



HOUSE BILL 295: DSS Review of Procedures/OAH.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 21, 2021
Introduced by:	Reps. Stevens, Moffitt, Riddell, White	Prepared by:	Jessica Boney
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 295 would require the Social Services Commission of the Division of Social Services to review policies, guidelines, and other interpretive statements and submit a report to the Office of Administrative Hearings.*

BILL ANALYSIS:

House Bill 295 would require the Division of Social Services (DSS) to prepare a report of all its policies, guidelines, and other interpretive statements, including those DSS or any of its subdivisions has sought to implement or enforce that may directly or substantially affect the procedural or substantive rights or duties of persons not employed by DSS or any of its subdivisions. The report must be submitted to the Office of Administrative Hearings (OAH) no later than May 31, 2022 and must provide an explanation for why DSS believes the policy, guideline, or other interpretive statement not adopted as a rule is not subject to the rulemaking provisions of Chapter 150B and not in violation of G.S. 150B-18.

DSS would be required to coordinate with OAH to identify policies, guidelines, and other interpretive statements that are subject to the rule-making provisions of Chapter 150B. Disagreements on this determination between DSS and OAH shall be referred to the Rules Review Commission. If DSS disagrees with the determination of the Rules Review Commission, DSS may file an action for declaratory judgment in Wake County Superior Court. Any policies, guidelines, and other interpretive statements identified as subject to rulemaking shall be deemed interim rules but become null and void if not adopted as permanent rules by July 1, 2023. Any policy, guideline, or other interpretive statement issued by DSS after this bill becomes effective becomes void one year after being issued, but the Secretary may reissue it for an additional period of one year prior to the expiration of the deadline.

EFFECTIVE DATE: This bill is effective when it becomes law.

* *Susan Sitze, Legislative Analysis Division, substantially contributed to this summary.*

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