



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

*Revised January 19, 2018

MEMORANDUM

DATE: January 16, 2018
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager *NP*
RE: Proposed Readoption of Jails, Local Confinement Facilities Rules – 10A NCAC 14J

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal note that has been prepared in connection with the proposed rule. These rules are being readopted as a result of the periodic review of the Subchapter 10A NCAC 14J rules, thereby requiring rules determined as “Necessary With Substantive Public Interest” be readopted.

With input from stakeholders, 32 rules are proposed for readoption with substantial revisions for the operation, design, and construction of county government owned and operated jails and district jails. One rule is *proposed for readoption as a repeal because it is duplicative and not necessary.

The North Carolina Department of Health and Human Services/Secretary has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to readopt the following 33 rules:

10A NCAC 14J .0101-.0103, .0201, .0203, .0204, .0301-.0303, .0402-.0405, .0501, .0601, .0702, .0705, .0904, .1001, .1002, .1201-.1203, .1207, .1210, .1212-.1215, .1218, .1219, .1225, and .1226.

In accordance with G.S. 150B-21.3A(d)(2), a fiscal analysis was prepared for the rules with substantive change. In accordance with G.S. 150B-21.4, the Office of State Budget and Management approved of the fiscal analysis for these rules on September 19, 2017, and approved the revised version of the fiscal analysis due to rule typographical changes on October 25, 2017.

The proposed rule text is attached to this memo and was published in today’s January 16, 2018 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <http://www.ncoah.com/rules/register>.

OFFICE OF THE DIRECTOR

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A public hearing is scheduled for March 6, 2018 at 10:00 a.m. in Room 123B, Williams Building, 1800 Umstead Drive, Raleigh, NC 27603. The building is located in the Dorothea Dix Park. The Secretary is accepting public comments on these rules and fiscal analysis from January 16, 2018 – March 19, 2018. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is December 1, 2018. A copy of the proposed rules, fiscal analysis, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at [*www2.ncdhhs.gov/dhsr/ruleactions.html](http://www2.ncdhhs.gov/dhsr/ruleactions.html).

If you have questions related to the proposed rule and fiscal note please contact the Construction Section at (919) 855-3893.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
Joel Johnson, Assistant General Counsel, DHHS
Steve Lewis, Chief, Construction Section
Carey Gurlitz, Engineering Supervisor, Construction Section
Marjorie Acker, Assistant Chief, Construction Section
Emery Milliken, Deputy Director, Health Service Regulation