



STATE OF NORTH CAROLINA  
**OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

May 22, 2015

**Sent via email to [carlotta.dixon@dhhs.nc.gov](mailto:carlotta.dixon@dhhs.nc.gov)**

Carlotta Dixon, Rulemaking Coordinator  
Social Services Commission  
820 Boylan Avenue  
Raleigh, North Carolina 27603

Re: Objection to Rules 10A NCAC 73A .0107 and 10A NCAC 73A .0108

Dear Ms. Dixon:

At its meeting yesterday, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to Rule 10A NCAC 73A .0107, finding that the language in Paragraph (b) relating to drug testing is unclear and ambiguous. The Rule references a twelve day period that is not set by statute. The remainder of the sentence provides no guidance to the “individual who fail[ed] the drug test” as to what type of documentation is considered or to whom the documentation needs to be provided for review. Line 8 uses the term “may” to indicate that the allowance of additional time is permissive, but provides no guidance to as to how a determination is reached regarding the allowance of additional time.

The Commission objected to Rule 10A NCAC 73A .0108, finding that the language in Paragraph (c) does not provide reporting requirements and that the terms “successful completion” and “satisfactory participation” are unclear and ambiguous. The second sentence of Paragraph (c) provides no guidance to the qualified professional in substance abuse as to how to timely report completion of or participation in the substance abuse treatment program. There is no guidance as to what qualifies as timely and there is no direction on how to provide the treatment information.

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

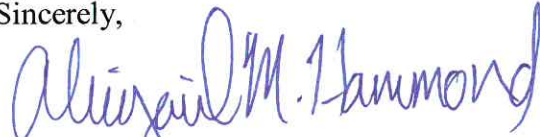
Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

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 actions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Abigail M. Hammond". The signature is written in a cursive style with a large initial "A".

Abigail M. Hammond  
Commission Counsel



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May 21, 2015

**Sent via email to carolin.bakewell@gmail.com:**

Carolin Bakewell  
North Carolina State Board of Dental Examiners  
507 Airport Boulevard, Ste. 105  
Morrisville, North Carolina 27560

Re: 21 NCAC 16R .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109,  
.0110, .0201, .0202, .0203, .0204, .0205, .0206  
21 NCAC 16S .0101, .0102, .0202, .0203  
21 NCAC 16T .0101, .0102  
21 NCAC 16U .0101, .0102, .0103, .0201, .0203, .0204  
21 NCAC 16V .0101, .0102  
21 NCAC 16W .0101, .0102  
21 NCAC 16Y .0101, .0102, .0103, .0104  
21 NCAC 16Z .0101

Dear Ms. Bakewell:

At its May 21, 2015 meeting, the Rules Review Commission extended the period of review on the above-identified rules in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review to allow the North Carolina Board of Dental Examiners additional time to revise the rules in response to the technical change requests.

If you have any questions regarding the Commission's action, please do not hesitate to contact me directly at (919) 431-3074.

Sincerely,

Amber Cronk May  
Commission Counsel

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