

Policy Title: Interested Parties: Rules Adopted Pursuant to Administrative Procedures Act

Scope: To inform parties interested in the adoption, repeal, or amendment of Rules of the Department of Mental Health adopted pursuant to the Administrative Procedures Act (Mississippi Code of 1972, Section 25-43-1, et seq.) of the Department's procedure for such adoption, repeal, or amendment.

Policy: It shall be the policy of the Department of Mental Health that parties interested in the adoption, repeal or amendment of Department rules submit comments and request review of said rules in compliance with these procedures.

Procedure:

I. NOTICE TO INTERESTED PARTIES

Upon filing with the Secretary of State of the intent to adopt, repeal or amend a rule, the Department of Mental Health shall notify all persons who have submitted in writing to the agency a request to receive notification of such changes.

Written comments from interested parties

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should be submitted to the Executive Director or his designee prior to the expiration of the thirty (30) day comment period.

II. OPPONENTS OF PROPOSED ACTION

Opponents of proposed rule adoption, repeal or amendment who give timely notice (within the thirty (30) day comment period) of their desire to contest the making, amendment or repeal of such a rule, shall have an opportunity to present their views.

- A. Under this provision an opponent will submit written comments setting out the nature and reasons for such opposition. Comments should be submitted to the Executive Director within twenty (20) days of notification of opposition.
- B. Written comments in opposition will be presented to the Board prior to a request for final adoption for their consideration. Oral comments may be presented when deemed appropriate by the Board.

III. REVIEW OF ADVERSE RULING

Notification of Board action will be forwarded to opponents within ten (10) calendar days of Board's decision. Opponents of the Board's action may request a review of such action.

Such requests should be in writing and be accompanied by an explanation of the request and should be received by the Executive Director within ten (10) calendar days of opponent's receipt of Board's adverse ruling.

Board review under this section may be

based upon written documentation or may be presented orally, as deemed appropriate by the Board.

Board will review request for adverse ruling as soon as practical and notify opponent of its decision within ten (10) days.

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