



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: February 1, 2019

TO: Interested Parties

FROM: Nadine Pfeiffer, DHSR Rule Review Manager
Joel Johnson, DHHS/Secretary Rulemaking Coordinator

RE: Proposed Readoption of DHHS/Secretary, Rulemaking Rules
10A NCAC 14A, Section .0100

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. Three rules for the Director, Division of Health Service Regulation are being readopted as a result of the periodic review of the Subchapter 10A NCAC 14A rules, Section .0100, thereby requiring rules determined as “Necessary With Substantive Public Interest” be readopted as though they were new rules.

The N.C. Department of Health and Human Services/Secretary (DHHS) 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 .0101	Petitions
10A NCAC 14A .0102	Rulemaking Procedures
10A NCAC 14A .0103	Declaratory Rulings

In accordance with G.S. 150B-21.3A(d)(2), a fiscal analysis was prepared for rules with substantive change. Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on November 30, 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 February 1, 2019 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 March 27, 2019 at 10:00 a.m. in Room 026, Edgerton Building, 809 Ruggles 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 analysis from February 1, 2019 – April 2, 2019. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is July 1, 2019.

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

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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 note, please feel free to contact the Division of Health Service Regulation at (919) 855-3750.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
Emery Milliken, Deputy Director, DHSR