

1 **10A NCAC 06R .0806 PROCEDURE FOR APPEAL**

2 (a) When the program is notified by the Division of Aging and Adult Services of a negative action, the program may  
3 ask for an informal review by division staff. If the review is not satisfactory, the program may request a hearing.

4 (b) The program may request a hearing within 60 days after receipt of written notification from the division of a  
5 negative action, by written notice through registered or certified mail to the Office of Administrative Hearings, ~~424~~  
6 ~~North Blount Street~~1724 New Hope Church Road, Raleigh, NC 27604~~9~~. In addition, at any time before the hearing,  
7 the Division of Aging and Adult Services may rescind the notice of negative action upon being satisfied that the  
8 reasons for such action have been corrected.

9 (c) Except as provided for in Rule .0804(d) of this Subchapter, upon receipt of a request for a hearing, the enforcement  
10 of the negative action shall be suspended pending final agency decision.

11 (d) The petition for a hearing shall be filed with the Office of Administrative Hearings in accordance with G.S.  
12 150B-23 and 26 NCAC 3 .0103. In accordance with G.S. 1A-1, Rule 4 (j) 4, the petition shall be served on a registered  
13 agent for service of process for the Department of Health and Human Services. A list of registered agents may be  
14 obtained from the Office of Legislative and Legal Affairs.

15 (e) Procedures for the processing of an appeal of an adverse certification action and for the final decision are specified  
16 in G.S. 150B, Article 3 and 10A NCAC 01.

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18 *History Note: Authority G.S. 131D-6; 143B-153;*  
19 *Eff. January 1, 1986;*  
20 *Amended Eff. July 1, 2000; March 1, 1992; July 1, ~~1990-1990~~;*  
21 *Readopted Eff. July 1, 2019.*  
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