

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Health and Human Services, Office of the Secretary

RULE CITATION: 10A NCAC 01E .0101

DEADLINE FOR RECEIPT: Monday, November 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 11, please delete or define "prompt and efficient."

On line 15, are the contents of the required forms set forth elsewhere in CFR, rule, or statute? What are these forms? Please provide some additional information.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: October 25, 2019

1 10A NCAC 01E .0101 is readopted as published in 33:24 NCR 2351-52 as follows:

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3 **SUBCHAPTER 01E – ~~GRIEVANCE~~ NONDISCRIMINATION PROCEDURES**

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5 **SECTION .0100 – ~~ADA-GRIEVANCE~~ NONDISCRIMINATION PROCEDURES**

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7 **10A NCAC 01E .0101 ~~APPLICABILITY AND SCOPE~~ NONDISCRIMINATION PROCEDURES**

8 ~~This Subchapter provides for the prompt and equitable resolution of complaints against any division within the~~
9 ~~Department of Human Resources alleging any action prohibited by the U.S. Department of Justice regulations~~
10 ~~implementing Title II of the Americans with Disabilities Act, 28 CFR Part 35. The Department of Health and Human~~
11 ~~Services provides for the prompt and equitable resolution of complaints against any Division within the Department~~
12 ~~alleging any act prohibited by Federal laws and regulations implementing Title II of the Americans with Disabilities~~
13 ~~Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and other applicable~~
14 ~~nondiscrimination regulations as required by Federal agencies for the Department's receipt of Federal financial~~
15 ~~assistance. The Department's forms for filing complaints or grievances are located at~~
16 ~~<https://www.ncdhhs.gov/about/department-initiatives/ada-grievance-procedure>.~~

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18 *History Note: Authority 28 C.F.R. 35.107; 45 C.F.R. 84.7; 45 C.F.R. Part 80.7;*
19 *Eff. May 1, 1993; 1993;*
20 *Readopted Eff. January 1, 2020.*

1 10A NCAC 01E .0102 - .0108 are repealed through readoption as published in 33:24 NCR 2351-52 as follows:

2
3 **10A NCAC 01E .0102 COMPLAINTS**

4 **10A NCAC 01E .0103 INVESTIGATION**

5 **10A NCAC 01E .0104 WRITTEN DETERMINATION**

6 **10A NCAC 01E .0105 RECONSIDERATION**

7 **10A NCAC 01E .0106 RECORDS**

8 **10A NCAC 01E .0107 OTHER REMEDIES**

9 **10A NCAC 01E .0108 CONSTRUCTION**

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11 *History Note: Authority 28 C.F.R. 35.107;*

12 *Eff. May 1, ~~1993~~ 1993;*

13 *Repealed Eff. January 1, 2020.*

1 10A NCAC 01E .0201 - .0208 are repealed through readoption as published in 33:24 NCR 2351-52 as follows:

2
3 **10A NCAC 01E .0201 APPLICABILITY AND SCOPE**

4 **10A NCAC 01E .0202 COMPLAINTS**

5 **10A NCAC 01E .0203 INVESTIGATION**

6 **10A NCAC 01E .0204 WRITTEN DETERMINATION**

7 **10A NCAC 01E .0205 RECONSIDERATION**

8 **10A NCAC 01E .0206 RECORDS**

9 **10A NCAC 01E .0207 OTHER REMEDIES**

10 **10A NCAC 01E .0208 CONSTRUCTION**

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12 *History Note: Authority G.S. 143B-10(j)(2); 45 C.F.R. 84.7;*

13 *Eff. May 1, ~~1994~~1994;*

14 *Repealed Eff. January 1, 2020.*

1 10A NCAC 01E .0301 - .0305 are repealed through readoption as published in 33:24 NCR 2351-52 as follows:

2
3 **10A NCAC 01E .0301 APPLICABILITY AND SCOPE**

4 **10A NCAC 01E .0302 COMPLAINTS**

5 **10A NCAC 01E .0303 INVESTIGATION**

6 **10A NCAC 01E .0304 RESOLUTION OF MATTERS**

7 **10A NCAC 01E .0305 RECONSIDERATION**

8
9 *History Note: Authority G.S. 143B-10(j)(2); 45 C.F.R. Part 80.7;*

10 *Eff. November 1, ~~1994~~, 1994;*

11 *Repealed Eff. January 1, 2020.*