

**10A NCAC 27A .0109 RECOVERY OF DIVISION FUNDS IN NON-COMPLIANCE SITUATIONS**

- (a) The Division shall review all non-compliance situations occurring in area programs to determine if division funds were involved in the non-compliance situations. Non-compliance situations are those situations or actions that occur which are not in accordance with division, department, state, and federal rules, regulations, or statutes.
- (b) The Division's effective rate of participation, shall be determined in accordance with the Memorandum of Agreement.
- (c) Division participation in non-compliance situations shall be recovered through receipt of a check or by reducing the current year's payment of allocated division funds otherwise due the area program. The area program shall reimburse the Division within 60 days of being invoiced or notified of the required payback, unless notification of appeal is rendered by the Area Authority.
- (d) If the Director of the area program disagrees with the non-compliance decision, within 60 days of receipt of the notification of non-compliance, the Director of the area program may send to the Division Director a request for appeal pursuant to G.S. 122C-145, and 10 NCAC 1K .0900 (DHR Administrative Standards).
- (e) Pending the final agency decision on the appeal of the non-compliance decision, the Division shall not withdraw or reduce the amount of funds due the area program.

*History Note: Authority G.S. 122C-112; 122C-147;  
Eff. July 1, 1980;  
Amended Eff. February 1, 1996; April 1, 1990; July 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 25, 2016.*