

**G.S. 150B-21.3A Report for 10A NCAC 14A, DIRECTOR, DIVISION OF HEALTH SERVICE REGULATION**

Agency - DHHS - Secretary & Medical Care Commission

Comment Period - 2/24/17 - 4/25/17

Date Submitted to APO - November 20, 2017

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 14A - RULEMAKING	SECTION .0100 - RULEMAKING	10A NCAC 14A .0101	PETITIONS	Amended Eff. November 1, 1989	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14A .0102	RULEMAKING PROCEDURES	Eff. November 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14A .0103	DECLARATORY RULINGS	Amended Eff. November 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0300 - HEARINGS: TRANSFERS AND DISCHARGES	10A NCAC 14A .0301	DEFINITIONS	Eff. August 3, 1992	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 USCS 1396r(e)(3) and (f)(3): 42CFR 483.5; 42CFR 483.15	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14A .0302	GENERAL	Eff. August 3, 1992	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 USCS 1396r(e)(3) and (f)(3): 42CFR 483.15	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14A .0303	INITIATING A HEARING	Eff. August 3, 1992	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 USCS 1396r(e)(3) and (f)(3): 42CFR 483.15	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14A .0304	NOTICE OF HEARING	Eff. August 3, 1992	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14A .0305	DOCUMENTS	Eff. August 3, 1992	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14A .0306	HEARING OFFICER'S FINAL DECISION	Eff. August 3, 1992	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code

Periodic Rules Review and Expiration of Existing Rules  
Subchapter 14A – Rulemaking  
Public Comments and Agency Response to Comments

Rule Citation & Title	Date	Commenter	Comment	Agency Response
1) 10A NCAC 14A .0101 – Petitions	2/23/17	Erin Glendening, DHSR erin.glendening@dhhs.nc.gov	This is a test of the system to verify that everything is working properly.	<p>This rule was determined as necessary with substantive public interest.</p> <p>The comment is about the test of the electronic comment reporting system.</p> <p>The Agency will not change the determination of this rule.</p>
2) 10A NCAC 14A .0301 – Definitions	2/24/17		The definitions in 10A NCAC 14A .0301 (1) to (10) and the information in 10A NCAC 14 .0302 - .0303, should be revised to reflect that the DHHS (Department of Health and Human Services) /DMA (Division of Medical Assistance) Hearing Office conducts the hearings, and that procedural rules for Nursing Facility Transfer/Discharge hearings are currently found in 10A NCAC 22H .0201 - .0205. In the alternative they should also be categorized as 'unnecessary.'	<p>This rule was determined as necessary with substantive public interest.</p> <p>We have noted the comment and it will be taken into consideration when the rule is reviewed.</p> <p>The Agency will not change the determination of this rule.</p>
3) 10A NCAC 14A .0302 – General	2/24/17		The definitions in 10A NCAC 14A .0301 (1) to (10) and the information in 10A NCAC 14 .0302 - .0303, should be revised to reflect that the DHHS (Department of Health and Human Services) /DMA (Division of Medical Assistance) Hearing Office conducts the hearings, and that procedural rules for Nursing Facility Transfer/Discharge hearings are currently found in 10A NCAC 22H .0201 - .0205. In the alternative they should also be categorized as 'unnecessary.'	<p>This rule was determined as necessary with substantive public interest.</p> <p>We have noted the comment and it will be taken into consideration when the rule is reviewed.</p> <p>The Agency will not change the determination of this rule.</p>

Rule Citation & Title	Date	Commenter	Comment	Agency Response
4) 10A NCAC 14A .0303 – Initiating a Hearing	2/24/17		The definitions in 10A NCAC 14A .0301 (1) to (10) and the information in 10A NCAC 14 .0302 - .0303, should be revised to reflect that the DHHS (Department of Health and Human Services) /DMA (Division of Medical Assistance) Hearing Office conducts the hearings, and that procedural rules for Nursing Facility Transfer/Discharge hearings are currently found in 10A NCAC 22H .0201 - .0205. In the alternative they should also be categorized as 'unnecessary.'	<p>This rule was determined as necessary with substantive public interest.</p> <p>We have noted the comment and it will be taken into consideration when the rule is reviewed.</p> <p>The Agency will not change the determination of this rule.</p>
5) 10A NCAC 14A .0304 – Notice of Hearing	5/17/16		Agree that the rules in 10A NCAC .0304-.0306 are 'unnecessary' as the DHHS/DMA Hearing Office has been conducting these hearings under some type of agreement between DFS (Division of Facility Services) which is now DHSR (Division of Health Service Regulations) and the Division of Medical Assistance (DMA) that appears to have been initiated in or about the mid 1990's.	<p>This rule was determined as unnecessary.</p> <p>The comment agrees with the Agency's assessment.</p> <p>The Agency will not change the determination of this rule.</p>