

1 10A NCAC 21A .0304 is adopted under temporary procedures as follows:

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3 **10A NCAC 21A .0304 CONDUCTING DEPARTMENT APPEAL HEARINGS BY TELEPHONE OR**
4 **ELECTRONIC MEANS**

5 For public assistance and social services de novo appeals, including appeals of cases involving disability filed pursuant
6 to G.S. 108A-79(i):

7 (1) The Department shall conduct the appeal hearings by telephone or electronic means feasible to the
8 appellant and Department during a public health emergency declared under section 319 of the Public
9 Health Service Act, Pub. L. 98-49, or a state of emergency declared pursuant to G.S. 166A-19.20.

10 (2) The Department shall notify the appellant when the hearings are required to be conducted in this
11 manner by First Class U.S. Mail and make hearing arrangements considering the technology
12 medium available to the appellant.

13 (3) The Department shall continue such appeal hearings as necessary to fulfill procedural rights of the
14 appellant as defined by 42 C.F.R. 431.242, which is incorporated by reference including subsequent
15 amendments and editions, and available free of charge at <https://www.ecfr.gov>.

16 History note: Authority G.S. 108A-54;108A-79; 42 C.F.R. 431.205; 42 C.F.R. 431.240; 42 C.F.R. 431.242.

17 Emergency Adoption Eff. May 4, 2020;

18 Temporary Adoption Eff. June 26, 2020.