

1 10A NCAC 22H .0205 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 22H .0205 HEARING OFFICER'S FINAL DECISION**

4 (a) The Hearing Officer's final decision shall uphold or reverse the facility's decision. Copies of the final decision  
5 shall be mailed via certified mail to the parties.

6 (b) A party may appeal the Hearing Officer's final decision by filing a petition for judicial review in Wake County  
7 Superior Court or in the superior court of the county where the petitioner resides within 30 days of the date of the  
8 decision letter. Service is made by the placing of the decision in an official depository of the United States Postal  
9 Service and addressed to the person or entity at the last address provided. The Department as the decision maker in  
10 the appeal to the Hearing Unit shall not be a party of record.

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12 *History Note: Authority G.S. 108A-25(b); 42 USCS 1396r(e)(3), (f)(3); 42 C.F.R. Part 483, Subpart E; 483.12;*

13 *Eff. April 1, 1994; ~~1994.~~*

14 *Readopted Eff. May 1, 2018.*

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