



STATE OF NORTH CAROLINA
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May 18, 2012

Chris Hoke, JD
Commission for Public Health
1931 Mail Service Center
Raleigh, NC 27699-1931

Re: 10A NCAC 41A .0205

Dear Mr. Hoke:

At its May 17, 2012 meeting the Rules Review Commission objected to the above-captioned rule based on lack of statutory authority and ambiguity in accordance with G.S. 150B-21.10.

In Paragraph (g), it is not clear when the State Tuberculosis Medical Director will approve a regimen other than a standard multi-day regimen. G.S. 150B-19(6) prohibits an agency from adopting a rule that allows the agency to waive or modify a requirement set in a rule unless a rule establishes specific guidelines the agency must follow in determining whether to waive or modify the requirement. This objection applies to existing language in the rule.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Robert A. Bryan, Jr.
Commission Counsel

RAB:tdc

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