



## North Carolina Department of Health and Human Services

Pat McCrory  
Governor

Richard O. Brajer  
Secretary

Tamara Barnes, Interim Director  
Child Development and Early Education

September 16, 2015

### MEMO

**TO:** Interested Parties

**FROM:** Carlotta Dixon  
Rule-making Coordinator, DSS

Dedra Alston  
Rule-making Coordinator, DCDEE

**RE:** Periodic Review of Existing Rules  
10A NCAC 10 Subsidized Child Care Rules

During its 2013 legislative session, the North Carolina General Assembly enacted N.C. Session Law 2013-413, which created N.C.G.S. § 150B-21.3A, captioned "Periodic Review and Expiration of Existing Rules". This new law requires all state agencies and commissions to review all of their existing rules at least once every 10 years. This law can be viewed online at:

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_150B/GS\\_150B-21.3A.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3A.html)

Pursuant to the requirements of N.C.G.S. § 150B-21.3A(c), the North Carolina Social Services Commission (Commission) has completed a preliminary review of the existing Subsidized Child Care Rules and has made an initial determination of whether each rule is:

- (1) **"Necessary with substantive public interest,"** meaning that the agency has determined that the rule is needed and that: (a) the agency has received public comments on the rule within the past two years; or (b) the rule affects the property interest of the regulated public and the agency knows or suspects that someone may object to the rule; **or**
- (2) **"Necessary without substantive public interest,"** meaning that the agency has determined that the rule is needed and that the agency has not received public comments on the rule within the past two years. This category includes rules that provide information that is readily available to the public, such as an address or telephone number; **or**
- (3) **"Unnecessary,"** meaning that the agency has determined that the rule is obsolete, redundant or otherwise not needed.

As defined in N.C.G.S. § 150B-21.3A(a)(5) and as used above, the term "public comment" means "written comments objecting to the rule, in whole or in part, received by an agency from any member of the public, including an association or other organization representing the regulated community or other members of the public."

www.ncdhhs.gov • www.ncchildcare.nc.gov

Tel 919-527-6335 • Fax 919-715-1012

Location: 820 South Boylan Avenue • Raleigh, NC 27603

Mailing Address: 2201 Mail Service Center • Raleigh, NC 27699-2200

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The results of the Commission's preliminary review have been posted online and can be viewed at the DHHS website at:

<http://www2.ncdhhs.gov/dhsr/rules/hb74/subchapter.asp?abr=10>

and at the NC Office of Administrative Hearings website at:

<http://www.ncoah.com/rules/Final Reports Submitted to APO/10A NCAC 10 Report with comments.pdf>

To view the existing rules online, visit: [Subsidized Child Care Rules](#)

**The Social Services Commission hereby invites and encourages you to review and comment on the existing Subsidized Child Care Rules and the results of the Commission's preliminary review.**

You may send your comments via email or U.S. Mail to the following address:

Carlotta Dixon, Rule-making Coordinator  
NC Division of Social Services  
2401 Mail Service Center  
Raleigh, NC 27699-2401  
[Carlotta.Dixon@dhhs.nc.gov](mailto:Carlotta.Dixon@dhhs.nc.gov)

or

Dedra Alston, Rule-making Coordinator  
NC Division of Child Development and Early Education  
2201 Mail Service Center  
Raleigh, NC 27699-2200  
[Dedra.Alston@dhhs.nc.gov](mailto:Dedra.Alston@dhhs.nc.gov)

When commenting on a rule, please specify the number and title of the rule; e.g., "I have a comment on Rule 10A NCAC 10 .0102, Definitions." The Social Services Commission will not send individual responses to each commenter; however a response will be submitted to the RRC with the final report as required by 26 NCAC 05 .0208.

All written comments will be accepted **September 17, 2015 through November 17, 2015.**

26 NCAC 05 .0207 specifies that a comment must address the content of the rule in question to be considered by the Rules Review Commission.

Please feel free to visit the Division of Child Development and Early Education's website at [www.ncchildcare.nc.gov](http://www.ncchildcare.nc.gov) as a source of information about child care. If you would like to receive **NC Child Care Commission** meeting notices electronically, please send your e-mail address to [Dedra.Alston@dhhs.nc.gov](mailto:Dedra.Alston@dhhs.nc.gov).

If you would like to receive **NC Social Services Commission** meeting notices electronically, please send your e-mail address to [Angela.Green@dhhs.nc.gov](mailto:Angela.Green@dhhs.nc.gov).