

1 CHAPTER 68 - SOCIAL SERVICES: RULEMAKING

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3 SECTION .0100 – RULEMAKING: SOCIAL SERVICES COMMISSION

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5 10A NCAC 68 .0101 PETITIONS

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

8 ~~Special Assistant to the Director~~
9 Division of Social Services
10 Department of Health and Human Services
11 ~~325 North Salisbury Street~~
12 2401 Mail Service Center
13 Raleigh, North Carolina 27699-2401

14 (b) The petition shall contain the following information:

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

23 (c) The commission or its designee shall determine, based on a study of the facts stated in the petition, whether the
24 public interest will be served by granting the petition. The commission or its designee shall consider all the contents
25 of the submitted petition, plus any additional information it deems relevant.

26 (d) Within ~~30~~120 days of submission of the petition, the commission or its designee shall render a decision to deny
27 the petition or to initiate rulemaking proceedings. If the decision is to deny the petition, the commission or its designee
28 shall notify the petitioner in writing, stating the reasons for the denial. If the decision is to approve the petition, the
29 commission or its designee shall initiate a rulemaking proceeding by issuing a rulemaking notice, as provided in these
30 rules.

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32 *History Note: Authority G.S. 143B-153; ~~150B-16~~; 150B-20;*
33 *Eff. February 1, 1976;*
34 *Readopted Eff. October 31, 1977;*
35 *Amended Eff. March 1, ~~1990~~-1990;*
36 *Readopted Eff. July 1, 2019.*
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