TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D - ALL RULES

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

***NOTE WELL: This request when viewed on computer may appear to be only one page when in fact it extends several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*G.S. 150B-21.1(a4) requires that the head of the agency sign a statement of need for a temporary rule form. Session Law 2011-104 gives the Department of Health and Human Services authority to adopt these rules. The head of the Department is the Secretary. While G.S. 143B-10(a) would allow the Secretary to delegate that authority, Directive II-24 that you have attached does not appear to delegate authority with regard to this set of rules. Either have the Secretary sign the forms, submit an appropriate delegation of authority for the Director to sign the forms, or explain how the current directive gives appropriate authority.*

*The form requires that you attach a copy of any cited law necessary for review. S.L. 2011-104 is cited and necessary for review. It was not attached. Please submit a copy.*

*G.S. 150B-21.1(a4) requires that an agency must prepare a written statement of its findings of need for a temporary rule stating why adherence to the notice and hearing requirements in G.S. 150B-21.2 would be contrary to the public interest and why the immediate adoption of the rule is required. The appropriate place for the information is Item 7 on the forms that you left blank. There is no way the Rules Review Commission can approve the rules without that information. Please complete 7 on the forms.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0102

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On line 4, change "section" to "Subchapter" if that is what you mean. It appears the definitions are meant to apply to the entire Subchapter 14D rather than just Section .0100.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0201

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (c), delete "shall."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0202

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Rewrite (a) as follows: "The Department shall not approve a capacity for an overnight respite service of more than six residents."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0203

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*If (f)(2), delete or define "aged or disabled." You may want to add the definition to Rule .0102. Perhaps you could just change "aged or disabled persons" to "residents."*

*In (m), change the last 17 words to "rules adopted by the Commission for Public Health" assuming that is what you mean.*

*In (o) and (p), tell where copies of the incorporated materials can be obtained, and the cost.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0206

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), use lower case letters for common nouns. Change "once" to "if."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0207

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), use lower case letters for common nouns. Change "once" to "if."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0208

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), change "once" to "if."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0210

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), delete or define "full." Change "once" to "if."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0213

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (c), change the slash to "and."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0216

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (b)(1), delete the first "shall be."*

*In (b)(8), delete the semicolon.*

*In (c), define "aged and disabled" if it is not otherwise defined, or change "aged and disabled persons" to "residents."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0401

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (b)(4), delete "for the aged and disabled" if it is not defined.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0502

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a)(3), change "such" to "the."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0601

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Either delete (f) and (g) or Rule .0602, or explain how they are different.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0602

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Define "medication aide."*

*Either delete this rule or Paragraphs (f) and (g) of Rule .0601, or explain how they are different.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

TEMPORARY RULE

REQUEST FOR TECHNICAL CHANGE

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF HEALTH SERVICE REGULATION

RULE CITATION: 10A NCAC 14D .0701

DEADLINE FOR RECEIPT: Tuesday, December 13, 2011

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (c)(1), incorporate the Guidelines by reference, telling where they may be obtained and the cost. Also tell if the incorporation included subsequent amendments and editions.*

*In (c)(5), change "dietician" to "dietician/nutritionist" to be consistent with the term used in G.S. Chapter 90, Article 25.*

*In (e)(1), change "registered dietician" to "licensed dietician/nutritionist." Delete or explain what you mean by "as specified by law."*

*Divide this rule into seven rules with each paragraph being a separate rule. For most of these rules, your introduction becomes the title of the rule. Each Subparagraph becomes a Paragraph and ends with a period.*

*In what is now (f), delete the first line.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.