

21 NCAC 48G .0502 REQUEST FOR HEARING

(a) When a person believes that his or her rights, duties, or privileges have been substantially affected by the Board's action without notice of a right to a contested case hearing being provided, that person may file with the Board a formal request for a hearing.

(b) Any person substantially affected or aggrieved by the Board's action or proposed action must file a request for a contested case hearing in the Board's office so that it is received by the Board within 30 days of the date such person receives notice of the Board's action or proposed action. For purposes of this Rule, "notice" is given by the Board and received by the person:

- (1) for an action taken or proposed to be taken by the entire Board, on the date notice of such action is personally delivered to or is mailed by the Board to the person at the last address provided to the Board;
- (2) for an action proposed by a committee of the Board, including a probable cause or investigatory committee, from the date the proposed resolution, proposal for settlement, or other proposed action is personally delivered to or is mailed to the person at the last known address provided to the Board. Provided, however, that if within 15 days of receipt of such notice the person proposes in writing to continue informal negotiations to settle the matters at issue, the Board or its committee handling such matter may, in its discretion, agree to toll the running of the 30 day period or extend the 30 day period on such terms as the Board deems appropriate;
- (3) for any person substantially affected by a decision of the Board concerning licensure, including an approval or rejection of an application form for licensure, or the failure to renew or reinstate a license, from the date notice of such decision is personally delivered to or is mailed to the person at the last address provided to the Board.

(c) To request a contested case hearing, the person shall submit a request bearing the following notations to the Board's office: **REQUEST FOR CONTESTED CASE HEARING**. The request shall contain the following information:

- (1) name and address of the petitioner,
- (2) a concise statement of the action taken by the Board which is challenged,
- (3) a concise statement of the way in which the petitioner has been aggrieved, and
- (4) a clear and specific statement of request for a hearing.

(d) The request will be acknowledged promptly and, if deemed appropriate by the Board in accordance with Rule .0503 of this Section, a hearing will be scheduled.

History Note: Authority G.S. 90-270.92; 150B-38;

Eff. October 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.