

**21 NCAC 17 .0507 NOTICE OF HEARING**

(a) The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):

- (1) the name, position, address, and telephone number of a person from the Board to contact for further information or discussion;
- (2) the date, time, and place for a pre-hearing conference, if any; and
- (3) any other information deemed relevant to informing the parties as to the procedure of the hearing.

(b) A party who has been served with a notice of hearing may file a written response with the Board in accordance with G.S. 150B-38(d). If the party desires to submit a written response instead of personally appearing at the hearing, the party shall state that desire in the written response, and the Board shall consider the written response in lieu of a personal appearance.

(c) If the party who has been given proper notice in accordance with Paragraph (a) of this Rule neither appears pursuant to the notice nor files and serves a written response as set out in Paragraph (b) of this Rule, the Board shall find the allegations of the notice admitted. The Board may continue the hearing or proceed with the hearing and make its decision based on the evidence presented.

(d) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license pursuant to G.S. 150B-3. Upon service of the order, the licensee to whom the order is directed shall immediately cease the practice of medical nutrition therapy in North Carolina. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42. However, pursuant to this Rule and Rule .0505 of this Section, a person subject to a summary suspension may request a hearing on whether the public health, safety, or welfare permits terminating or modifying the terms of the summary suspension pending a final agency decision. Neither an order of summary suspension nor a decision on whether the summary suspension order shall be terminated or modified is a final agency decision.

*History Note: Authority G.S. 90-356; 150B-3; 150B-38; 150B-40; 150B-42;  
Eff. January 1, 2023.*