

10A NCAC 14A .0101 is proposed for readoption with substantive changes as follows:

SECTION .0100 - RULEMAKING

10A NCAC 14A .0101 PETITIONS

(a) Any person wishing to submit a written petition requesting the adoption, ~~amendment~~ amendment, or repeal of a rule by the Director of the Division of Health Service Regulation shall ~~address the petition~~ submit the petition addressed to the Director, Division of Health Service Regulation, 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701.

(b) The petition shall contain the following information:

- (1) ~~either a draft of the proposed rule or a summary of its contents~~ the text of the proposed rule(s) for adoption or amendment and the statutory authority for the agency to promulgate the ~~rule~~; rule(s);
- (2) a statement of the ~~reason~~ reasons for proposal; adoption of the proposed rule(s), amendment or the repeal of an existing rule(s);
- (3) a statement of the effect on existing rules or orders;
- (4) ~~any data supporting the proposal;~~ a statement of the effect of the proposed rule(s) on existing practices in the area involved, if known;
- (5) ~~effect of the proposed rule on existing practices in the area involved, including cost factors, if known;~~ a statement explaining the costs and computation of the cost factors, if known; and
- (6) names of those most likely to be affected by the proposed rule, with addresses, if known;
- (7) (6) the name(s) and address(es) of the petitioner(s).

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

- (1) documents and any data supporting the petition;
- (2) a description, including the names and addresses, if known, of those most likely to be affected by the proposed rule(s).

~~(e)~~ (d) The Director, based on a study review of the facts stated in the petition, ~~will determine whether the public interest will be served by granting the petition. He will~~ shall consider ~~all the contents of the submitted petition, plus any additional information he deems relevant.~~ the following in his or her determination to grant the petition:

- (1) whether he or she has authority to adopt the rule(s);
- (2) the effect of the proposed rule(s) on existing rules, programs and practices;
- (3) probable costs and cost factors of the proposed rule(s);
- (4) the impact of the rule on the public and the regulated entities; and
- (5) whether the public interest will be served by granting the petition.

~~(d)~~ (e) Within 30 days of submission of the petition, the Director will render a final decision. If the decision is to deny the petition, the Director will notify the petitioner in writing, stating the reasons for the denial. If the decision is to approve the petition, the Director will initiate a rulemaking proceeding by issuing a rulemaking notice, as provided

1 ~~in these rules.~~ Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to
2 the petitioner by the Director of Division of Health Service Regulation.

3
4 *History Note: Authority G.S. 143B-10; 150B-20;*
5 *Eff. June 10, 1977;*
6 *Readopted Eff. December 1, 1977;*
7 *Amended Eff. November 1, ~~1989.~~ 1989.*
8 *Readopted Eff. July, 1, 2019.*