
March 28, 2012

E-Mail: 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 first request for recodification. This request includes rules for the Recipient Services section. These rules are currently contained in Title 10A, Chapter 21, and are being transferred to Title 10A, Chapter 23. The rule transfer crosswalk detailing this

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Page 2 of 2

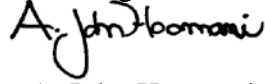
transfer is attached for your review, in a PDF format. If you would like to receive this crosswalk in an MS Excel format as well, please let me know and I will be happy to send it to you.

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 21B .0311 TRANSFER OF RESOURCES
10A NCAC 21B .0204 EFFECTIVE DATE OF ASSISTANCE

Also, the rules that are currently in Title 10A, Subchapter 21D involving Third-Party Recovery are also not being transferred yet. We are working with another DMA Section on those rules, and as soon as they are ready to be transferred, we will send you a separate notification.

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
Sheila B. Platts, NCDHHS – DMA, Assistant Director, Recipient and Provider Services
Andy Wilson, NCDHHS – DMA, Recipient and Provider Services

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	Recipient Services				GENERAL PROGRAM ADMINISTRATION	Reserve	10A	23A	
2.	DMA	Recipient Services				GENERAL	Reserve	10A	23A	.0100
3.	DMA	Recipient Services	10A	21A	.0101	SUPERVISION	Transfer	10A	23A	.0101
4.	DMA	Recipient Services	10A	21A	.0201	DEFINTIONS	Transfer	10A	23A	.0102
5.	DMA	Recipient Services	10A	21A	.0501	QUALITY ASSURANCE	Transfer	10A	23A	.0103
6.	DMA	Recipient Services	10A	21A	.0701	AVAILABILITY OF MANUALS	Transfer	10A	23A	.0104
7.	DMA	Recipient Services				BENEFITS	Reserve	10A	23B	
8.	DMA	Recipient Services				GENERAL	Reserve	10A	23B	.0100
9.	DMA	Recipient Services	10A	21C	.0101	MEDICAID IDENTIFICATION CARD	Transfer	10A	23B	.0101
10.	DMA	Recipient Services	10A	21C	.0102	ISSUANCE	Transfer	10A	23B	.0102
11.	DMA	Recipient Services				APPLICATION FOR MEDICAID BENEFITS	Reserve	10A	23C	
12.	DMA	Recipient Services				APPLICATION PROCESS	Reserve	10A	23C	.0100
13.	DMA	Recipient Services	10A	21B	.0201	ACCEPTANCE OF APPLICATION	Transfer	10A	23C	.0101
14.	DMA	Recipient Services	10A	21B	.0202	FACE-TO-FACE INTERVIEW	Transfer	10A	23C	.0102
15.	DMA	Recipient Services	10A	21B	.0205	RECOMMENDATION FOR DISPOSITION	Transfer	10A	23C	.0103
16.	DMA	Recipient Services	10A	21B	.0206	DISPOSITION	Transfer	10A	23C	.0104
17.	DMA	Recipient Services	10A	21B	.0207	REFERRALS AT A FACE-TO-FACE INTERVIEW	Transfer	10A	23C	.0105
18.	DMA	Recipient Services	10A	21B	.0208	MANDATORY USE OF OUTREACH LOCATIONS	Transfer	10A	23C	.0106
19.	DMA	Recipient Services	10A	21B	.0209	HOURS FOR ACCEPTING FINANCIAL AND MEDICAL ASSISTANCE APPLICATIONS	Transfer	10A	23C	.0107
20.	DMA	Recipient Services				APPLICATION PROCESSING, MONITORING AND CORRECTIVE ACTION	Reserve	10A	23C	.0200
21.	DMA	Recipient Services	10A	21B	.0203	APPLICATION PROCESSING STANDARDS	Transfer	10A	23C	.0201
22.	DMA	Recipient Services	10A	21A	.0605	MONITORING THRESHOLDS AND CORRECTIVE ACTION	Transfer	10A	23C	.0202
23.	DMA	Recipient Services	10A	21A	.0606	TIMELINESS	Transfer	10A	23C	.0203
24.	DMA	Recipient Services	10A	21A	.0607	LOCAL CORRECTIVE ACTION TEAM	Transfer	10A	23C	.0204
25.	DMA	Recipient Services	10A	21A	.0608	STATE CORRECTIVE ACTION TEAM	Transfer	10A	23C	.0205
26.	DMA	Recipient Services				MEDICAID ELIGIBILITY GROUPS AND CLASSIFICATION	Reserve	10A	23D	
27.	DMA	Recipient Services				COVERAGE GROUPS	Reserve	10A	23D	.0100
28.	DMA	Recipient Services	10A	21B	.0101	MANDATORY GROUPS	Transfer	10A	23D	.0101
29.	DMA	Recipient Services	10A	21B	.0102	OPTIONAL GROUPS	Transfer	10A	23D	.0102
30.	DMA	Recipient Services				CLASSIFICATION	Reserve	10A	23D	.0200
31.	DMA	Recipient Services	10A	21B	.0408	CLASSIFICATION	Transfer	10A	23D	.0201
32.	DMA	Recipient Services				MEDICAID ELIGIBILITY REQUIREMENTS	Reserve	10A	23E	
33.	DMA	Recipient Services				NON-FINANCIAL REQUIREMENTS	Reserve	10A	23E	.0100
34.	DMA	Recipient Services	10A	21B	.0301	AGE	Transfer	10A	23E	.0101
35.	DMA	Recipient Services	10A	21B	.0302	UNITED STATES CITIZEN	Transfer	10A	23E	.0102
36.	DMA	Recipient Services	10A	21B	.0303	RESIDENCE	Transfer	10A	23E	.0103
37.	DMA	Recipient Services	10A	21B	.0304	DEPRIVATION	Transfer	10A	23E	.0104
38.	DMA	Recipient Services	10A	21B	.0305	DISABILITY	Transfer	10A	23E	.0105

	Agency	DMA Section	current citation			Rule Title	Status	new citation		
			Title	Sub Chpt.	Rule Citation			Title	Sub Chpt.	Rule Citation
39.	DMA	Recipient Services	10A	21B	.0306	BLINDNESS	Transfer	10A	23E	.0106
40.	DMA	Recipient Services	10A	21B	.0307	CARETAKER RELATIVE	Transfer	10A	23E	.0107
41.	DMA	Recipient Services	10A	21B	.0308	INMATE OF PUBLIC INSTITUTION OR PRIVATE PSYCHIATRIC HOSPITAL	Transfer	10A	23E	.0108
42.	DMA	Recipient Services				FINANCIAL REQUIREMENTS	Reserve	10A	23E	.0200
43.	DMA	Recipient Services	10A	21B	.0309	APPLYING FOR ALL BENEFITS AND ANNUITIES	Transfer	10A	23E	.0201
44.	DMA	Recipient Services	10A	21B	.0310	RESERVE	Transfer	10A	23E	.0202
45.	DMA	Recipient Services	10A	21B	.0312	INCOME	Transfer	10A	23E	.0203
46.	DMA	Recipient Services	10A	21B	.0313	PERSONAL NEEDS ALLOWANCE	Transfer	10A	23E	.0204
47.	DMA	Recipient Services	10A	21B	.0401	BUDGET UNIT MEMBERSHIP	Transfer	10A	23E	.0205
48.	DMA	Recipient Services	10A	21B	.0402	FINANCIAL RESPONSIBILITY AND DEEMING	Transfer	10A	23E	.0206
49.	DMA	Recipient Services	10A	21B	.0403	RESERVE	Transfer	10A	23E	.0207
50.	DMA	Recipient Services	10A	21B	.0404	INCOME	Transfer	10A	23E	.0208
51.	DMA	Recipient Services	10A	21B	.0406	DEDUCTIBLE	Transfer	10A	23E	.0209
52.	DMA	Recipient Services	10A	21B	.0407	PATIENT LIABILITY	Transfer	10A	23E	.0210
53.	DMA	Recipient Services	10A	21B	.0410	ALIEN SPONSOR DEEMING	Transfer	10A	23E	.0211
54.	DMA	Recipient Services				TRANSFER OF ASSETS	Reserve	10A	23F	
55.	DMA	Recipient Services				MEDICAID CERTIFICATION, CORRECTION OF ELIGIBILITY AND REDETERMINATION OF ELIGIBILITY	Reserve	10A	23G	
56.	DMA	Recipient Services				MEDICAID CERTIFICATION	Reserve	10A	23G	.0100
57.	DMA	Recipient Services	10A	21B	.0405	CERTIFICATION AND AUTHORIZATION	Transfer	10A	23G	.0101
58.	DMA	Recipient Services				CORRECTION OF ERRONEOUS ELIGIBILITY	Reserve	10A	23G	.0200
59.	DMA	Recipient Services	10A	21A	.0601	GENERAL	Transfer	10A	23G	.0201
60.	DMA	Recipient Services	10A	21A	.0602	CORRECTIVE ACTIONS	Transfer	10A	23G	.0202
61.	DMA	Recipient Services	10A	21A	.0603	TIME LIMITS FOR CORRECTIONS	Transfer	10A	23G	.0203
62.	DMA	Recipient Services	10A	21A	.0604	RESPONSIBILITY FOR ERRORS	Transfer	10A	23G	.0204
63.	DMA	Recipient Services				REDETERMINATION OF ELIGIBILITY AND CHANGE IN SITUATION	Reserve	10A	23G	.0300
64.	DMA	Recipient Services	10A	21B	.0501	TIME AND CONTENT	Transfer	10A	23G	.0301
65.	DMA	Recipient Services	10A	21B	.0502	INTERVIEW	Transfer	10A	23G	.0302
66.	DMA	Recipient Services	10A	21B	.0503	RECOMMENDATION	Transfer	10A	23G	.0303
67.	DMA	Recipient Services	10A	21B	.0409	CHANGE IN SITUATION	Transfer	10A	23G	.0304
68.	DMA	Recipient Services				CONFIDENTIALITY AND ACCESS TO CLIENT RECORDS	Reserve	10A	23H	
69.	DMA	Recipient Services				GENERAL	Reserve	10A	23H	.0100
70.	DMA	Recipient Services	10A	21A	.0401	SCOPE	Transfer	10A	23H	.0101
71.	DMA	Recipient Services	10A	21A	.0402	INFORMATION FROM OTHER AGENCIES	Transfer	10A	23H	.0102
72.	DMA	Recipient Services	10A	21A	.0403	CONFIDENTIALITY	Transfer	10A	23H	.0103
73.	DMA	Recipient Services	10A	21A	.0404	OWNERSHIP OF RECORDS	Transfer	10A	23H	.0104
74.	DMA	Recipient Services	10A	21A	.0405	SECURITY OF RECORDS	Transfer	10A	23H	.0105
75.	DMA	Recipient Services	10A	21A	.0406	LIABILITY OF PERSONS WITH ACCESS	Transfer	10A	23H	.0106
76.	DMA	Recipient Services	10A	21A	.0407	RIGHT OF ACCESS	Transfer	10A	23H	.0107
77.	DMA	Recipient Services	10A	21A	.0408	WITHHOLDING INFORMATION FROM THE CLIENT	Transfer	10A	23H	.0108
78.	DMA	Recipient Services	10A	21A	.0409	PROCEDURE FOR REVIEW OF RECORDS	Transfer	10A	23H	.0109
79.	DMA	Recipient Services	10A	21A	.0410	CONSENT FOR RELEASE	Transfer	10A	23H	.0110

	Agency	DMA Section	current citation			Rule Title	Status	new citation		
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80.	DMA	Recipient Services	10A	21A	.0411	DISCLOSURE WITHOUT CLIENT CONSENT	Transfer	10A	23H	.0111
81.	DMA	Recipient Services	10A	21A	.0412	DOCUMENTATION OF CONSENT OR DISCLOSURE	Transfer	10A	23H	.0112
82.	DMA	Recipient Services	10A	21A	.0413	PERSONS DESIGNATED TO DISCLOSE INFORMATION	Transfer	10A	23H	.0113