130A-4(b); 130A-5(3);
 Eff. October 1, 1985;
 Amended Eff. December 1, 1990; September 1, 1990;
 Repealed Eff. March 1, 1998.*

15A NCAC 18A .2305 AGENTS SERVING AS CONTRACTORS

The Division may allow an agent who is authorized in a specific local health department to contract with another local health department to provide services to the other local health department. When a local health department contracts for such services, the contracting department shall provide a statement to the Division on progress made to employ an individual who may be considered for authorization.

- (1) A contract shall be created between the contracting local health department and the agent (contractor) to include at least the following provisions:
 - (a) Names and addresses of each party.
 - (b) Scope of work to be performed.
 - (c) A requirement that the original public records remain in the local health department in which the work is performed. The public records shall be left at the local health department or with an individual employed by the local health department who shall be responsible for returning said records to the local health department within two business days of the service provided.
 - (d) Designation of the party responsible for maintaining public records created by the agent.
 - (e) A requirement that the contracting agent be available for consultation to the public being served during usual business hours.
 - (f) A requirement that the contracting agent be available for any hearing or other legal proceeding which may ensue from activities conducted by the agent.

- (2) The contracting agent shall maintain a list of each activity and the date performed for review in accordance with Item (3) of this Rule.
- (3) Each public record created by the contracting agent shall be reviewed, dated, and initialed by an authorized agent of the contracting local health department. In addition, at least 10 percent of the activities performed by the agent shall be reviewed in the field by an authorized agent employed by the contracting local health department. If the contracting local health department has no authorized employee, the Division shall conduct a review of each public record created by the contracting agent. In addition, at least 10 percent of the activities performed by the agent shall be reviewed on-site in the field by the Division. The review shall be conducted each month and shall cover the previous month's activities conducted by the agent.

History Note: Authority G.S. 130A-4; 130A-29;
Eff. October 1, 1985;
Amended Eff. July 1, 1998; September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

15A NCAC 18A .2306 RE-AUTHORIZATION

History Note: Authority G.S. 130A-4(b); 130A-5(3);
Eff. October 1, 1985;
Repealed Eff. March 1, 1998.

15A NCAC 18A .2307 EVALUATION

The regional specialist may, at any time, evaluate the performance of an authorized agent and recommend that the Director, Division of Environmental Health, take corrective action.

History Note: Authority G.S. 130A-4(b); 130A-5(3);
Eff. February 1, 1987;
Amended Eff. July 1, 1998; September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

15A NCAC 18A .2308 RESERVED FOR FUTURE CODIFICATION

15A NCAC 18A .2309 RESERVED FOR FUTURE CODIFICATION

15A NCAC 18A .2310 APPEALS PROCEDURES

Appeals concerning denials, suspensions and revocations of authorization under these Rules shall be made in accordance with G.S. 150B. An individual whose authorization has been suspended or revoked and who timely requests an appeal may continue to work as an authorized agent until a final agency decision is made pursuant to G.S. 150B-36; however, all inspection forms and permits completed by the agent during that period must be countersigned by another authorized agent who concurs with the findings and conclusions reflected on the inspection forms and permits.

History Note: Authority G.S. 130A-4; 130A-29;

Eff. July 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.