

**10A NCAC 26C .0503 SUMMARY SUSPENSION**

- (a) The DMH/DD/SAS shall issue a written order of agency-wide, site-limited or service-specific summary suspension of state or federal mental health, developmental disabilities and substance abuse services funds and shall refer findings concerning licensed providers for investigation by the licensing agency, when it determines that a client's health, safety or welfare is in immediate jeopardy, as defined in 10A NCAC 27G .0602(5). Where funding is authorized by other public sources, the DMH/DD/SAS shall refer its findings to the funding authority and shall refer findings concerning licensed providers for investigation by the licensing agency, when it determines that a client's health, safety or welfare is in immediate jeopardy. The DMH/DD/SAS shall include its findings in the order or referral.
- (b) An order of summary suspension shall be effective on the date specified in the order or on the date of the first attempt to deliver notification at the last known address of the provider, whichever is later.
- (c) The order shall specify a date by which the provider shall remove the cause for the emergency action and authorization for funding shall resume.
- (d) The provider may contest the order by requesting a contested case hearing pursuant to G.S. 150B. Requesting a contested hearing does not stay the order for summary suspension.

*History Note: Authority G.S. 122C-112.1; 143B-139.1; 150B-21.1;  
Temporary Adoption Eff. July 1, 2003;  
Eff. July 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*