

SUBCHAPTER 45B - PROCEDURAL RULES

10A NCAC 45B .0101 PETITIONS

(a) Any person wishing to request a rule change (adoption, amendment, or repeal) of a rule of the Commission for Public Health shall make the request in a petition addressed to the State Health Director, Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915.

(b) The petition shall contain the following information:

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

(c) The Commission for Public Health or the State Health Director, each within their designated authorities, 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 for Public Health or the State Health Director shall consider all the contents of the submitted petition, plus any additional information it deems relevant.

(d) Within the time period prescribed by G.S. 150B-16, the Commission for Public Health or the State Health Director, each within their designated authorities, shall render a decision to deny the petition or to initiate rule making proceedings. If the decision is to deny the petition, the Commission for Public Health or the State Health Director shall notify the petitioner in writing, stating the reasons for the denial. If the decision is to approve the petition, the Department shall initiate rule-making proceedings as provided in these rules.

*History Note: Authority G.S. 150B-16;
Eff. February 1, 1976;
Amended Eff. March 1, 1987; December 22, 1980;
Transferred and Recodified from 10 NCAC 4B .0101 Eff. April 4, 1990;
Amended Eff. December 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*