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March 28, 2012

E-Mail: [molly.masich@oah.nc.gov](mailto:molly.masich@oah.nc.gov)

VIA E-MAIL ONLY

Ms. Molly Masich  
Codifier of Rules  
N.C. Office of Administrative Hearings –  
Rules Division  
1711 New Hope Church Road  
Raleigh, NC 27609

Re: N.C. Department of Health and Human Services –  
Division of Medical Assistance  
Recodification of Rules

Dear Molly:

As we recently discussed, I am writing pursuant to 26 NCAC 02C .0408 to request the recodification of certain rules belonging to the N.C. Department of Health and Human Services – Division of Medical Assistance (“DMA”). Currently, all the administrative rules for DMA are located in Title 10A, Chapters 21 and 22. DMA is currently undertaking a major rewrite of all of its administrative rules. In so doing, it has determined that it would be beneficial at this time to restructure the manner in which the current rules are organized for purposes of clarity, as well as to make room for new rules which it plans to adopt in the near future.

DMA has three (3) chapters within Title 10A currently reserved – Chapters 23, 24 and 25. DMA is planning to utilize each of these new chapters in its recodification effort. Obviously, this is a substantial project. Therefore, in order to make it easier on everyone, including you, I am breaking this recodification up into sections. In the coming week, you will receive the various recodification proposals from me for all of Chapters 21 and 22. Each communication will contain a rule transfer crosswalk indicating where each current rule is being transferred, and reserving certain subchapters and sections for future codification. If there are rules within Chapters 21 or 22 which DMA plans on repealing in the future, we will not transfer those rules. Rather, we will leave them in their current location, and then repeal them in a future rulemaking action.

To that end, attached you will find the second request for recodification. This request includes the rules for the Clinical Policy section. These rules are currently contained in Title 10A, Subchapters 22H, 22M and 22O, and are being transferred to Title 10A, Chapter 25. The rule

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transfer crosswalk detailing this transfer is attached for your review, in a PDF format. If you would like to receive this crosswalk in an MS Excel format as well, please let me know and I will be happy to send it to you.

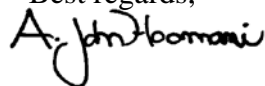
There are a number of rules in the crosswalk that are being combined into one (1) rule. In addition, there are two (2) individual rules that we are splitting into separate rules. Current rule 10A NCAC 22O .0401 is being broken into two (2) separate rules – 10A NCAC 22O .0401(a)-(d) will become 10A NCAC 25N .0201(a)-(d), and 10A NCAC 22O .0401(e) will become 10A NCAC 25Q .0201.

Next, current rule 10A NCAC 22O .0104 is being broken up into two (2) separate rules – 10A NCAC 22O .0104(1)-(3) will become 10A NCAC 25Q .0406, and 10A NCAC 22O .0104(4)-(5) will become 10A NCAC 25V .0201. For this rule, there is an introductory statement at the beginning of 10A NCAC 22O .0104 that will need to be moved to both 10A NCAC 25Q .0406 and 10A NCAC 25V .0201. The statement reads as follows: “Laboratory and x-ray services shall be covered to the extent permitted in federal Medicaid regulations and subject to the following conditions:”. This statement applies to all of the items listed in 10A NCAC 22O .0104, and so it is imperative that this statement be included in both of the new rules.

And finally, please note that there are two (2) rules that we plan to repeal in the future. Therefore, as referenced above, we are not transferring those rules. Rather, we are leaving them in their current location, and will repeal them in a future rulemaking action. The rules that we are not transferring are as follows:

10A NCAC 22O .0101 HOSPITAL INPATIENT  
10A NCAC 22O .0112 PSYCHIATRIC ADMISSION CRITERIA/MEDICAID  
BENEFICIARIES UNDER AGE 21

I hope you are doing well, and I appreciate your attention to this matter. If you have any questions or concerns about any of this information, please do not hesitate to contact me.

Best regards,  
  
A. John Hoomani

cc: Melanie E. Bush, NCDHHS – DMA, Assistant Director, Administration  
Teresa J. Smith, NCDHHS – DMA, Administrative Services Manager, Director’s Office  
Sandra Terrell, NCDHHS – DMA, Assistant Director, Clinical Policy and Programs

**N.C. D.H.H.S. – DIVISION OF MEDICAL ASSISTANCE**

**RULE TRANSFER CROSSWALK**

		current citation					new citation			
	Agency	DMA Section	Title	Sub Chpt.	Rule Citation	Rule Title	Status	Title	Sub Chpt.	Rule Citation
1.	DMA	Clinical Policy				MEDICAL ASSISTANCE PROVIDED		10A	25	
2.	DMA	Clinical Policy				GENERAL	Reserve	10A	25A	
3.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25A	.0100
4.	DMA	Clinical Policy				MEDICAL SERVICES	Reserve	10A	25A	.0200
5.	DMA	Clinical Policy	10A	22O	.0301	MEDICAL SERVICES	Transfer	10A	25A	.0201
6.	DMA	Clinical Policy				CRITICAL ACCESS BEHAVIOR HEALTH AGENCY (CABHA)	Reserve	10A	25B	
7.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25B	.0100
8.	DMA	Clinical Policy				BEHAVIORAL HEALTH/SUBSTANCE ABUSE	Reserve	10A	25C	
9.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25C	.0100
10.	DMA	Clinical Policy				MENTAL HEALTH CENTER SERVICES	Reserve	10A	25C	.0200
11.	DMA	Clinical Policy	10A	22O	.0107	MENTAL HEALTH CENTER SERVICES	Transfer	10A	25C	.0201
12.	DMA	Clinical Policy				INPATIENT PSYCHIATRIC HOSPITAL SERVICES	Reserve	10A	25C	.0300
13.	DMA	Clinical Policy	10A	22O	.0111	INPATIENT PSYCHIATRIC HOSPITAL SERVICES	Transfer	10A	25C	.0301
14.	DMA	Clinical Policy	10A	22O	.0113	NC MEDICAID CRITERIA FOR CONTINUED ACUTE STAY IN AN INPATIENT PSYCHIATRIC FACILITY	Transfer	10A	25C	.0302
15.	DMA	Clinical Policy				INTELLECTUAL AND DEVELOPMENTAL DISABILITIES	Reserve	10A	25D	
16.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25D	.0100
17.	DMA	Clinical Policy				INTERMEDIATE CARE FACILITIES	Reserve	10A	25D	.0200
18.	DMA	Clinical Policy	10A	22O	.0108	INTERMEDIATE CARE FACILITIES	Transfer	10A	25D	.0201 (a)-(b)
19.	DMA	Clinical Policy	10A	22O	.0408	INTERMEDIATE CARE FACILITIES	Transfer	10A	25D	.0201 (b)-(j)
20.	DMA	Clinical Policy				CHILDREN'S DEVELOPMENTAL SERVICE AGENCIES	Reserve	10A	25E	
21.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25E	.0100
22.	DMA	Clinical Policy				CASE MANAGEMENT	Reserve	10A	25F	
23.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25F	.0100
24.	DMA	Clinical Policy				GENERAL CASE MANAGEMENT	Reserve	10A	25F	.0200
25.	DMA	Clinical Policy	10A	22O	.0123	CASE MGMT SVCS/ADULTS/CHILDREN AT-RISK/ABUSE/	Transfer	10A	25F	.0201
26.	DMA	Clinical Policy				HIV CASE MANAGEMENT	Reserve	10A	25F	.0300
27.	DMA	Clinical Policy	10A	22O	.0124	HIV CASE MANAGEMENT	Transfer	10A	25F	.0301
28.	DMA	Clinical Policy				CONSOLIDATED WAIVER	Reserve	10A	25G	
29.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25G	.0100
30.	DMA	Clinical Policy				DENTAL SERVICES	Reserve	10A	25H	
31.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25H	.0100
32.	DMA	Clinical Policy				GENERAL	Reserve	10A	25H	.0200
33.	DMA	Clinical Policy	10A	22O	.0201	DEFINITIONS	Transfer	10A	25H	.0201
34.	DMA	Clinical Policy	10A	22O	.0203	ELIGIBILITY	Transfer	10A	25H	.0202
35.	DMA	Clinical Policy	10A	22O	.0202	STANDARDS FOR PARTICIPATION	Transfer	10A	25H	.0203
36.	DMA	Clinical Policy	10A	22O	.0204	AMOUNT: DURATION: AND SCOPE OF SERVICES	Transfer	10A	25H	.0204
37.	DMA	Clinical Policy	10A	22O	.0205	RESTRICTIONS AND PRIOR APPROVAL	Transfer	10A	25H	.0205
38.	DMA	Clinical Policy	10A	22O	.0211	PRIOR APPROVAL	Transfer	10A	25H	.0206
39.	DMA	Clinical Policy				SERVICES PROVIDED	Reserve	10A	25H	.0300
40.	DMA	Clinical Policy	10A	22O	.0206	GUIDELINES ON SERVICES	Transfer	10A	25H	.0301
41.	DMA	Clinical Policy	10A	22O	.0207	SPECIFIC GUIDELINES	Transfer	10A	25H	.0302

	Agency	DMA Section	current citation			Rule Title	Status	new citation		
			Title	Sub Chpt.	Rule Citation			Title	Sub Chpt.	Rule Citation
42.	DMA	Clinical Policy	10A	22O	.0208	ANESTHESIA	Transfer	10A	25H	.0303
43.	DMA	Clinical Policy	10A	22O	.0209	ANALGESIA	Transfer	10A	25H	.0304
44.	DMA	Clinical Policy	10A	22O	.0210	DRUGS	Transfer	10A	25H	.0305
45.	DMA	Clinical Policy				DURABLE MEDICAL EQUIPMENT	Reserve	10A	25I	
46.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25I	.0100
47.	DMA	Clinical Policy				DOCUMENTATION REQUIREMENTS	Reserve	10A	25J	
48.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25J	.0100
49.	DMA	Clinical Policy				DRUGS/PHARMACY	Reserve	10A	25K	
50.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25K	.0100
51.	DMA	Clinical Policy				PHARMACY SERVICES	Reserve	10A	25K	.0200
52.	DMA	Clinical Policy	10A	22O	.0118	PHARMACY SERVICES	Transfer	10A	25K	.0201
53.	DMA	Clinical Policy				DRUG USE REVIEW BOARD	Reserve	10A	25K	.0300
54.	DMA	Clinical Policy	10A	22M	.0101	ESTABLISHMENT	Transfer	10A	25K	.0301
55.	DMA	Clinical Policy	10A	22M	.0102	MEMBERSHIPS	Transfer	10A	25K	.0302
56.	DMA	Clinical Policy	10A	22M	.0103	CHAIRMEN	Transfer	10A	25K	.0303
57.	DMA	Clinical Policy	10A	22M	.0104	ACTIVITIES	Transfer	10A	25K	.0304
58.	DMA	Clinical Policy				PROSPECTIVE DRUG REVIEW	Reserve	10A	25K	.0400
59.	DMA	Clinical Policy	10A	22M	.0201	PATIENT COUNSELING	Transfer	10A	25K	.0401
60.	DMA	Clinical Policy				RETROSPECTIVE DRUG USE REVIEW (DUR)	Reserve	10A	25K	.0500
61.	DMA	Clinical Policy	10A	22M	.0301	RETROSPECTIVE DRUG USE REVIEW (DUR)	Transfer	10A	25K	.0501
62.	DMA	Clinical Policy	10A	22M	.0302	SCREENING AND PATTERN ANALYSIS	Transfer	10A	25K	.0502
63.	DMA	Clinical Policy	10A	22M	.0303	INTERVENTIONS	Transfer	10A	25K	.0503
64.	DMA	Clinical Policy	10A	22M	.0304	COMPLIANCE MONITORING	Transfer	10A	25K	.0504
65.	DMA	Clinical Policy				EARLY AND PERIODIC SCREENING, DIAGNOSTICS, AND TREATMENT (EPSDT)	Reserve	10A	25L	
66.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25L	.0100
67.	DMA	Clinical Policy				FACILITIES	Reserve	10A	25M	
68.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25M	.0100
69.	DMA	Clinical Policy				INPATIENT HOSPITAL SERVICES	Reserve	10A	25M	.0200
70.	DMA	Clinical Policy	10A	22O	.0401	(a)-(d) INPATIENT HOSPITAL SERVICES	Transfer	10A	25M	.0201 (a)-(d)
71.	DMA	Clinical Policy	10A	22O	.0114	NORTH CAROLINA SPECIALTY HOSPITAL SERVICES	Transfer	10A	25M	.0201 (e)
72.	DMA	Clinical Policy				OUTPATIENT HOSPITAL SERVICES	Reserve	10A	25M	.0300
73.	DMA	Clinical Policy	10A	22O	.0102	HOSPITAL OUTPATIENT	Transfer	10A	25M	.0301
74.	DMA	Clinical Policy				SKILLED NURSING FACILITY SERVICES	Reserve	10A	25M	.0400
75.	DMA	Clinical Policy	10A	22O	.0116	SKILLED NURSING FACILITY	Transfer	10A	25M	.0401 (a)-(c)
76.	DMA	Clinical Policy	10A	22O	.0403	SKILLED NURSING FACILITY SERVICES	Transfer	10A	25M	.0401 (d)
77.	DMA	Clinical Policy				OTHER FACILITIES	Reserve	10A	25M	.0500
78.	DMA	Clinical Policy	10A	22O	.0409	THERAPEUTIC LEAVE	Transfer	10A	25M	.0501
79.	DMA	Clinical Policy				HEARING AND VISION	Reserve	10A	25N	
80.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25N	.0100
81.	DMA	Clinical Policy				HEARING SERVICES	Reserve	10A	25N	.0200
82.	DMA	Clinical Policy	10A	22O	.0109	HEARING AID SERVICES	Transfer	10A	25N	.0201
83.	DMA	Clinical Policy				VISION SERVICES	Reserve	10A	25N	.0300
84.	DMA	Clinical Policy	10A	22O	.0105	EYEGASSES AND OPTOMETRIC SERVICES	Transfer	10A	25N	.0301
85.	DMA	Clinical Policy				HOME AND COMMUNITY-BASED SERVICES	Reserve	10A	25O	

	Agency	DMA Section	current citation			Rule Title	Status	new citation		
			Title	Sub Chpt.	Rule Citation			Title	Sub Chpt.	Rule Citation
86.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25O	.0100
87.	DMA	Clinical Policy				HOME HEALTH SERVICES	Reserve	10A	25O	.0200
88.	DMA	Clinical Policy	10A	22O	.0103	HOME HEALTH SERVICES	Transfer	10A	25O	.0201 (a)
89.	DMA	Clinical Policy	10A	22O	.0406	HOME HEALTH SERVICES	Transfer	10A	25O	.0201 (b)-(e)
90.	DMA	Clinical Policy	10A	22O	.0120	PERSONAL CARE SERVICES	Transfer	10A	25O	.0202 (a)-(b)
91.	DMA	Clinical Policy	10A	22O	.0410	PERSONAL CARE SERVICES	Transfer	10A	25O	.0202 (c)-(e)
92.	DMA	Clinical Policy	10A	22O	.0125	HOME INFUSION THERAPY	Transfer	10A	25O	.0203
93.	DMA	Clinical Policy	10A	22O	.0122	PRIVATE DUTY NURSING	Transfer	10A	25O	.0204
94.	DMA	Clinical Policy				MEDICAL-SURGICAL	Reserve	10A	25P	
95.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25P	.0100
96.	DMA	Clinical Policy				INPATIENT HOSPITAL SERVICES	Reserve	10A	25P	.0200
97.	DMA	Clinical Policy	10A	22O	.0401 (e)	INPATIENT HOSPITAL SERVICES	Transfer	10A	25P	.0201
98.	DMA	Clinical Policy				OUTPATIENT HOSPITAL SERVICES	Reserve	10A	25P	.0300
99.	DMA	Clinical Policy	10A	22O	.0402	OUTPATIENT HOSPITAL SERVICES	Transfer	10A	25P	.0301
100.	DMA	Clinical Policy				OTHER SERVICES	Reserve	10A	25P	.0400
101.	DMA	Clinical Policy	10A	22O	.0404	PHYSICIAN SERVICES	Transfer	10A	25P	.0401
102.	DMA	Clinical Policy	10A	22O	.0115	CLINIC SERVICES	Transfer	10A	25P	.0402
103.	DMA	Clinical Policy	10A	22O	.0106	CHIROPRACTIC SERVICES	Transfer	10A	25P	.0403
104.	DMA	Clinical Policy	10A	22O	.0405	PODIATRIST SERVICES	Transfer	10A	25P	.0404
105.	DMA	Clinical Policy	10A	22O	.0117	ABORTION	Transfer	10A	25P	.0405
106.	DMA	Clinical Policy	10A	22O	.0104 (1)-(3)	LABORATORY AND X-RAY SERVICES	Transfer	10A	25P	.0406
107.	DMA	Clinical Policy				MONEY FOLLOWS THE PERSON	Reserve	10A	25Q	
108.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25Q	.0100
109.	DMA	Clinical Policy				ORTHOTICS AND PROSTHETICS	Reserve	10A	25R	
110.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25R	.0100
111.	DMA	Clinical Policy				OUT-OF-STATE SERVICES	Reserve	10A	25S	
112.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25S	.0100
113.	DMA	Clinical Policy				OUT-OF-STATE SERVICES	Reserve	10A	25S	.0200
114.	DMA	Clinical Policy	10A	22O	.0119	OUT-OF-STATE SERVICES	Transfer	10A	25S	.0201
115.	DMA	Clinical Policy				PRIOR AUTHORIZATION PROCESS	Reserve	10A	25T	
116.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25T	.0100
117.	DMA	Clinical Policy				RADIOLOGY	Reserve	10A	25U	
118.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25U	.0100
119.	DMA	Clinical Policy				X-RAY SERVICES	Reserve	10A	25U	.0200
120.	DMA	Clinical Policy	10A	22O	.0104 (4)-(5)	LABORATORY AND X-RAY SERVICES	Transfer	10A	25U	.0201
121.	DMA	Clinical Policy				THERAPIES (PHYSICAL, OCCUPATIONAL, SPEECH AND RESPIRATORY)	Reserve	10A	25V	
122.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25V	.0100
123.	DMA	Clinical Policy				TRANSPORTATION	Reserve	10A	25W	
124.	DMA	Clinical Policy				RESERVED FOR FUTURE CODIFICATION	Reserve	10A	25W	.0100
125.	DMA	Clinical Policy				AMBULANCE SERVICES	Reserve	10A	25W	.0200
126.	DMA	Clinical Policy	10A	22O	.0110	AMBULANCE SERVICES	Transfer	10A	25W	.0201