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Via Email

W. Denise Baker
Division of Mental Health
3001 Mail Service Center
Raleigh, NC 27699

Re: Petition for Amendment of 10A N.C. Admin. Code 26B.0101(a)

Dear Ms. Baker:

I write to petition for the amendment of 10A N.C. Admin. Code 26B.0101(a), which reads in relevant part that "Area and State facilities shall comply with all Rules in this Subchapter; however, facilities, as defined in G.S. 122C-3, except Area and State facilities, shall comply only with Rules .0103(7) and .0111 of this Subchapter." The problem with that language is that Subchapter 26B does not have a Rule .0103(7). I believe that the correct citation is to Rule .0103(b)(7), which defines "Legitimate role in the therapeutic services offered." (My reasoning is that "legitimate role in the therapeutic services offered" appears in Rule .0111.)

To satisfy 10A N.C. Admin. Code 26A.0103, I offer the following information:

1) Change the reference to "Rule[] .0103(7)" in 10A N.C. Admin. Code 26B.0101(a) to refer to Rule .0103(b)(7). The statutory authority for this change is the authority under which the current version of 10A N.C. Admin. Code 26B.0101(a) was promulgated.

2) There is no Rule .0103(7).

3) None.

4) None.

5) None.

6) None.

7) I am petitioning on my own behalf. My address is:
   Roberts & Stevens, PA
   Attn: David Hawisher
   PO Box 7647
   Asheville, NC 28802

If you have any questions, please do not hesitate to contact me.

Very truly yours,

ROBERTS & STEVENS, PA

David Hawisher