

15A NCAC 18A .1834 INFORMAL REVIEW PROCESS

(a) If a permit holder disagrees with a decision of the local health department on the enforcement of the rules of this Section the permit holder may request an informal review in accordance with Paragraphs (b) and (c) of this Rule.

(b) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall state the issues in dispute. The informal review shall be conducted by a Registered Environmental Health Specialist authorized as an agent of the Department. If the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the lodging establishment is located, or when the county or area has only one Registered Environmental Health Specialist assigned to inspect lodging establishments, the Departmental Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As soon as possible, but no later than 30 days of receipt of the request, the person conducting the review shall:

- (1) Contact the permit holder;
- (2) Provide that permit holder an opportunity to be heard on the issues in dispute; and
- (3) Issue a written decision addressing the issues raised in the informal review.

Copies of the decision shall be delivered by the local health department to the permit holder and to the State Health Director. That decision shall be followed by the Department for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (c) of this Rule.

(c) Following receipt of the written decision issued pursuant to Paragraph (b) of this Rule, the permit holder who initiated the informal review may request a State informal review of the resulting decision to an Informal Review Officer employed by and designated by the Department as responsible for final decisions on requests for State informal review from throughout the State. Notice of the request for State informal review shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered to the local health department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (b) of this Rule. Within 35 days of receipt of this request for State informal review, the designated Informal Review Officer shall hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the State informal review and that decision shall be followed by the Department for purposes of future inspections of the establishment in question.

(d) If the informal review results in a change in the score resulting from an inspection of the establishment, the regulatory authority shall post a new grade card reflecting that new score.

(e) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .1831 of this Section.

(f) Nothing in this Rule shall prohibit the permit holder from seeking remedies as set forth under G.S. 150B.

History Note: Authority G.S. 130A-4; 130A-6; 130A-248; 248-249;
Eff. October 1, 2017.