

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

EFFECTIVE DATE: March 12, 2013

REVISION(S): June 20, 2023

REVIEW DATE(S): February 11, 2014; May 12, 2016; August 8, 2017; August 14, 2018;
August 13, 201; June 9, 2020; July 28, 2022, June 20, 2023

POLICY:

The Public Health Authority of Cabarrus County (“CHA”) Board of Commissioners (the “Board”) 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 event 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 Chief Executive Officer/Public Health Director (“CEO”) or other CHA staff.
- B. At least ten (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 ten (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 CHA principal office 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.

II. Copies of all rules are filed with the Secretary or Clerk to the Board

III. 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 within thirty (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 (5) 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 fifteen (15) days of the receipt of the notice

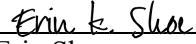
of appeal, giving the aggrieved person at least ten (10) days' notice of the date, time and place of the hearing.

D. On appeal, the Board had the authority to affirm, modify, or reverse the challenged action.

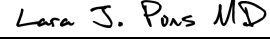
E. The Board will issue a written decision based on the evidence presented at the hearing. The decision will contain a concise statement of the reasons for the decision.

F. If the person wishes to contest the decision of the Board, he has the right of appeal to the district court within thirty (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.

June 20, 2023
Date

DocuSigned by:

Erin K. Shaw
Chief Executive Officer,
Cabarrus Health Alliance

June 20, 2023
Date

DocuSigned by:

Lara J. Pons, M.D.
Board Chairman,
Cabarrus Health Alliance