

1 10A NCAC 13A .0201 is amended with changes as published in 37:18 NCR 1873-1874 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 or
7 rules by the North Carolina Medical Care Commission shall ~~address~~ submit the petition ~~addressed to~~ to: Office of the
8 Director, 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)] rule or rules for~~
11 ~~adoption or [amendment] amendment, the rule number of the proposed rule or rules for repeal, and~~
12 ~~the statutory authority for the agency to promulgate the rule; [rule(s);] rule or rules;~~

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

14 (3)(2) ~~a statement of the effect on existing rules or orders; rules;~~

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

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

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

19 (7)(4) ~~the name(s) and address(es) of petitioner(s).~~

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

21 (1) ~~documents and any data supporting the petition;~~

22 (2) ~~a statement of the reasons for adoption of the proposed [rule(s);] rule or rules, amendment or the~~
23 ~~repeal of an existing [rule(s);] rule or rules;~~

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

25 (4) ~~a description, including the names and addresses, if known, of those individuals or entities most~~
26 ~~likely to be affected by the proposed [rule(s);] rule or rules.~~

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

31 (1) ~~whether the North Carolina Medical Care Commission has authority to adopt the [rule(s);] rule or~~
32 ~~rules;~~

33 (2) ~~the effect of the proposed rule(s) on existing rules, [programs] programs, and practices;~~

34 (3) ~~probable costs and cost factors of the proposed [rule(s);] rule or rules;~~

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

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

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

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

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

9 *Eff. February 1, 1976;*

10 *Readopted Eff. December 19, 1977;*

11 *Amended Eff. November 1, 1989;*

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

13 *2015-2015;*

14 *Amended Eff. October 1, 2023.*