



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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January 31, 2014

Dr. Greg Olley, Chair
Commission for MH/DD/SAS
CB#7255 UNC-CH
Chapel Hill, NC 27599-7255

Sent via electronic mail to: greg.olley@cidd.unc.edu

Re: Rules 10A NCAC 27G .6702, 27H .0201 -.0207

Dr. Olley:

At its meeting this morning, the Rules Review Commission declined to approve the above-captioned temporary rules in accordance with G.S. 150B-21.1(b).

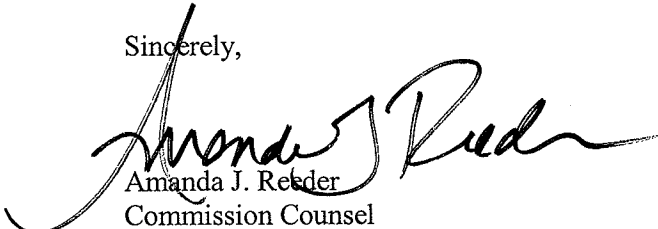
The Rules Review Commission found the Commission for MH/DD/SAS did not meet the requirements for temporary rules as set forth in G.S. 150B-21.1(a2). This is based upon the fact that the Commission for MH/DD/SAS took six weeks after adoption of the temporary rules to file them with the Office of Administrative Hearings for Rules Review Commission review.

In addition, the Rules Review Commission objected to Rules 10A NCAC 27H .0202, .0203, .0204 and .0207, finding the Commission for MH/DD/SAS lacks authority to set employment requirements for individuals and set the requirements of the evaluation report.

The Rules Review Commission further objected to Rule 10A NCAC 27H .0204 based upon ambiguity. The Rule does not give any guidance as to what body grants the certification, the initial training topics, that an examination will be required for the certification, the hours required for both initial certification, and the continuing education requirements.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.1(b1) or (b2). If you have any questions regarding the Rule Review Commission's action, please let me know.

Sincerely,



Amanda J. Reeder
Commission Counsel

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cc: W. Denise Baker, Rulemaking Coordinator, DMH/DD/SAS