

1 10A NCAC 13D .2106 is proposed for readoption as follows:

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3 **10A NCAC 13D .2106 DENIAL, AMENDMENT, OR REVOCATION OF LICENSE**

4 (a) The Department shall deny any licensure application upon becoming aware that the applicant is not in compliance
5 with G.S. 131E, Article 9 and the rules adopted under that law.

6 (b) The Department may amend a license by reducing it from a full license to a provisional license whenever the
7 Department finds that:

8 (1) the licensee has substantially failed to comply with the provision of G.S. 131E, Article 6 and the
9 rules promulgated under that article; and

10 (2) there is continued non-compliance after the third revisit.

11 (c) The Department shall give the licensee written notice of the amendment to the license. This notice shall be given
12 personally or by certified mail and shall set forth:

13 (1) the length of the provisional license;

14 (2) a reference to the statement of deficiencies that contains the facts;

15 (3) the statutes or rules alleged to be violated; and

16 (4) notice of the facility's right to a contested case hearing on the amendment of the license.

17 (d) The provisional license shall be effective as specified in the notice and shall be posted in a location within the
18 facility, accessible to public view, in lieu of the full license. The provisional license shall remain in effect until:

19 (1) the Department restores the licensee to full licensure status; or

20 (2) the Department revokes the licensee's license.

21 (e) The Department may revoke a license whenever:

22 (1) The Department finds that:

23 (A) the licensee has substantially failed to comply with the provisions of G.S. 131E, Article 6
24 and the rules promulgated under that article; and

25 (B) there continues to be non-compliance at the third revisit; or

26 (2) The Department finds that there has been any failure to comply with the provisions of G.S. 131E,
27 Article 6 and the rules promulgated under that article that endanger the health, safety or welfare of
28 the patients in the facility.

29 (f) The issuance of a provisional license is not a procedural prerequisite to the revocation of a license pursuant to
30 Paragraph (e) of this Rule.

31 (g) The Department may, in accordance with G.S. 131E-232, petition to have a temporary manager appointed to
32 operate a facility.

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34 *History Note: Authority G.S. 131E-104;*

35 *Eff. January 1, 1996;*

36 *Amended Eff. January 1, 2013;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
2 *2015-2015:*
3 *Readopted Eff. August 1, 2026.*