

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 1142

Short Title: DHHS Rules Coordination. (Public)

Sponsors: Senators Martin of Guilford; Allran, Dannelly, Foxx, Harris, Lucas, Metcalf, and Purcell.

Referred to: Judiciary II.

June 3, 2002

A BILL TO BE ENTITLED

1 AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES TO PROVIDE FOR THE COORDINATION OF THE ADOPTION OF
3 RULES BY VARIOUS COMMISSIONS.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The Secretary and the Chairs of the Commissions listed in this
7 section shall collaborate in the development of a process for identifying and resolving
8 issues pertaining to duplication and conflict of rules adopted by the Secretary and each
9 Commission. The process shall address the following:

- 10 (1) How to identify on a routine basis proposed rules that duplicate in
11 whole or in part other rules proposed or adopted and ways of avoiding
12 the duplication without interfering with the agency's statutory duty to
13 adopt the rule and without impairing the effectiveness of the rule in
14 carrying out the statutory mandate.
- 15 (2) How to identify on a routine basis adopted rules that are in conflict,
16 and proposed rules that conflict with other proposed or adopted rules,
17 and ways of addressing the conflict without interfering with the
18 agency's statutory duty to adopt the rule and without impairing the
19 effectiveness of the rule in carrying out the statutory mandate.

20 The following Commissions shall collaborate with the Secretary on the
21 development of this process: The Commission for Mental Health, Developmental
22 Disabilities, and Substance Abuse Services, the Social Services Commission, the
23 Commission for Health Services, the Medical Care Commission, and other
24 Commissions that adopt rules that the Secretary has a duty to implement. The Secretary
25 shall also involve a representative of the Division of Medical Assistance in this effort.

26 **SECTION 2.** The Secretary and the Commissions shall implement the
27 process required by Section 1 of this act not later than October 1, 2002. Not later than
28 October 15, 2002, the Secretary shall report to the Joint Legislative Commission on

1 Mental Health, Developmental Disabilities, and Substance Abuse Services the
2 following:

- 3 (1) The status of the review of rules conducted by the Department for
4 determining the existence of ambiguity, duplication, or conflict.
5 (2) Specific rules identified that are in conflict and the recommended
6 action for resolving the conflict.
7 (3) Statutory changes necessary to accomplish the purposes of the rules
8 review process required by Section 1 of this act.

9 **SECTION 3.** This act is effective when it becomes law.