

**21 NCAC 18B .0904 ADMINISTRATIVE HEARING PROCEDURES**

The rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which the Board has authority to adopt rules under G.S. 150B-38(h). Provided, however, that if the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding administrative law judge in Title 26, Chapter 3 of the North Carolina Administrative Code and that 26 NCAC 3 .0101(2), .0102(a)(2), .0103, .0126 and .0128 shall not apply. Copies of Title 26, Chapter 3 of the North Carolina Administrative Code are on file in the Board's office and may be obtained therefrom at the Board's actual cost of copying and mailing.

*History Note: Authority G.S. 87-42; 87-47; 150B-21.6; 150B-38(h);  
Eff. October 1, 1988;  
Amended Eff. May 1, 1998;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016.*