

10A NCAC 26A .0103 PETITIONS

(a) Except for petitions regarding the addition, deletion, or rescheduling of controlled substances which are governed by 10A NCAC 26F .0117, any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule by the Commission or the Division Director shall address the petition to: A.P.A. Coordinator, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, 3001 Mail Service Center, Raleigh, North Carolina 27699-3001.

(b) The petition shall contain the following information:

- (1) either a draft of the proposed rule or a summary of its contents and the statutory authority for the Commission or the Division Director to promulgate the rule;
- (2) reason for proposal;
- (3) effect on existing rules;
- (4) any data supporting the proposal;
- (5) effect of the proposed rule on existing practices in the area involved, including cost factors;
- (6) names and addresses, if known, of those most likely to be affected by the proposed rule; and
- (7) name and address of the petitioner.

(c) The A.P.A. coordinator shall determine whether the rule comes under the statutory authority of the Commission or the Division Director or both and submit the petition to the appropriate body.

(d) The Commission or Division Director shall determine, based on a study of the facts stated in the petition, whether the public interest will be served by granting the petition. The Commission or Division Director shall consider all the contents of the petition, plus any additional information deemed relevant.

(e) The Commission or Division Director shall render a final decision on the petition within the time requirements of G.S. 150B-20. If the decision is to deny the petition, the petitioner shall be notified in writing and provided the reasons for the denial. Denial of the petition shall be considered a final agency decision as specified in G.S. 150B-20. If the decision is to approve the petition, rule-making proceedings shall be initiated in accordance with the rules in this Section.

*History Note: Authority G.S. 143B-10(j)(2); 143B-147; 150B-11; 150B-16;
Eff. February 1, 1976;
Amended Eff. April 1, 1990; January 1, 1987; April 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*