

12 NCAC 09B .0608 APPEAL PROCEDURES

(a) If the Program Evaluation Committee renders an adverse decision other than deferral of action, the institution shall have the right to appeal as outlined in this Section. If the institution wishes to contest a deferral decision, it may bring such complaint before the Program Evaluation Committee and request notification of its decision. The institution may then appeal as outlined in Paragraphs (b) and (c) of this Rule.

(b) If the institution does not appeal the decision of the Program Evaluation Committee with regard to certification, it may reapply for certification after one year from the denial of certification.

(c) If the institution wishes to appeal the recommendation of the Program Evaluation Committee, it may rebut said recommendation before the Education and Training Committee of the commission in the following manner:

- (1) The institution shall notify the chairman of the commission in writing of its desire to rebut the Program Evaluation Committee's decision within ten days of the receipt of notification by the Program Evaluation Committee.
- (2) The chairman of the commission shall forward the request for rebuttal to the Chairman of the Education and Training Committee who shall schedule a Program Evaluation Committee hearing at the earliest possible time for consideration of the appeal.
- (3) Should the institution wish to appeal the decision of the Education and Training Committee, it may do so under the provisions of North Carolina General Statute 150B.
- (4) The Education and Training Committee recommendation and report from the hearing held under North Carolina General Statute 150B shall then be made to the Commission at its next regularly scheduled meeting.

History Note: *Authority G.S. 17C-6(b)(10);
Eff. January 1, 1985;
Amended Eff. September 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*