Adjudication

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1. **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. The purpose of this policy is to establish the adjudication process that public health agencies are required to provide as outlined in North Carolina General Statute (N.C.G.S.) §130A-24.

2. **Applicability**
   This policy applies to all Buncombe County Health and Human Services – Department of Health (BC HHS-DH) workforce and appointed Buncombe County Health and Human Services (BC HHS) Board members with direct or delegated/designated responsibility for the development and maintenance of departmental policies and procedures.

3. **Policy**
   This policy ensures a fair and equitable adjudication process, involving legal counsel, for the BC HHS Board to review actions taken by BC HHS-DH staff regarding investigational findings and/or rule enforcement actions.

4. **Policy Non-Compliance**
   BCHHS-DH workforce willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

   BCHHS Board members willfully violating the terms and conditions of this policy may be asked to resign from their board position. If the board member chooses not to resign, the BCHHS Board may vote to remove the member.

5. **Audit**
   All policies for Buncombe County may be subject to audit or review as outlined in the Internal Auditor's Statement.

All policies for BCHHS-DH are subject to review by the State Accreditation team during each accreditation cycle visit.

6. **Definitions**
   6.1. **Adjudication**: To decide legally, to make an official decision about a problem or dispute (e.g., petition to appeal action taken by BC HHS Board).
   6.2. **Buncombe County Health and Human Services - Department of Health (BC HHS-DH)**: A consolidated human services agency created pursuant to N.C.G.S. §153A-77 that has the responsibility to carry out the duties of a local health department and the authority to administer the local public health programs established in N.C.G.S. §130A in the same manner as a local health department.
   6.3. **Buncombe County Health and Human Services Board**: A consolidated local county board that carries out the responsibilities and duties of a local board of health except as noted in N.C.G.S. §130A-43.
   6.4. **Workforce**: Employees, volunteers, contract staff, and other persons whose conduct, in the performance of work for Buncombe County, is managed by Buncombe County. The County's management of these persons may include training and development, direction of work activities, provision of resources, and policy oversight.

7. **Approval and Revision History**

Policy Origination Date:	June 26, 2012	
Requires Board Approval:	☒Yes ☐No	
Board Approval Date:	Month DD, YYYY	
Chair, HHS Board		
Health Director	Ellis Matheson	
Revision History:		
12/2024	• Legal Authority added	• 8.
09/2023	• Renumbered policy to 2001.02; policy previously numbered 1001.97 • Reformatted • Updated template • Procedures removed from policy and listed in separate document	• Entire Document
09/2019	• Renumbered to 1001.97 to indicate this is a Board signed policy	• Policy
03/2018	• Removed Medical Director signature line	• Document
02/2017	• Changed agency name to Buncombe County Health and Human Services Department of Health (BCHHS-DH) • Transferred policy to new template	• Throughout
07/2014	• Changed Board of Health to Buncombe County Board of Health and Human Services • Clarified Purpose • Clarified Policy to reflect Accreditation standard. • Added date for Board review, discussion, and adjudication.	• Throughout • V • 2.0 • 3.0 • 6.1.3

	• Added consultation with legal counsel. • Added reference to N01ih Carolina Local Health Department Accreditation Activity	• 6.1.4 • 7.5

8. **Background/Legal Authority**
   8.1. 10A N.C.A.C. 48B .1302 Benchmark 35
      8.1.1. North Carolina Local Health Department Accreditation Activity 35.1 as outlined in current version of *Health Department Self-Assessment Instrument (HDSAI) Interpretation Document*
   8.2. N.C.G.S. §130A – 22, Administrative penalties
   8.3. N.C.G.S. §130A – 24, Appeals procedure
   8.4. N.C.G.S. §130A – 34, Provision of public health services
   8.5. N.C.G.S. §130A – 39, Powers and duty of a local board of health
   8.6. N.C.G.S. §130A – 41, Powers and duty of local health director
   8.7. N.C.G.S. §130A – 43, Consolidated human services agency; board; director
   8.8. N.C.G.S. §153A – 77, Authority of boards of commissioners over commissions, boards, agencies, etc.
   8.9. N.C.G.S.§150B-23(a), Commencement; assignment of administrative law judge; hearing required; notice; intervention
   8.10. N.C.G.S. §150B-51. Scope and standard of review