



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

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

August 16, 2019

Paris Penny
Social Services Commission
Sent via email only to: Paris.Penny@dhhs.nc.gov

Re: Objection to All Rules Submitted in 10A NCAC 06S and 06T

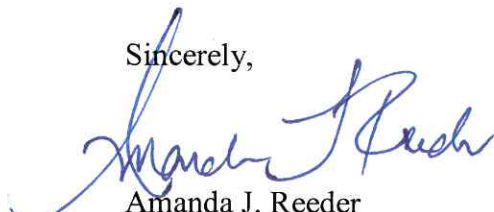
Dear Ms. Penny:

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 these Rules for lack of statutory authority. Specifically, the Commission found that as submitted, the agency did not cite to any authority to regulate adult day health services, and that is the subject matter addressed by these Rules.

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,



Amanda J. Reeder
Commission Counsel

cc: Misty Piekaar-McWilliams, DHHS

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August 15, 2019

Paris Penny
Social Services Commission
Sent via email only to: Paris.Penny@dhhs.nc.gov

Re: Objection to Rules 10A NCAC 67A .0101, .0201, .0202; 68 .0103, .0104, .0105, .0106, .0202, .0203, .0204, .0205, .0206, .0208, .0301, and .0302; 69 .0602, .0604, and .0605; and 72 .0101

Dear Ms. Penny:

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

The Commission objected to 10A NCAC 67A .0101 and .0201 as being unnecessary as these Rules only provide cross-references to other rules or provide information otherwise set forth in Statute.

The Commission objected to 10A NCAC 67A .0202 as being unnecessary as 45 CFR 205.10(a)(4) provides notice requirements for cases of “intended action to discontinue, terminate, suspend, or reduce assistance...”

The Commission objected to 10A NCAC 68 .0103 as being unnecessary given 150B-21.1(a3) and 21.2(e), which provide requirements regarding rulemaking hearings. This Rule also appears to pertain exclusively to internal management, which does not meet the definition of a rule pursuant to 150B-2(8a)(a).

The Commission objected to 10A NCAC 68 .0104 as being unnecessary given 150B-21.2(e) and (f), which provides requirements regarding rulemaking hearings and public comments. Further, the Commission found this Rule to be unclear with the use of “promptly”, “brief”, “clearly”, “full and effective”, and “fair” without providing additional clarifying information. Finally, the Commission found this Rule to be beyond the statutory authority of the agency as it conflicts with 150B-21.2(f).

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The Commission objected to 10A NCAC 68 .0105 as being unnecessary as 150B-21.2(c) sets forth notice requirements regarding the grant or denial of a rule-making petition.

The Commission objected to 10A NCAC 68 .0106 as being unnecessary as 150B-21.2(i) requires that an agency maintain a rulemaking record and provides the information to be included in that record.

The Commission objected to 10A NCAC 68 .0202, .0203, .0204, .0205, .0206, and .0208 as being unnecessary as these Rules are repetitive of Section .0100 of Chapter 68.

The Commission objected to 10A NCAC 68 .0301 for lack of statutory authority as none of the cited authority provides rulemaking authority regarding employment of county departments of social services to the Social Services Commission.

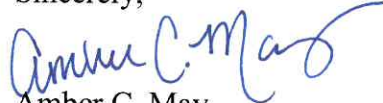
The Commission objected to 10A NCAC 68 .0303 as being unnecessary as this Rule appears to be addressed by 108A-14(b). Further, the Commission objected to this Rule for lack of statutory authority as none of the cited authority provides rulemaking authority regarding delegation between a county board and the director of a county department to the Social Services Commission.

The Commission objected to 10A NCAC 69 .0602, .0604, and .0605 as being unnecessary as these Rules reference contract terms.

The Commission objected to 10A NCAC 72 .0101 as being unnecessary as this Rule does not provide any directives to the regulated public nor provide any information not otherwise available in rule or statute.

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,



Amber C. May
Commission Counsel



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August 15, 2019

Jennifer Everett
Environmental Management Commission
Sent via email only to: Jennifer.everett@ncdenr.gov

Re: Extension of the Period of Review for 15A NCAC 02B .0101, .0103, .0104, .0106, .0108, .0110, .0201, .0202, .0203, .0204, .0205, .0206, .0208, .0211, .0212, .0214, .0215, .0216, .0218, .0219, .0220, .0221, .0222, .0223, .0224, .0225, .0226, .0227, .0228, .0230, .0231, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0314, .0315, .0316, and .0317

Dear Ms. Everett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to address technical changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amber C. May
Commission Counsel

cc: Connie Brower

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