

SECTION .2600 - DECLARATORY RULINGS

21 NCAC 54 .2601 REQUEST FOR DECLARATORY RULING

- (a) All requests for declaratory rulings shall be written and mailed to the North Carolina Psychology Board at the address shown in Rule .1602 of this Chapter.
- (b) Each Request for Declaratory Ruling must include the following information:
- (1) name and address of the persons requesting the ruling;
 - (2) the statute or rule to which the request relates;
 - (3) a statement of the manner in which the requesting person is aggrieved by the rule or statute or its potential application to him or her; and
 - (4) the consequences of a failure to issue a declaratory ruling.
- (c) Whenever the Board finds good cause exists to deny the request for declaratory ruling, the Board shall deny the request to issue a declaratory ruling. The Board's refusal shall be followed within 30 days of the receipt of the petition, by the issuance of written notification to the petitioner. The notice shall state the decision and the reasons therefore.
- (d) Good cause for the denial of a declaratory ruling request shall include one of the following:
- (1) the person submitting the request is not a person aggrieved;
 - (2) there is no conflict or inconsistency within the Board regarding an interpretation of the law or a rule adopted by the Board;
 - (3) a situation where there has been a similar controlling factual determination in a contested case;
 - (4) if the request for declaratory ruling involves a factual context that was considered upon adoption of the rule being questioned as evidenced by the rulemaking record;
 - (5) the factual representations are not related to the statute or rule being questioned;
 - (6) issuing the declaratory ruling will not serve the public interest; or
 - (7) if circumstances stated in the request or otherwise known to the Board show that a contested case hearing would be appropriate.
- (e) Where the Board issues a declaratory ruling, the declaratory ruling shall be issued within 45 days after Board's decision to grant the petition.
- (f) A declaratory ruling procedure may consist of written submissions, oral hearings, or other procedure as deemed appropriate by the Board based upon whether the additional submitted information would assist the Board in determining whether to grant or deny the petition.

History Note: Authority G.S. 90-270.143; 150B-4;
Eff. June 1, 1988;
Readopted Eff. April 1, 2020.