

10A NCAC 13D .2106 DENIAL, AMENDMENT, OR REVOCATION OF LICENSE

- (a) The Department shall deny any licensure application upon becoming aware that the applicant is not in compliance with G.S. 131E, Article 9 and the rules adopted under that law.
- (b) The Department may amend a license by reducing it from a full license to a provisional license whenever the Department finds that:
- (1) the licensee has substantially failed to comply with the provisions of G.S. 131E, Article 6 and the rules promulgated under that article; and
 - (2) there is continued non-compliance after the third revisit.
- (c) The Department shall give the licensee written notice of the amendment to the license. This notice shall be given personally or by certified mail and shall set forth:
- (1) the length of the provisional license;
 - (2) a reference to the statement of deficiencies that contains the facts;
 - (3) the statutes or rules alleged to be violated; and
 - (4) notice of the facility's right to a contested case hearing on the amendment of the license.
- (d) The provisional license shall be effective as specified in the notice and shall be posted in a location within the facility, accessible to public view, in lieu of the full license. The provisional license shall remain in effect until:
- (1) the Department restores the licensee to full licensure status; or
 - (2) the Department revokes the licensee's license.
- (e) The Department may revoke a license whenever:
- (1) The Department finds that:
 - (A) the licensee has substantially failed to comply with the provisions of G.S. 131E, Article 6 and the rules promulgated under that article; and
 - (B) there continues to be non-compliance at the third revisit; or
 - (2) The Department finds that there has been any failure to comply with the provisions of G.S. 131E, Article 6 and the rules promulgated under that article that endanger the health, safety or welfare of the patients in the facility.
- (f) The issuance of a provisional license is not a procedural prerequisite to the revocation of a license pursuant to Paragraph (e) of this Rule.
- (g) The Department may, in accordance with G.S. 131E-232, petition to have a temporary manager appointed to operate a facility.

*History Note: Authority G.S. 131E-104;
Eff. January 1, 1996;
Amended Eff. January 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*