

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Medical Board

RULE CITATION: 21 NCAC 32A .0115

DEADLINE FOR RECEIPT: Wednesday, November 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

With respect to the format, please delete the tabs between (a) and (b) and the text. This should be 2 spaces, rather than a tab.

Parts (a)-(c) in both (1) and (2), please capitalize the letters.

Please see 26 NCAC 02C .0108 (OAH's formatting rule) and the templates on our website for details on proper formatting.

Is there a difference between "a statement of the effect of the requested rule change" and "the effect of the new rule on existing rules"? Wouldn't one encompass the other?

While not required, are the items listed in subparagraph (a)(2) a comprehensive list of additional information petitioners may include? Do these have any bearing on the petition's success or otherwise influence the Board's determination?

To clarify, the last sentence in paragraph (b) only applies to denials of a petition, correct?

Also, place a period at the end of the last sentence in paragraph (b).

In your History Note, please cite to a specific statute which gives the Board general rulemaking authority, such as G.S. 90-5.1.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: October 26, 2022

1 21 NCAC 32A .0115 is adopted as published in 37:01 NCR page 28 as follows:

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3 **21 NCAC 32A .0115 PETITION FOR RULE-MAKING**

4 (a) Any person submitting a petition to adopt, amend, or repeal a rule by the Board shall address a petition to the
5 Board's Rule Making Coordinator at the office address in 21 NCAC 32A .0101.

6 (1) The petition shall contain the following:

7 (a) for petitions to adopt or amend a rule, a draft of the proposed rule or amendment;

8 (b) a statement of the effect of the requested rule change; and

9 (c) the name and address of the petitioner.

10 (2) The petition may contain the following:

11 (a) the reason for the proposal;

12 (b) the effect of the new rule on existing rules; or

13 (c) any data supporting the rule proposal.

14 (b) Within 120 days of submission of the petition, the Board shall render a final decision. If the decision is to
15 grant the petition, the Board shall initiate a rule-making proceeding by issuing a notice as provided for in G.S. 150B-
16 20(c). If the decision is to deny the petition, the Board shall send the petitioner written notice of the decision. The
17 notice shall state the reasons for denying the petition and refer to the appeal rights set forth in G.S. 150B-20(d)

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19 *History Note: Authority G.S. 150B-20;*

20 *Eff. December 1, 2022.*