



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

DATE: June 15, 2018

TO: Interested Parties

FROM: Nadine Pfeiffer, Rule Review Manager *NP*

RE: Proposed Readoption of Nursing Home Hearings, Transfers and Discharges Rules 10A NCAC 14A, Section .0300

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 analysis that has been prepared in connection with the proposed rule. These rules for Nursing Home hearings, transfers and discharges are being readopted as a result of the periodic review of the Subchapter 10A NCAC 14A rules, thereby requiring rules determined as “Necessary With Substantive Public Interest” be readopted as though they were new rules.

The North Carolina Medical Care Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to readopt the following three rules through the permanent rule process:

10A NCAC 14A .0301 Definitions
10A NCAC 14A .0302 General
10A NCAC 14A .0303 Initiating A Hearing

In accordance with G.S. 150B-21.3A(d)(2), a fiscal analysis was prepared for these rules. The Office of State Budget and Management approved the fiscal analysis for these rules on February 16, 2018 in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules were published in today’s June 15, 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>.

A public hearing is scheduled for August 8, 2018 at 2:00 p.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is located in the Dorothea Dix Park. Ms. Nadine Pfeiffer, DHSR Rule Review Manager, is accepting public comments on these rules and fiscal

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701
www.ncdhhs.gov/dhsr • TEL: 919-855-3750 • FAX: 919-733-2757

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analysis from June 15, 2018 – August 14, 2018. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is January 1, 2019.

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.

Should you have questions related to this memorandum or the proposed rules and fiscal analysis, please feel free to contact the Nursing Home Licensure and Certification Section at (919) 855-4520.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
Emery Milliken, Deputy Director, DHSR
Joel Johnson, Assistant General Counsel, DHHS
Becky Wertz, Chief, Nursing Home Licensure and Certification Section
Beverly Speroff, Assistant Chief, Nursing Home Licensure and Certification Section