

G.S. 150B-21.3A Report for 14B NCAC 19, STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM									
Agency - Department of Public Safety									
Comment Period -July 20, 2026 - September 18, 2026									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 19A – GENERAL PROVISIONS		14B NCAC 19A .0101	SCOPE	Eff. April 1, 2021	Necessary	No		No	Necessary
		14B NCAC 19A .0102	DEFINITIONS	Eff. April 1, 2021	Necessary	No		No	Necessary
		14B NCAC 19A .0103	STATEWIDE SYSTEM ADMINISTRATOR DESIGNATION	Eff. April 1, 2021	Necessary	No		Yes	Necessary
		14B NCAC 19A .0104	COVERED ENTITY SYSTEM ACCESS; LOCAL ADMINISTRATORS	Eff. April 1, 2021	Necessary	No		Yes	Necessary
SUBCHAPTER 19B – COVERED ENTITY TRACKING REQUIREMENTS		14B NCAC 19B .0101	SYSTEM COMPATIBILITY FOR KITS	Eff. April 1, 2021	Necessary	No		No	Necessary
		14B NCAC 19B .0102	MEDICAL SERVICE PROVIDERS	Eff. April 1, 2021	Necessary	No		No	Necessary
		14B NCAC 19B .0103	LAW ENFORCEMENT AGENCIES	Eff. April 1, 2021	Necessary	No		No	Necessary
		14B NCAC 19B .0104	LAW ENFORCEMENT SUPPORT SERVICES	Eff. April 1, 2021	Necessary	No		No	Necessary
		14B NCAC 19B .0105	FORENSIC LABORATORIES	Eff. April 1, 2021	Necessary	No		No	Necessary
		14B NCAC 19B .0106	PREVIOUSLY UNTESTED KITS	Eff. April 1, 2021	Necessary	No		No	Necessary
SUBCHAPTER 19C – COMPLIANCE		14B NCAC 19C .0101	DEFICIENCY CORRECTION AND SANCTIONS	Eff. April 1, 2021	Necessary	No		Yes	Necessary

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Department of Public Safety	14B NCAC 19C .0101(a)	Oral Compliance Notice	Public Coment as defined in G.S. 150B 21.3A(a)(5)	Rule 19C .0101(a) permits the Statewide Administrator to provide written or oral notice of noncompliance. The notice must identify the deficiency and state that it must be corrected within 10 business days. An oral-only notice is inconsistent with the rule's own compliance-log requirement and may create uncertainty concerning the date of notice, the person notified, the exact deficiency, and the correction deadline. I object to the phrase “written or oral notice” because it is not sufficiently clear and does not reliably preserve an attributable correction record. Oral communication may supplement urgent coordination, but the governing notice should be written.The rule should require a written or electronically recorded notice that includes: ☐ The covered entity and responsible administrator. ☐ The specific deficiency and governing rule or System guideline. ☐ The corrective action required and the 10-business-day deadline. ☐ The method for demonstrating correction. ☐ The consequence of noncorrection and the contact for technical assistance. ☐	The Department agrees that Rule 19C .0101 (a) warrants review. The comment does not demonstrate that the rule as a whole is unnecessary. The Department therefore continues to classify the rule as necessary and will consider the suggested amendment during the subsequent readoption process.
Department of Public Safety	14B NCAC 19C .0101(b)-(c)	Correction Determination and Escalation	Public Coment as defined in G.S. 150B 21.3A(a)(5)	Paragraph (b) requires a second written notice when a covered entity does not correct a deficiency and states that continued failure may result in listing in the Director's annual report. Paragraph (c) requires the notification log. The rule does not define what constitutes correction, who verifies it, whether a corrective action plan may be accepted, how repeated deficiencies are treated, or when responsibility is escalated beyond the local administrator. I object to this ambiguity because the rule identifies a consequence without clearly preserving the corrective decision path. The rules should establish when a deficiency moves from technical support to formal noncompliance and from local correction to agency-level escalation. The readopted rule should specify: ☐ Who is authorized to determine that a deficiency has been corrected. ☐ What evidence is sufficient to verify correction. ☐ When a corrective action plan may be accepted and how completion is monitored. ☐ When repeated or systemic deficiencies must be escalated to the covered entity's agency head, compliance officer, or other accountable official. ☐ How unresolved deficiencies are represented in the annual report and how later correction is reflected. ☐ That aggregate public reporting must protect victim privacy, investigative confidentiality, and sensitive system-security information.	The Department agrees that Rule 19C .0101 (b)-(c) warrants review. The comment does not demonstrate that the rule as a whole is unnecessary. The Department therefore continues to classify the rule as necessary and will consider the suggested amendment during the subsequent readoption process.

Department of Public Safety	14B NCAC 19A .0103(d)	Compliance Notification Log	Public Coment as defined in G.S. 150B-21.3A(a)(5)	<div>Rule 19A .0103(d) requires the Statewide Administrator to keep a log of notifications for entities out of compliance. The rule does not specify the minimum contents of the log. A notification-only record may not show whether the correct entity and administrator received notice, what rule was implicated, what correction was required, whether the deficiency was resolved, or whether responsibility was escalated. I object to this part of the rule because “log of all notifications” is not sufficiently clear to ensure a consistent accountability record across covered entities. The rule should require the compliance log to record, at minimum:<ul style="list-style-type: none">The covered entity and responsible local administrator.The kit or incident reference in a protected form that avoids unnecessary disclosure of victim information.The specific rule, guideline, data field, transfer, or tracking obligation implicated.The nature of the deficiency and the date it was detected.The method and date of notice, the recipient, and confirmation of receipt when available.The corrective action required and the applicable deadline.The response, correction status, verification date, and verifying authority.Any second notice, escalation, sanction, or inclusion in the annual report.The date the matter was closed or the reason it remains unresolved.</div>	<div>The Department agrees that Rule 19A .0103(d) warrants review. The comment does not demonstrate that the rule as a whole is unnecessary. The Department therefore continues to classify the rule as necessary and will consider the suggested amendment during the subsequent readoption process.</div>
Department of Public Safety	14B NCAC 19A .0104(b)	Local Administrator Continuity	Public Coment as defined in G.S. 150B-21.3A(a)(5)	<div>Rule 19A .0104(b) requires each covered entity to designate a local administrator and to update the System and provide written notice within 10 business days after a change. The rule does not address continuity during a vacancy, leave, termination, organizational transition, or loss of access credentials. I object to this omission because the rule does not clearly identify who holds responsibility during the transition period. A distributed tracking system should not depend on a single individual without a governed continuity mechanism. The rule should require each covered entity to:<ul style="list-style-type: none">Designate an alternate or acting administrator with defined authority during an absence or vacancy.Transfer required records, open technical issues, unresolved compliance notices, and access responsibilities when the primary administrator changes.Promptly disable access that is no longer authorized and document the transfer or revocation.Notify the Statewide Administrator immediately when no authorized local administrator is available, rather than waiting the full 10-business-day period.Maintain continuity without exposing victim information to personnel who lack a need to know.</div>	<div>The Department agrees that Rule 19A .0104(b) warrants review. The comment does not demonstrate that the rule as a whole is unnecessary. The Department therefore continues to classify the rule as necessary and will consider the suggested amendment during the subsequent readoption process.</div>