

1 **10A NCAC 27I .0606 IS PROPOSED FOR AMENDMENT AS FOLLOWS:**

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5 **10A NCAC 27I .0606 HEARING SCHEDULE AND COMPOSITION OF THE PANEL**

6 (a) The Director shall ~~convene a five member panel to conduct a hearing for an~~ensure the Hearing Officer conducts  
7 appeal that is accepted in accordance with the requirements of Rule .0605 of this Section.

8 (b) ~~The panel members shall consist of the following:~~

9 (1) ~~— a provider agency representative who meets the following requirements:~~

10 (A) ~~— the representative shall be from a provider agency that is not be a party to the appeal; and~~

11 (B) ~~— the representative shall have clinical expertise in the disability area pertinent to the~~  
12 ~~appeal;~~

13 (2) ~~— an employee of an area authority or county program who meets the following requirements:~~

14 (A) ~~— the employee shall be from an area authority or county program that is not a party to the~~  
15 ~~appeal; and~~

16 (B) ~~— the employee shall have clinical expertise in the disability area pertinent to the appeal;~~

17 (3) ~~— two individuals who are members of a consumer and family advisory committee who is not a~~  
18 ~~party to the appeal; and~~

19 (4) ~~— an employee of the Division.~~Repealed.

20 (c) The Hearing Officer shall be an employee of the Division.~~Division shall serve as the chairperson of the panel~~  
21 ~~and shall be a voting member in the case of a tie.~~

22 (d) The Director shall forward the record on appeal and all supplemental documentation to the Hearing  
23 Officer~~chairperson of the panel~~ within five days of receipt thereof.

24 (e) The Director shall provide a copy of applicable law and rules to the Hearing Officer~~chairperson of the panel.~~

25 (f) The Hearing Officer~~chairperson~~ shall schedule a panel hearing including designation of a time and place.

26 (g) The Hearing Officer~~chairperson~~ shall notify the client, or the client's legally responsible person,~~other panel~~  
27 ~~members~~ and the area authority or county program of the time and place no less than 15 calendar days prior to the  
28 date of the hearing.

29 (h) The hearing may be conducted in person or virtually taking into account reasonable accommodations, including  
30 but not limited to, the following:

31 (1) compliance with HIPAA requirements;

32 (2) accommodation needs of the client;

33 (3) State mandated travel restrictions.

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35 *History Note: Authority G.S. 143B-147;*

36 *Eff. October 1, 2006;*

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*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24,  
~~2017-2017~~;  
Amended eff. May 1, 2024.*