



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6700

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

July 19, 2019

Shazia Keller, Rulemaking Coordinator  
Division of Health Benefits  
**Sent via email only: Shazia.Keller@dhhs.nc.gov**

Re: Objection to Rule 10A NCAC 23G .0304

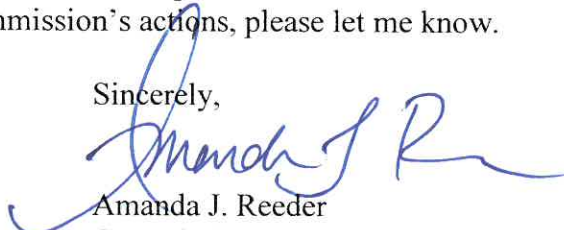
Dear Ms. Keller:

At its meeting yesterday, the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to the Rule for ambiguity. Specifically, the Commission found that the Rule is unclear if the individuals addressed in Paragraph (b) will receive the notice required by Paragraph (a). In addition, it is unclear if the term "change of situation" is intended to apply to Paragraph (b), as that term is not used in the Paragraph; instead, Paragraph (b) refers to "a change in the budget unit's situation."

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

Sincerely,



Amanda J. Reeder  
Commission Counsel

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

1 10A NCAC 23G .0304 is readopted with changes as published in 33:13 NCR 1381-1392 as follows:

2  
3 **10A NCAC 23G .0304 CHANGE IN SITUATION**

4 (a) For Medicaid applications, once the county department of social services learns from any source that there has  
5 been a change in the budget unit's situation that impacts eligibility, they shall notify the applicant within five business  
6 work days of the need to obtain verification, as defined by 10A NCAC 23A .0102, of verify the change. For the  
7 purposes of this Rule, a A "change in situation" includes: change in [of] situation includes but not limited to:

- 8 (1) Change of ~~address,~~ address; ~~or~~
- 9 (2) Change in living ~~arrangement,~~ arrangement; ~~or~~
- 10 (3) Adding or deleting a budget unit ~~member,~~ member; ~~or~~
- 11 (4) Increase or decrease in ~~income,~~ income; ~~or~~
- 12 (5) Change in ~~reserve,~~ reserve; ~~or~~
- 13 (6) Cessation of disability or ~~blindness,~~ blindness; ~~or~~
- 14 (7) Parent or parents are no longer incapacitated or ~~unemployed,~~ unemployed; ~~or~~
- 15 (8) Change in responsible ~~relative,~~ relative; ~~or~~
- 16 (9) Change in Medicaid Aid ~~program category.~~ Program Category.

17 (b) For an ongoing Medicaid case, once the county department of social services learns from any source that there  
18 has been a change in the budget unit's situation, situation it they shall review the case ~~promptly~~ and ~~appropriate~~ action  
19 shall be completed within 30 calendar days after the agency learns of the change. ~~change in situation.~~

20 (c) The Medicaid client or his or her representative shall report any change in situation that affects ~~might affect~~  
21 eligibility ~~within 10 calendar days~~ to the county department of social services within 10 calendar days of knowledge  
22 the change. ~~services.~~

23  
24 *History Note: Authority G.S. 108A-54; 108A-54.1B; 42 C.F.R. 435.916;*  
25 *Eff. September 1, 1984;*  
26 *Amended Eff. August 1, 1990;*  
27 *Temporary Amendment Eff. August 22, 1996;*  
28 *Amended Eff. August 1, 1998;*  
29 *Transferred from 10A NCAC 21B .0409 Eff. May 1, 2012; ~~2012.~~*  
30 *Readopted Eff. June 1, May 1, 2019.*  
31  
32  
33  
34

## REQUEST FOR TECHNICAL CHANGE

AGENCY: DHHS/ Division of Health Benefits

RULE CITATION: 10A NCAC 23G .0304

### **DEADLINE FOR RECEIPT: Friday, May 10, 2019**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 7, put "change of situation" in quotation marks.*

*Also on line 7, delete "but not limited to" and just state "includes:"*

*In (a)(5), line 12, remove the underlining from "reserve"*

*In (a)(9), what is "Program Category" and why is it capitalized?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: April 29, 2019

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