

10A NCAC 06R .0806 PROCEDURE FOR APPEAL

(a) When the program is notified by the Division of Aging and Adult Services of a negative action, the program may ask for an informal review by Division staff. For the purpose of this Rule, a "negative action" shall include a violation, statutory penalty, provisional certificate, termination, revocation, summary suspension, or denial. If the informal review is not, satisfactory to the governing body or its designee, the governing body or designee may request a hearing.

(b) The program may request a hearing with the Office of Administrative Hearings within 60 days after receipt of written notification from the Division of a negative action.

(c) Except as provided for in Rule .0804(d) of this Subchapter, upon receipt of a request for a hearing, the enforcement of the negative action shall be suspended pending the final decision or until the governing body or its designee has exhausted the appeal process.

(d) The petition for a hearing shall be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 and 26 NCAC 03 .0103.

*History Note: Authority G.S. 131D-6; 143B-153(2a); 143B-153(6); 150B-22;
Eff. January 1, 1986;
Amended Eff. July 1, 2000; March 1, 1992; July 1, 1990;
Readopted Eff. September 1, 2019.*