



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**  
Division of Health Benefits

**ROY COOPER** • Governor  
**MANDY COHEN, MD, MPH** • Secretary  
**DAVE RICHARD** • Deputy Secretary, NC Medicaid

## MEMORANDUM

**FROM:** Ryan Eppenberger, DHB Interim Rulemaking Coordinator  
**TO:** North Carolina Rules Review Commission  
**DATE:** February 14, 2019  
**RE:** Readoption of 10A NCAC 22F .0301

---

On January 2, 2018, the Division of Medical Assistance of the North Carolina Department of Health and Human Services, as part of the readoption process laid out in N.C.G.S. § 150B-21.3A(c), proposed readopting rules from 10A NCAC Chapters 21 and 22, including 22F .0301.

Following the receipt of oral and written comments, 10A NCAC 22F .0301 was formally readopted by DMA on March 29, 2018.

The rule was objected to by the RRC at its June 14, 2018, August 16, 2018, and September 20, 2018 meetings. At its November 15, 2018 meeting, the rule was approved by the RRC, but the RRC found that the changes made to the rule in response to their objection amounted to substantial changes as referenced in 150B-21.12(c). As such, it was determined this rule must be “published and reviewed in accordance with the procedure set forth in G.S. 150B-21.1(a3) and (b).”

On January 2, 2019, the agency began this process by submitting the rule to the RRC for publication on its website, which was done on January 7, 2019.

The agency solicited comments from the public between January 7, 2019 and January 31, 2019.

Additionally, the agency held a public hearing on the rule on January 25, 2019.

The agency has considered the comments received from the public and determined it wishes to readopt the rule as presented to and approved by the Rules Review Commission on November 15, 2018.

NC MEDICAID  
NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH BENEFITS

LOCATION: 333 E. Six Forks Road, Raleigh NC 27609  
MAILING ADDRESS: 2501 Mail Service Center, Raleigh NC 27699-2001  
www.ncdhhs.gov • TEL: 919-814-0090 • FAX: 919-814-0032  
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER