

**RULES REVIEW COMMISSION SPECIAL MEETING
MINUTES
October 29, 2018**

The Rules Review Commission met for a Special Meeting on Monday, October 29, 2018, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina Commissioners present were: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Brian LiVecchi, and Jeff Poley.

Staff members present were Commission Counsels Amber Cronk May, Amanda Reeder, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana McGhee.

The meeting was called to order at 1:00 p.m. with Chairman Dunklin presiding.

Commissioner Hyde joined the meeting via telephone conference.

Chairman Dunklin read the notice required by G.S. 163A-159 and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

EXISTING RULES REVIEW

Commission for Public Health

The Rules Review Commission (RRC) considered several matters related to the request of the Commission for Public Health (CPH) for acceptance and review of the Existing Rules Report for the rules referenced in 15A NCAC 18A, Sections .1000, .1300, .1400, .1500, .1600, .1700, .1900, .2100, .2300, .2400, .2500, .2600, .2800, .2900, .3100, .3200, .3300, .3500, .3600 and .3800 ("Rules") or that the Rules Review Commission modify the periodic rules review schedule for that Report.

First, the RRC discussed what procedural vehicle, under Roberts Rules of Order, if any, was appropriate to allow the RRC to review and possibly alter its decisions regarding the Rules made on October 18, 2018.

The RRC declined to consider a motion to rescind its decisions from October 18, 2018. Commissioners Bryan, Currin, Doran, Dunklin, and LiVecchi voted against this motion. Commissioners Atkins, Choi, Hyde and Poley voted in favor of this motion.

The Commission then agreed to take up a motion to reconsider its October 18, 2018, decisions regarding the expiration date of the Rules. Commissioners Atkins, Choi, Currin, Dunklin, Hyde, LiVecchi, and Poley voted in favor of this motion. Commissioners Bryan and Doran voted against this motion.

The RRC next determined that, absent an extension of time in which to file the Report or another action by the RRC to the contrary, the Rules will expire on the date of the RRC's November 2018 meeting, pursuant to G.S. 150B-21.3A(b) and (d) and the schedule established in 26 NCAC 05 .0203 and 26 NCAC 05 .0211. Commissioners Atkins, Choi, Dunklin, Hyde, and LiVecchi voted in favor of this motion. Commissioners Bryan, Currin, Doran, and Poley voted against this motion.

The RRC then denied a motion to grant CPH an extension of time in which to file the Report, pursuant to 26 NCAC 05 .0204, to permit review by the RRC at its November 2018 meeting. Commissioners Bryan, Currin, Doran, Dunklin, LiVecchi and Poley voted against this motion. Commissioners Atkins, Choi, and Hyde voted in favor of this motion.

Finally, the RRC denied a motion to amend 26 NCAC 05 .0211 and adjust the review schedule to move the review of the Report from November 2018 to January 2019. Commissioners Bryan, Currin, Doran,

Dunklin, and LiVecchi voted against this motion. Commissioners Atkins, Choi, Hyde, and Poley voted in favor of this motion.

Julie Cronin, Assistant General Counsel with the Department of Health and Human Services, addressed the Commission.

Mark Benton, Deputy Secretary with the Department of Health and Human Services, addressed the Commission.

Dr. Betsey Tilson, State Health Director and Chief Medical Officer with the Department of Health and Human Services, addressed the Commission.

John Barkley, with the Attorney General's Office representing the agency, addressed the Commission.

The Chair called the meeting into a brief recess at 2:53 p.m.

The meeting resumed at 3:00 p.m.

The meeting adjourned at 3:34 p.m.

The next regularly scheduled meeting of the Commission is Thursday, November 15th at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Garth Dunklin, Chair

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Name	Agency
Elizabeth Tilson	NC DHHS
Matt Gross	DHHS
Julie Cronin	DHHS
MARK BENTON	DHHS
John P Barkley	DOJ for CATH
Donna Smith	DOJ
Thomas Campbell	DOJ
John H. Schaeffer	DOJ
Pam Scott	DHHS
Doug Lassiter	NC STA
Lang Madal	NC DHHS
Maribeth Woster	NC DHHS
Michael Fuente	Duke Law Clinic
Beth Lovette	DHHS / DPH
Ron May	Commissioner for Public Health
Kimly Blount	DHHS
Lisa Corbett	DHHS
Jennifer Everett	DEQ
Greg McLeod	NC Dept. of Gov.
Jeremy Kay	NCEA
Jasod Morozov-Bates	NECA

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Name	Agency
Virginia Nicholas	DHB / DPH