

SECTION .0500 – INVESTIGATIVE PROCESS, COMPLAINTS, AND ADMINISTRATIVE HEARINGS

21 NCAC 17 .0501 DEFINITIONS

As used in this Section:

- (1) "Good cause" related to motions or requests to continue or for additional time for responding includes:
 - (a) death or incapacitating illness of a party, or attorney of a party;
 - (b) a court order requiring a continuance;
 - (c) lack of proper notice of the hearing;
 - (d) a substitution of the representative or attorney of a party if the substitution is shown to be required;
 - (e) a change in the parties or pleadings requiring postponement; and agreement for a continuance by all parties if either more time is necessary to complete mandatory preparation for the case, such as authorized discovery, and the parties and the Board have agreed to new hearing date or parties have agreed to a settlement of the case that has been or is likely to be approved by the final decision maker; and
 - (f) where, for any other reason, either party has shown that the interests of justice require a continuance or additional time.
- (2) "Good cause" related to motions or requests to continue or for additional time for responding shall not include:
 - (a) intentional delay;
 - (b) unavailability of a witness if the witness testimony can be taken by deposition; and
 - (c) failure of the attorney or representative to properly utilize the statutory notice period to prepare for the hearing.
- (3) "Investigative Committee" means a Board committee composed of one licensed dietitian/nutritionist member of the Board, one licensed nutritionist member of the Board, and the public member of the Board. This Committee is charged with the duty of reviewing cases and complaints involving licensees, applicants for licensure, and all other allegations involving violations of the Dietetics/Nutrition Practice Act. The Investigative Committee shall be responsible for directing investigations and making recommendations to the Board regarding unresolved cases or complaints at regularly scheduled meetings.
- (4) "Licensee" means all persons to whom the Board has issued a license under Article 25 of Chapter 90 of the General Statutes.

History Note: Authority G.S. 90-356; 150B-38;
Eff. January 1, 2023.