

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.  
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

## TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Department of Health and Human Services intends to adopt the rule cited as 10A NCAC 14J .1307.*

**Codifier of Rules** received for publication the following notice and proposed temporary rule on: September 20, 2022.

**Public Hearing:**

**Date:** October 13, 2022

**Time:** 10:00 a.m.

**Location:** Dorothea Dix Park, Brown Building, Room 104, 801 Biggs Drive, Raleigh, NC 27603

**Reason for Proposed Temporary Action:**

*The proposed temporary adoption to the rule in Subchapter 10A NCAC 14J, Jails, Local Confinement Facilities, is in response to a recent act of the General Assembly, specifically Part IX, Section 9K. in Session Law 2022-74, House Bill 103, “Current Operations Appropriations Act of 2022” that became effective on October 1, 2022. In Section 9K.1.(a) of the law, revisions were made to G.S. 153A-222 for the inspection report procedure to be used by the governing body following the inspections of local confinement facilities and for the right to request a contested case hearing in response to any or all findings in the inspection report by the governing body, sheriff or other administrator of the local confinement facility. Section 9K.1.(b) of this Act requires the Department of Health and Human Services to adopt rules to ensure that the provisions of the law are properly implemented.*

**Comment Procedures:** *Comments from the public shall be directed to: Nadine Pfeiffer, 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701; email DHSR.RulesCoordinator@dhhs.nc.gov. The comment period begins September 28, 2022 and ends October 19, 2022.*

## CHAPTER 14 - DIRECTOR, DIVISION OF HEALTH SERVICE REGULATION

### SUBCHAPTER 14J – JAILS, LOCAL CONFINEMENT FACILITIES

#### SECTION .1300 - INSPECTION AND ENFORCEMENT OF MINIMUM STANDARDS

##### **10A NCAC 14J .1307 CONTESTED CASE HEARING**

A governing body, sheriff, or other administrator of a local confinement facility may request a contested case hearing pursuant to G.S. 153A-222(c).

*Authority G.S. 153A-222; S.L. 2022-74(s.9K.1.a).*