

SECTION .0500 - ADMINISTRATIVE HEARING PROCEDURES

21 NCAC 16N .0501 RIGHT TO HEARING

(a) When the Board acts or proposes to act in a manner that will affect the rights, duties, or privileges of a licensee or applicant, the licensee or applicant has a right to an administrative hearing.

(b) Except in contested cases for which the Board serves a notice of hearing in accordance with G.S. 150B-3 and 150B-38, the Board shall give the affected person notice of the right to a hearing by mail to the affected person's last known address. If the affected person desires a hearing, they shall request a hearing within 30 days of the date of the Board's notice of right to a hearing. The request shall be in writing, and shall contain a clear and specific statement of request for a hearing. The request shall be sent to the Board's office by email, fax, or delivery to the Board's mailing address, as set out in 21 NCAC 16A .0107. Upon receipt of the affected person's request for a hearing, the Board shall issue a notice of hearing in accordance with G.S. 150B-38 and Rule .0504 of this Section.

(c) The right to an administrative hearing does not apply to rulemaking or declaratory ruling proceedings, to applicants for reinstatement after revocation, or to applicants for license by comity or credentials pursuant to G.S. 90-36.

*History Note: Authority G.S. 90-41.1; 150B-3; 150B-38;
Eff. August 25, 1977;
Amended Eff. May 1, 1989; November 20, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. August 1, 2024; October 1, 2019.*