

1 10A NCAC 22H .0305 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 22H .0305 HEARING OFFICER'S FINAL DECISION**

4 (a) The Hearing Officer's final decision shall uphold or reverse the Division of MH/DD/SAS' decision. Copies of the
5 final decision 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 U.S.C.S. 1395i-3(e)(3), ~~(e)(7)(F), (f)(3)~~; 42 U.S.C.S. 1396r(e)(3),*
13 *~~(e)(7)(F), (f)(3)~~; 42 C.F.R. 431.200; 42 C.F.R. Part 483, Subpart E; 42 C.F.R. 483.200; 42 C.F.R.*
14 *~~483.204; 42 C.F.R. 483.206;~~*
15 *Eff. October 1, 1994; 1994.*
16 *Readopted Eff. May 1, 2018.*

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