

### **10A NCAC 70E .0708 REVOCATION AND DENIAL**

- (a) The licensing authority may revoke or deny licenses when an agency authorized by law to investigate allegations of abuse or neglect finds the foster parent has abused or neglected a child.
- (b) The licensing authority may revoke or deny a license when the foster home is not in compliance with licensing standards in this Subchapter.
- (c) The licensing authority shall base the revocation or denial on the following:
- (1) a child's circumstances;
  - (2) a child's permanency plan;
  - (3) the nature of the non-compliance; and
  - (4) the circumstances of the placement.
- (d) Foster parents shall be notified in writing of the reasons for the licensing authority's decision to revoke or deny a license. When a license has been revoked, foster parents shall submit their license to the supervising agency so it can be returned to the licensing authority.
- (e) The licensing authority may revoke or deny licensure to an applicant who has a finding that will place the applicant on the following:
- (1) Health Care Personnel Registry pursuant to G.S. 131E-256; or
  - (2) North Carolina Sex Offender and Public Protection Registry pursuant to Article 27A Part 2 of G.S. 14.
- (f) The licensing authority may also deny licensure to an applicant under any of the following circumstances:
- (1) the applicant was the owner of a licensable facility or agency pursuant to Chapter 122C, Chapter 131D, or Article 7 of Chapter 110 of the General Statutes, and that a facility or agency had its license revoked;
  - (2) the applicant is the owner of a licensable facility or agency and that facility or agency incurred a penalty for a Type A or B violation under G.S. 122C, Article 3;
  - (3) the applicant is the owner of licensable facility or agency that had its license summarily suspended or downgraded to provisional status as a result of violations under G.S. 122C-24.1(a), or G.S. 131D, Article 1A, or had its license summarily suspended or denied under G.S. 110, Article 7;
  - (4) the applicant was the owner of a licensable facility or agency pursuant to G.S. 122C, G.S. 131D, or G.S. 110, Article 7, who voluntarily relinquished that facility or agency's license after the initiation of revocation or summary suspension proceedings, or there is a pending appeal of a denial, revocation, or summary suspension of that facility or agency's license; or
  - (5) the applicant has as any part of its governing body or management an owner who previously held a license that was revoked or summarily suspended pursuant to G.S. 122C, G.S. 131D, or G.S. 110, Article 7.
- (g) The denial of licensure pursuant to Paragraph (f) of this Rule shall be in accordance with G.S. 122C-23(e1) and G.S. 131D-10.3(h). A copy of these statutes may be obtained through the internet at <http://www.ncleg.net/Statutes/Statutes.html>.
- (h) Appeal procedures specified in 10A NCAC 70L .0301 are applicable for persons seeking an appeal to the licensing authority's decision to revoke or deny a license. If the action is reversed on appeal, the application shall be approved back to the date of the denied application if all qualifications are met.

*History Note:* Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;  
Eff. September 1, 2007;  
Amended Eff. December 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.