

CHAPTER 14 - DIRECTOR, DIVISION OF HEALTH SERVICE REGULATION

SUBCHAPTER 14A – RULEMAKING

SECTION .0100 - RULEMAKING

10A NCAC 14A .0101 PETITIONS

(a) Any person wishing to submit a written petition requesting the adoption, amendment, or repeal of a rule by the Director of the Division of Health Service Regulation shall 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) the text of the proposed rule(s) for adoption or amendment and the statutory authority for the agency to promulgate the rule(s);
- (2) a statement of the effect on existing rules or orders;
- (3) a statement of the effect of the proposed rule(s) on existing practices in the area involved, if known; and
- (4) 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
- (4) a description, including the names and addresses, if known, of those most likely to be affected by the proposed rule(s).

(d) The Director, based on a review of the facts stated in the petition, shall consider 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.

(e) Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to the petitioner by the Director of Division of Health Service Regulation.

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