

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 612

Short Title: DSS Review of Procedures/Rule Making. (Public)

Sponsors: Representatives Stevens, Riddell, and White (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 8, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE SOCIAL SERVICES COMMISSION OF THE DIVISION OF SOCIAL SERVICES TO REVIEW EXISTING PUBLICATIONS, POLICIES, AND PROCEDURES; SUBMIT A REPORT WITH ITS FINDINGS TO THE OFFICE OF ADMINISTRATIVE HEARINGS; AND SUBMIT FOR ADOPTION UNDER THE RULE-MAKING PROCESS THOSE PUBLICATIONS, POLICIES, AND PROCEDURES IDENTIFIED AS SATISFYING THE DEFINITION OF A RULE UNDER G.S. 150B-2(8A).

The General Assembly of North Carolina enacts:

SECTION 1. No later than May 31, 2020, The North Carolina Division of Social Services (Division), by and through the Division's Social Services Commission (Commission), shall prepare and submit for review to the Office of Administrative Hearings (OAH) a comprehensive report of its existing publications, policies, and procedures. This includes all publications, policies, and procedures used by the Division, or any of its subdivisions, which may directly or substantially affect the procedural or substantive rights or duties of persons not employed by the Division. The review shall identify any publications, policies, and procedures used by the Division that satisfy the definition of a rule under G.S. 150B-2(8A) and shall provide an explanation by the Commission for any publications, policies, and procedures it believes do not satisfy the definition of a rule and are not subject to the rule-making provisions of Chapter 150B of the General Statutes. This review does not include any existing emergency, temporary, or permanent rules, by the Division or its subdivisions, published in the North Carolina Administrative Code.

SECTION 2. Upon submission of its report to the OAH, the Commission shall jointly review the findings of its report with the OAH to identify any publications, policies, and procedures which are rules and subject to the rule-making provisions of Chapter 150B of the General Statutes. If there is disagreement between the Commission and the OAH during the joint review of any publication, policy, or procedure identified in the report as not satisfying the definition of a rule, then the OAH shall refer the publication, policy, or procedure in disagreement to the Rules Review Commission (RRC) for a determination. Upon referral from the OAH, the RRC shall review the publication, policy, or procedure in disagreement and make a determination as to whether or not it satisfies the definition of a rule under G.S. 150B-2(8A).

SECTION 3. To ensure that administration of the Division shall continue without interruption, any existing publications, policies, and procedures identified through joint review by the Commission and the OAH or determined by the RRC in Section 2 as satisfying the definition of a rule under G.S. 150B-2(8A) shall be deemed interim rules so long as they do not



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1 conflict with any provisions of the General Statutes. Any interim rule authorized by this section
2 shall become null and void January 1, 2021, if the Commission has failed to publish a notice of
3 text in the North Carolina Register to adopt the interim rule as a permanent rule, as required by
4 G.S. 150B-21.2. Any interim rule authorized by this section shall become null and void July 1,
5 2021, if the Commission has failed to adopt that interim rule as a permanent rule by that date in
6 accordance with Article 2A of Chapter 150B of the General Statutes.

7 **SECTION 4.** This act is effective when it becomes law.