

1 10A NCAC 14A .0302 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 14A .0302 GENERAL**

4 ~~(a) The Division has established an appeal process for nursing facility residents who have been notified of transfer or~~
5 ~~discharge. All residents who have~~ Any resident who has been advised of the date of a transfer or discharge in ~~writing,~~
6 ~~writing~~ may request that the ~~Division~~ Hearing Officer set a date for a ~~fair~~ hearing in accordance with ~~and subject to~~
7 these Rules. Hearing procedures are held in accordance with rules in 10A NCAC 22H .0200, which is herein
8 incorporated by reference, including subsequent amendments and editions. These Rules may be accessed free of
9 charge at <http://reports.oah.state.nc.us/ncac.asp>.

10 ~~(b) The Rules of Civil Procedure as contained in G.S. 1A-1 and the General Rules of Practice for the Superior and~~
11 ~~District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes~~
12 ~~shall not apply in any hearings held by the Division Hearing Officer unless another specific statute or rule provides~~
13 ~~otherwise. Division hearings are not hearings within the meaning of G.S. Chapter 150B and will not be governed by~~
14 ~~the provision of that Chapter unless otherwise stated in these Rules. Parties may be represented by counsel at the~~
15 ~~hearing.~~

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17 *History Note: Authority G.S. 143B-165(10); 42 U.S.C.S. 1396r(e)(3) and (f)(3); U.S.C. 1395i-3(c)(2)(B)(iii); 42*
18 *U.S.C. 1396r(e)(3); 42 U.S.C. 1396r(f)(3); 42 C.F.R. 483.12; CFR 483.15(c); G.S. 143B-165(10);*
19 *Eff. August 3, 1992-1992;*
20 *Readopted Eff. January 1, 2019.*