

Policy and Procedure
BUNCOMBE COUNTY HEALTH AND HUMAN SERVICES/DEPARTMENT OF HEALTH

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Category & Subcategory:	Administrative Policy and Procedure	Original Effective Date:	6-26-12	This Revision Effective:	8/22/14
Persons Affected	Buncombe County Board of Health and Human Services and Buncombe County Department of Health workforce members whose job duties require knowledge of adjudication processes related to local rules and ordinances				
Approval By/ Date	_____ Health Director		_____ Date		_____ Board of Health and Human Services Chair
Review Date & Initials	_____		_____		_____

	Date of Revision	Summary of Changes	Section
1.0 Revision History	7/18/14	Changed Board of Health to Buncombe County Board of Health and Human Services	Throughout
		Clarified Purpose	2.0
		Clarified Policy to reflect Accreditation standard	3.0
		Added date for Board review, discussion and adjudication	6.1.3
		Added consultation with legal counsel	6.1.4
		Added reference to North Carolina Local Health Department Accreditation Activity	7.5

2.0 Purpose

Public health agencies are required to provide a fair and equitable adjudication process for local rules and ordinances in compliance with North Carolina statutes. This policy outlines the process for the Buncombe County Health and Human Services (BCHHS) Board to review actions taken by Buncombe County Department of Health (BCDH) staff in regards to investigational findings and/or rule enforcement actions

3.0 Policy

The policy of BCDH is to ensure a fair and equitable method for adjudication by following these procedures to review actions taken by the BCHHS Board and involving legal counsel as needed in the process

4.0 Definitions

4.1. Adjudication – decide legally, to make an official decision about a problem or dispute, e.g. petition to appeal action taken by BCHHS Board.

5.0 Responsibilities

- 5.1. The BCHHS Board will follow adjudication procedures as outlined in statutes.
- 5.2. The Health Director will ensure that workforce comply with adjudication procedures as required by statutes.

6.0 Procedure

- 6.1. The Buncombe County Department of Health will follow the appeals procedures process as outlined in G.S. 130A-24 including:
 - 6.1.1. The adjudication process in each locally adopted rule will follow the adjudication process

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set forth in North Carolina General Statute 130A-24.

6.1.2. The Health Director shall give notice to the aggrieved party of the right of appeal and a copy of the process.

6.1.3. The BCHHS Board shall follow the adjudication process as set forth in each locally adopted rule and indicate a date that review, discussion and adjudication occurs

6.1.4 The Board shall consult with legal counsel during the adjudication process and document the involvement and outcome.

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7.0 Legal Authority/Guidance

7.1. NCGS 130A-24 Appeals procedure

7.2. NCGS 130A-34 Provision of public health services

7.3. NCGS 130A-39 Powers and duties of local Board of Health

7.4. NCGS 130A-41 Powers and duties of local Health Director

7.5 North Carolina Local Health Department Accreditation Activity 35.1