

## **Periodic Review and Expiration of Existing Rules**

G.S. 150B-21.3A, *Periodic Review and Expiration of Existing Rules*, requires that each agency with rulemaking authority conduct a review of its existing rules. The first step in the review process requires the agency to make an initial determination identifying each rule as fitting into one of the three categories below.

1. Necessary with substantive public interest. – which means any rule for which the agency has received public comments within the past two years. A rule is also "necessary with substantive public interest" if the rule affects the property interest of the regulated public and the agency knows or suspects that any person may object to the rule.
2. Necessary without substantive public interest. – which means a rule for which the agency has not received a public comment concerning the rule within the past two years. A "necessary without substantive public interest" rule includes a rule that merely identifies information that is readily available to the public, such as an address or a telephone number. OR
3. Unnecessary rule. - Means a rule that the agency determines to be obsolete, redundant, or otherwise not needed.

The agency must accept public comments on its initial determination report for at least 60 days. Public comment is defined as 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. [G.S. 150B-21.3A(a)(5)] Public comments must address the content of the rule in order to be considered by the Rules Review Commission.

The initial determination report for rules that are in the public comment period may be viewed by accessing the link below. During the public comment period, public comments may be entered directly into the database or submitted to: W. Denise Baker  
NC DHHS DMH/DD/SAS 3001 Mail Service Center Raleigh, NC 27699-3001.

<http://www.ncdhhs.gov/dhsr/rules/hb74/index.asp>