

10A NCAC 06R .0805 PENALTY

- (a) If the program is in willful violation as specified in Rule .0102 of this Subchapter, a penalty may be imposed.
- (b) The amount of the penalty, within the limitation established by G.S. 131D-6, shall be determined based on the degree and extent of the harm or potential harm caused by the willful violation.
- (1) Where a violation presents a clear and immediate danger to the participants a civil penalty of one hundred dollars (\$100.00) per day will be imposed effective from the day that corrective action was to have been completed.
 - (2) Where a violation has the potential to endanger the participants' health, safety or welfare a civil penalty of fifty dollars (\$50.00) per day will be imposed effective from the day that corrective action was to have been completed.
 - (3) Where a violation does not directly endanger the participants a civil penalty of ten dollars (\$10.00) per day will be imposed effective from the date on which corrective action was to have been completed.
- (c) The Division of Aging shall determine the penalty levied against a program based on the severity of the violation as described in (b) of this Rule and will notify the program by registered or certified mail. The penalty shall become due 20 days after receipt of the notice.

*History Note: Authority G.S. 131D-6; 143B-153;
Eff. January 1, 1986;
Amended Eff. July 1, 2000; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*