



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

MEMORANDUM

DATE: March 23, 2017

TO: Interested Parties

FROM: Nadine Pfeiffer, Rule Review Manager *MP*
Division of Health Service Regulation

RE: Periodic Review of Existing Rules

N.C. Gen. Stat. §150B-21.3A, adopted in 2013, requires the North Carolina Department of Health and Human Services/Director, DHSR (Director) and all other state rule-making bodies to review all existing rules according to a schedule adopted by the North Carolina Rules Review Commission (RRC).

The Director is required to evaluate each existing rule and make an initial determination from one of the following three classifications:

- **Necessary with substantive public interest** – the agency has received objections to the rule within the past two years, or the rule affects the property interest of the regulated public and the agency knows or suspects that a person may object to the rule.
- **Necessary without substantive public interest** – the agency determines that the rule is needed, and the rule has not had objections in the last two years.
- **Unnecessary** – the agency determines that the rule is obsolete, redundant or otherwise not needed.

The Director is then required to post the results of the initial determination on its web site and accept public comment for 60 days. This gives the public the opportunity to submit comments on the rules. A comment is defined by G.S. 150B-21.3A(a)(5) as a written objection to all or part of a rule.

OFFICE OF THE DIRECTOR

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Additionally, pursuant to G.S. 150B-21.3A(c)(2), in order for the RRC to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review set forth in G.S. 150B-21-9(a), meaning that the language is clear, it is within the agency's statutory authority, and that it is necessary to implement law. The Commission must also determine if the comment addresses the substance of the rule.

The Director has now posted its initial determinations for the following rules:

**CHAPTER 10A – HEALTH & HUMAN SERVICES
SUBCHAPTER 14G – EXEMPTIONS FROM PROHIBITIONS OF SELF REFERRALS
BY HEALTH CARE PROVIDERS FOR UNDERSERVED AREAS**

The comment period for this subchapter is: **March 24, 2017 through May 23, 2017.**

Comments may be submitted directly from this web site link:

<http://www2.ncdhhs.gov/dhsr/rules/hb74/subchapter.asp?abr=14g>.

If you have questions regarding this memorandum, please contact me via email at DHSR.RulesCoordinator@dhhs.nc.gov or telephone at 919-855-3811.