

1 10A NCAC 13A .0201 is proposed for amendment as follows:

2
3 **SECTION .0200 - RULEMAKING**

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5 **10A NCAC 13A .0201 PETITIONS**

6 (a) Any person wishing to submit a petition requesting the adoption, ~~amendment~~ amendment, or repeal of a rule by
7 the North Carolina Medical Care Commission shall ~~address~~ submit the petition addressed to Office of the Director,
8 Division of Health Service Regulation, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701.

9 (b) The petition shall contain the following information:

10 (1) ~~either a draft of the text of the proposed rule or a summary of its contents~~ rule(s) for adoption or
11 amendment and the statutory authority for the agency to promulgate the ~~rule~~; rule(s);

12 ~~(2) reason for proposal;~~

13 ~~(3)~~(2) a statement of the effect on existing rules or orders;

14 ~~(4) any data supporting the proposal;~~

15 ~~(5)~~(3) a statement of the effect of the proposed rule rule(s) on existing practices in the area involved,
16 including cost factors, if known; and

17 ~~(6) names of those most likely to be affected by the proposed rule, with addresses, if known;~~

18 ~~(7)~~(4) the name(s) and address(es) of petitioner(s).

19 (c) The petitioner may include the following information within the request:

20 (1) documents and any data supporting the petition;

21 (2) a statement of the reasons for adoption of the proposed rule(s), amendment or the repeal of an
22 existing rule(s);

23 (3) a statement explaining the costs and computation of the cost factors, if known; and

24 (4) a description, including the names and addresses, if known, of those most likely to be affected by
25 the proposed rule(s).

26 ~~(e)~~(d) ~~The Chairman of the North Carolina Medical Care Commission will determine, Commission,~~ Commission, based on a study
27 review of the facts stated in the petition, ~~whether the public interest will be served by granting the petition. He will~~
28 ~~consider all the contents of the submitted petition, plus any additional information he deems relevant.~~ shall consider
29 the following in the determination to grant the petition:

30 (1) whether the North Carolina Medical Care Commission has authority to adopt the rule(s);

31 (2) the effect of the proposed rule(s) on existing rules, programs and practices;

32 (3) probable costs and cost factors of the proposed rule(s);

33 (4) the impact of the rule on the public and the regulated entities; and

34 (5) whether the public interest will be served by granting the petition.

35 ~~(d) Within 30 days of submission of the petition, the Chairman will render a final decision. If the decision is to deny~~
36 ~~the petition, the Chairman will notify the petitioner in writing, stating the reasons for the denial. If the decision is to~~

1 ~~approve the petition, the Chairman will initiate a rulemaking proceeding by issuing a rulemaking notice, as provided~~
2 ~~in these rules.~~

3 (e) Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to the
4 petitioner by the Chairman of the North Carolina Medical Care Commission.

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6 *History Note: Authority G.S. 143B-165; 150B-20;*

7 *Eff. February 1, 1976;*

8 *Readopted Eff. December 19, 1977;*

9 *Amended Eff. November 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*

11 *~~2015- 2015~~;*

12 *Amended Eff. October 1, 2023.*