

10A NCAC 14A .0101 is readopted with changes as published in 33:15 NCR 1542-1544 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; and
- (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)]~~ (5) 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 statement of the reasons for adoption of the proposed rule(s), amendment or the repeal of an existing rule(s);
- (3) a statement explaining the costs and computation of the cost factors, if known; and
- (2) (4) 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.

1 ~~(d) (e)~~ Within 30 days of submission of the petition, the Director will render a final decision. If the decision is to  
2 deny the petition, the Director will notify the petitioner in writing, stating the reasons for the denial. If the decision is  
3 to approve the petition, the Director will initiate a rulemaking proceeding by issuing a rulemaking notice, as provided  
4 in these rules. Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to  
5 the petitioner by the Director of Division of Health Service Regulation.

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