



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

July 19, 2019

Shazia Keller, Rulemaking Coordinator
Division of Health Benefits
Sent via email only: Shazia.Keller@dhhs.nc.gov

Re: Objection to Rule 10A NCAC 23G .0304

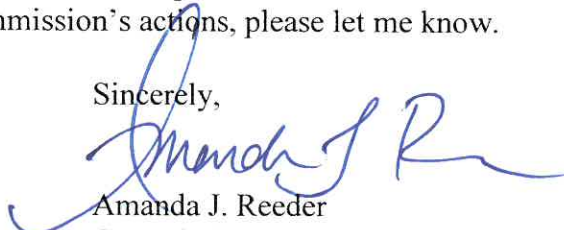
Dear Ms. Keller:

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

The Commission objected to the Rule for ambiguity. Specifically, the Commission found that the Rule is unclear if the individuals addressed in Paragraph (b) will receive the notice required by Paragraph (a). In addition, it is unclear if the term "change of situation" is intended to apply to Paragraph (b), as that term is not used in the Paragraph; instead, Paragraph (b) refers to "a change in the budget unit's situation."

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

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

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

Judges and
Assistants
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July 19, 2019

Charla Burill, Rulemaking Coordinator
Board of Dietetics/Nutrition
Sent via email only: director@ncbdn.org

Re: Objection to Rules 21 NCAC 17 .0101 and .0303

Dear Ms. Burill:

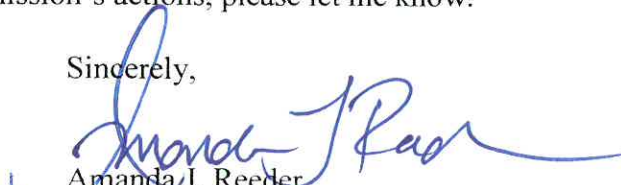
At its meeting yesterday, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to Rule 21 NCAC 17 .0101 for lack of statutory authority. Specifically, the Commission found that the agency lacks statutory authority to narrow the terms to solely "medical nutrition therapy" in Subparagraphs (a)(2) and (3). Further, the Commission noted that Paragraph (b) contains both acronyms and initialisms.

The Commission objected to Rule 21 NCAC 17 .0303 for lack of statutory authority. The Commission found that the agency lacks authority to contradict G.S. 90-368(2), which allows for supervision by those meeting the criteria in G.S. 90-357.5(a)(1)b and (c)(2).

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

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