

15A NCAC 18A .3639 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE

(a) If a Resident Camp manager disagrees with a decision of an environmental health specialist on the interpretation, application or enforcement of the rules of this Section, the camp manager may:

- (1) request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
- (2) initiate a contested case in accordance with G.S. 150B.

(b) The camp manager is not required to complete the informal review prior to initiating a contested case in accordance with G.S. 150B.

(c) When petition for a contested case is filed, the informal review process shall terminate.

(d) If the camp manager 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 briefly state the issues in dispute. In the event the inspection giving rise to the informal review was conducted by the environmental health supervisor in the county or area where the resident camp is located, or when the county or area has only one environmental health specialist assigned to inspect resident camps, the regional environmental health specialist assigned to that county or area shall conduct the local informal review. As soon as possible but at least within 30 days of receipt of the request, the person conducting the review shall contact the camp manager, provide that camp manager an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the camp manager and to the State Health Director. That decision shall be binding for the purposes of future inspections of the resident camp in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.

(e) Following receipt of the written decision of the environmental health supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the camp manager who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the State. Notice of such appeal shall be in writing, shall include a copy of the environmental health supervisor's or her or his 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 (a) of this Rule. Within 35 days of receipt of this appeal, the designated informal review officer shall hold a conference in Wake County. Notice of the time and place of this conference shall be provided to the camp manager and the environmental health supervisor for the county or area where the issue arose. Within ten days following the date of the conference, the informal review officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the resident camp in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.

(f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of a resident camp, the environmental health specialist shall post a new grade card reflecting that new score.

(g) Appeals of the decision of the designated informal review officer shall be in accordance with G.S. 150B.

(h) Nothing in this Rule shall impact the right of a camp manager to a reinspection pursuant to Rule .3605 of this Section.

History Note: Authority G.S. 130A-235; 130A-248;

Eff. October 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.