

10A NCAC 26A .0202 DEFINITIONS

As used in this Section, the following terms shall have the meaning specified:

- (1) "Agency" is the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS) or the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services.
- (2) "Contested case" means any agency proceeding which is an opportunity for an administrative appeal and in which the legal rights, duties or privileges of a party are required by law to be determined. In particular, this includes appeals under the following statutes:
 - (a) G.S. 122C-26 (exceptions to standards established by the Commission);
 - (b) G.S. 122C-24 (appeal from denial or revocation of a license);
 - (c) G.S. 122C-27 (determination of non-compliance with drug abuse standards); and
 - (d) G.S. 122C-151.2 (appeal from certain divisional actions).
- (3) "Hearing" means a contested case hearing as provided for in G.S. 150B-22 through G.S. 150B-37.
- (4) "Hearing officer" is the person appointed by the Director to conduct a hearing in accordance with the provisions of this Section.

*History Note: Authority G.S. 143B-10; 143B-147; 150B-22;
Eff. January 1, 1980;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*