

10A NCAC 06R .0804 DENIAL OR REVOCATION OF CERTIFICATE

- (a) A certificate shall be denied or revoked by the Division of Aging and Adult Services at any time for failure to comply with the rules of this Subchapter.
- (b) When a program fails to comply with the rules of this Subchapter at the time initial certification is requested, the certification shall be denied by the Division of Aging and Adult Services. A notice setting forth the particular reasons for the denial shall be delivered personally or by certified mail to the applicant. Such denial becomes effective 20 days after the receipt of the notice. If the provider appeals pursuant to Rule .0806 in this Subchapter, the Division of Aging and Adult Services shall reinstate a provider if applying for a renewal certificate, unless the health, safety and welfare of a participant is at risk as determined by the Division of Aging and Adult Services, until administrative appeals have been exhausted.
- (c) When the Division of Aging & Adult Services revokes a certificate when a violation has not been corrected by the date established by a corrective action plan, the Division of Aging & Adult Services shall issue a notice setting forth the particular reasons for the revocation and the notice shall be delivered personally or by certified mail to the applicant. Such revocation becomes effective 20 days after the receipt of the notice. If the provider appeals pursuant to Rule .0806 in this Subchapter, the Division of Aging & Adult Services shall reinstate the provider, unless the health, safety and welfare of a participant is at risk, until administrative appeals have been exhausted.
- (d) In accordance with 150B-3(c), if the Division finds that the health, safety, or welfare of the participants requires emergency action and incorporates this finding in its notice, the certificate shall be summarily suspended. Notice of the summary suspension shall be effected by serving the program director by personal delivery or certified mail. The summary suspension will be effective on the date specified in the notice or upon service of the notice, whichever is later.
- (e) When a program receives a notice of revocation, the program director shall inform each participant or caretaker of the notice and the reason for the revocation.

History Note: Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);
Eff. January 1, 1986;
Amended Eff. July 1, 2000; July 1, 1990;
Readopted Eff. September 1, 2019.