

21 NCAC 46 .2006 NOTICE OF HEARING

(a) Before imposing final discipline under G.S. 90-85.38 on a person who holds a license, registration, permit, or other privilege issued by the Board, the Board shall file and serve a notice of hearing pursuant to G.S. 150B-38(b).

(b) A party who has been served with a notice of hearing may file and mail to all other parties a written response not less than 10 days before the date set for the hearing. If the party wishes to submit this 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 a party who has been served with a notice of hearing 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 rule the party to be in default and the allegations of the notice admitted. The Board may enter a final agency decision by default granting any relief available to the Board.

(d) If the Board determines that the public health, safety, or welfare requires action, it may summarily suspend a license, registration, permit, or other privilege granted by the Board. Upon service of the order, the licensee, registrant, or permit holder to whom the order is directed shall immediately stop practicing pharmacy and stop dispensing devices and medical equipment in North Carolina. Failure to receive the order shall not invalidate the order. The suspension shall remain in effect pending a final agency decision pursuant to G.S. 150B-42. However, pursuant to Rules .2004 and .2005 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. 90-85.6; 90-85.12; 90-85.38; 150B-3; 150B-38; 150B-40; 150B-42; Eff. July 1, 1988; Amended Eff. September 1, 1995; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. August 1, 2020.