

10A NCAC 27G .0811 STATE MH/DD/SA APPEALS PANEL HEARING PROCEDURES

- (a) An informal hearing shall be held by the Panel no more than 30 business days after a written request for an informal hearing is received by the Chairman.
- (b) The informal hearing shall be held at a time and place designated by the Chairman.
- (c) The appellant and the LME shall be notified of the time and place of the informal hearing no less than 15 business days prior to the date of the informal hearing.
- (d) The Chairman of the Panel:
 - (1) shall convene the hearing at the prearranged time and place;
 - (2) may afford the opportunity for rebuttal and summary comments to either of the presenting parties;
 - (3) may limit the total number of persons presenting for the appellant and the LME; and
 - (4) may impose time limits for presentations.
- (e) Both the appellant and the LME shall attend the informal hearing.
- (f) The representative of the appellant and the LME shall:
 - (1) provide written notice to the Chairman of the Panel, specifying by name and position, all individuals who will attend the informal hearing no later than five business days before the hearing date;
 - (2) provide the Panel with any requested information; and
 - (3) ensure that a representative of the appellant and the LME will attend the informal hearing to make a presentation.
- (g) Any member of the Panel may address questions to the representatives of the appellant or of the LME.
- (h) All persons present at the informal hearing shall address only the Chairman or a specific member of the Panel who has addressed a specific question to that individual.
- (i) Direct exchanges between presenters for the appellant and the LME are prohibited.
- (j) No transcript shall be made and no party may record the proceeding.
- (k) The Panel may obtain any form of technical assistance or consultation relevant to the appeal.

*History Note: Authority G.S. 122C-151.4;
Eff. May 1, 1996;
Amended Eff. December 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*