

Cabarrus Health Alliance

SUBJECT: **RULE MAKING AND ADJUDICATION FOR PUBLIC HEALTH AUTHORITY BOARD OF COMMISSIONERS**

EFFECTIVE DATE: March 12, 2013

REVISION(S):

DATES OF REVIEW: February 11, 2014, May 12, 2016, August 2, 2016, August 8, 2017

POLICY:

The Public Health Authority of Cabarrus County Board of Commissioners has the responsibility to protect and promote the public health and has the authority to adopt rules necessary for that purpose. The rules of Board apply to all municipalities within Cabarrus County. The Board follows the procedures outlined in the NC General Statutes 130A-39. In the advent that anyone appeals the enforcement of any rules adopted by the Board, the adjudication process described in the NC General Statutes 130A-24 is followed.

PROCEDURES:

I. Rule Making

- A. The Board can make a rule whenever the Board considers it necessary or when an issue is brought to them by the CEO/Public Health Director or other CHA staff.
- B. At least 10 days prior to adopting, amending, or repealing a rule, the Board must make the proposed rule available to the office of the Cabarrus County Clerk.
- C. A notice of the proposed rule must be published in a newspaper having general circulation in Cabarrus County at least 10 days prior to the adoption of the rule.
The notice will contain:
 1. A statement of the substance of the proposed rule or a description of the subjects and issues involved
 2. The proposed effective date of the rule
 3. A statement that a copy of the proposed rule is available at the Cabarrus Health Alliance or the website www.CabarrusHealth.org.
- D. The Board rule will become effective upon adoption unless a later effective date is specified in the rule.
- E. Copies of all rules are filed with the Secretary of the Board (CEO/Public Health Director).

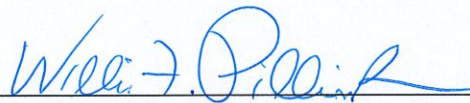
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II. Appeals Process

- A. Any person appealing the enforcement and/or the imposition of administrative penalties needs to give written notice of the appeal to the CEO/Public Health Director within 30 days of the challenged action. The notice should contain:
 1. Name and address of the aggrieved person
 2. A description of the challenged action
 3. A statement of the reasons why the challenged action is incorrect.
- B. The CEO/Public Health Director will, within five working days, transmit to the Board the notice of the appeal and any papers or materials upon which the challenged action was taken.
- C. The Board will hold a hearing within 15 days of the receipt of the notice of appeal, giving the aggrieved person at least 10 days' notice of the date, time and place of the hearing.
- D. On appeal, the Board had the authority to affirm, modify, or reverse the challenged action.
- E. The Board will issue a written decision based on the evidence presented at the hearing. The decision will contain a concise statement of the reasons for the decision.
- F. If the person wishes to contest the decision of the Board, he has the right of appeal to the district court within 30 days after the date of the decision by the Board. The scope of the review in district court is the same as in the NC General Statutes 150B-51.

August 8, 2017

Date



William F. Pilkington, DPA

CEO, Public Health Director

Secretary to the Public Health Authority of Cabarrus

County Board of Commissioners