10A NCAC 68.0101  PETITIONS

(a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Social Services Commission (hereinafter referred to as the commission) shall make his or her request in a petition addressed to:

Special Assistant to the Director
Division of Social Services
Department of Health and Human Services
325 North Salisbury Street
2401 Mail Service Center
Raleigh, North Carolina 27699-2401

(b) The petition shall contain the following information:

(1) either a draft of the proposed rule or a summary of its contents;
(2) the statutory authority for the agency to promulgate the rule;
(3) the reasons for the proposal;
(4) the effect of existing rules or orders;
(5) any data supporting the proposal;
(6) the effect of the proposed rule 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; and
(8) the name and address of the petitioner.

(c) The commission or its designee 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 its designee shall consider all the contents of the submitted petition, plus any additional information it deems relevant.

(d) Within 90 days of submission of the petition, the commission or its designee shall render a decision to deny the petition or to initiate rulemaking proceedings. If the decision is to deny the petition, the commission or its designee shall notify the petitioner in writing, stating the reasons for the denial. If the decision is to approve the petition, the commission or its designee shall initiate a rulemaking proceeding by issuing a rulemaking notice, as provided in these rules.

History Note: Authority G.S. 143B-153; 150B-16; 150B-20;
Eff. February 1, 1976;
Readopted Eff. October 31, 1977;
Amended Eff. March 1, 1990, 1990;