

G.S. 150B-21.3A Report for 10A NCAC Chapter 22, MEDICAL ASSISTANCE ELIGIBILITY

Agency - Department of Health and Human Services

Comment Period - Filled in by agency

Date Submitted to APO - Filled in by RRC staff

Subchapter or Blank	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 22A – IDENTIFYING INFORMATION		10A NCAC 22A .0101	SCOPE	Amended Eff. May 1, 1990	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431.10	No	Necessary without substantive public interest
SUBCHAPTER 22B – PROVIDER ISSUES	SECTION .0100 - GENERAL	10A NCAC 22B .0101	INSTITUTIONAL HEALTH SERVICES	Recodified from 10 NCAC 26B .0126 Eff. January 1, 1998	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		10A NCAC 22B .0102	COORDINATION WITH TITLE XVIII	Amended Eff. June 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		10A NCAC 22B .0103	INSTITUTIONAL STANDARDS	Readopted Eff. October 31, 1977	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 440.10	No	Necessary with substantive public interest
		10A NCAC 22B .0104	TIME LIMITATION	Amended Eff. June 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447.45	No	Necessary with substantive public interest
		10A NCAC 22B .0105	OVERUTILIZER IDENTIFICATION	Amended Eff. May 1, 1990	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	SECTION .0200 - MANUALS AND FORMS	10A NCAC 22B .0201	MANUALS	Readopted Eff. October 31, 1977	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		10A NCAC 22B .0202	FORMS	Readopted Eff. October 31, 1977	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 22C – AMOUNT: DURATION: AND SCOPE OF ASSISTANCE		10A NCAC 22C .0101	COST SHARING	Amended Eff. May 1, 1990	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447.50	Yes	Necessary with substantive public interest
		10A NCAC 22C .0102	MEDICALLY NEEDED	Readopted Eff. October 31, 1977	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 440.220; 42 C.F.R. 440.240	Yes	Necessary with substantive public interest
		10A NCAC 22C .0103	CATEGORICALLY NEEDED	Readopted Eff. October 31, 1977	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 440.210	No	Necessary with substantive public interest
		10A NCAC 22C .0104	HEALTH INSURING ORGANIZATIONS	Readopted Eff. October 31, 1977	Unnecessary	No		No	Unnecessary
SUBCHAPTER 22D – RECIPIENT ISSUES		10A NCAC 22D .0101	CO-PAYMENT	Amended Eff. April 1, 2003	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447, Subpart A	No	Necessary with substantive public interest
SUBCHAPTER 22E - COOPERATIVE AGREEMENTS		10A NCAC 22E .0101	DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES	Amended Eff. August 1, 1990	Unnecessary	No		No	Unnecessary
		10A NCAC 22E .0102	VOCATIONAL REHABILITATION	Amended Eff. August 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 22E .0103	MENTAL HEALTH, DEVELOP/DISABILITIES/SUBSTANCE ABUSE SVCS	Amended Eff. August 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		10A NCAC 22E .0104	FACILITY SERVICES	Amended Eff. August 1, 1990	Unnecessary	No		No	Unnecessary
		10A NCAC 22E .0105	BLUE CROSS AND BLUE SHIELD	Amended Eff. August 1, 1990	Unnecessary	No		No	Unnecessary
SUBCHAPTER 22F - PROGRAM INTEGRITY	SECTION .0100 - GENERAL	10A NCAC 22F .0101	SCOPE	Amended Eff. May 1, 1990	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.1	No	Necessary without substantive public interest
		10A NCAC 22F .0102	ORGANIZATION	Amended Eff. May 1, 1984	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.1	No	Necessary without substantive public interest
		10A NCAC 22F .0103	FUNCTIONS	Eff. May 1, 1984	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455, Subpart A	No	Necessary without substantive public interest
		10A NCAC 22F .0104	PREVENTION	Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455, Subpart A	No	Necessary with substantive public interest
		10A NCAC 22F .0105	DETECTION	Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455	No	Necessary with substantive public interest
		10A NCAC 22F .0106	CONFIDENTIALITY	Amended Eff. May 1, 1990	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455	No	Necessary with substantive public interest
		10A NCAC 22F .0107	RECORD RETENTION	Eff. April 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431.107(1); 42 C.F.R. 455, Subpart A	No	Necessary with substantive public interest
	SECTION .0200 - PROVIDER FRAUD AND PHYSICAL ABUSE OF RECIPIENTS	10A NCAC 22F .0201	DEFINITION OF PROVIDER FRAUD	Amended Eff. May 1, 1990	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.2	No	Necessary with substantive public interest
		10A NCAC 22F .0202	INVESTIGATION	Amended Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455, Subpart A	No	Necessary with substantive public interest
		10A NCAC 22F .0203	REFERRAL TO LAW ENFORCEMENT AGENCY	Amended Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.14; 42 C.F.R. 455.15	No	Necessary with substantive public interest
	SECTION .0300 - PROVIDER ABUSE	10 NCAC 22F .0301	DEFINITION OF PROVIDER ABUSE	Amended Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455, Subpart C	No	Necessary with substantive public interest
		10A NCAC 22F .0302	INVESTIGATION	Amended Eff. July 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.14; 42 C.F.R. 455.15	No	Necessary with substantive public interest
	SECTION .0400 - AGENCY RECONSIDERATION REVIEW	10A NCAC 22F .0401	PURPOSE	Transferred and Recodified from 10 NCAC 261 .0201 Eff. July 1, 1995	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 456	No	Necessary without substantive public interest

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		10A NCAC 22F .0402	RECONSIDERATION REVIEW FOR PROGRAM ABUSE	Amended Eff. November 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.512	No	Necessary with substantive public interest
		10A NCAC 22F .0403	PROCESS	Transferred and Recodified from 10 NCAC 261 .0202 Eff. July 1, 1995	Unnecessary	No		No	Unnecessary
	SECTION .0500 - PEER REVIEW	10A NCAC 22F .0501	GENERAL	Amended Eff. May 1, 1990	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0502	PEER REVIEW ESTABLISHED	Amended Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0503	CHOICE OF PROCEDURES	Amended Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0504	COMPOSITION OF PEER REVIEW BOARD	Amended Eff. May 1, 1990	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0505	NOTICE OF PEER REVIEW	Amended Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0506	VENUE	Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0507	DOCUMENTATION	Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0508	PEER REVIEW PROCEDURES	Amended Eff. May 1, 1990	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0509	DISQUALIFICATION OF BOARD MEMBERS	Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0510	FAILURE OF PROVIDER TO ATTEND THE REVIEW	Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
	SECTION .0600 - ADMINISTRATIVE SANCTIONS AND RECOUPMENT	10A NCAC 22F .0601	RECOUPMENT	Amended Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R 431, Subpart Q; 42 C.F.R. 455, Subpart F	No	Necessary with substantive public interest
		10A NCAC 22F .0602	ADMINISTRATIVE SANCTIONS AND REMEDIAL MEASURES	Amended Eff. December 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431; 42 C.F.R. 455	No	Necessary with substantive public interest
		10A NCAC 22F .0603	PROVIDER LOCK-OUT	Amended Eff. December 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431; 42 C.F.R. 455	No	Necessary with substantive public interest
		10A NCAC 22F .0604	WITHHOLDING OF MEDICAID PAYMENTS	Amended Eff. December 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431; 42 C.F.R. 455.23	No	Necessary with substantive public interest
		10A NCAC 22F .0605	TERMINATION	Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.416	No	Necessary with substantive public interest
		10A NCAC 22F .0606	TECHNIQUE FOR PROJECTING MEDICAID OVERPAYMENTS	Amended Eff. August 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455, Subpart F	No	Necessary with substantive public interest
	SECTION .0700 - RECIPIENT FRAUD AND ABUSE	10A NCAC 22F .0701	DEFINITION OF FRAUD AND ABUSE	Amended Eff. May 1, 1990	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431; 42 C.F.R. 455; 42 C.F.R. 456	No	Necessary without substantive public interest
		10A NCAC 22F .0702	GENERAL	Eff. May 1, 1984	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431; 42 C.F.R. 455; 42 C.F.R. 456	No	Necessary without substantive public interest
		10A NCAC 22F .0703	WARNING NOTIFICATION	Eff. May 1, 1984	Unnecessary	No		No	Unnecessary

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		10A NCAC 22F .0704	RECIPIENT MANAGEMENT LOCK-IN SYSTEM	Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431; 42 C.F.R. 455; 42 C.F.R. 456	No	Necessary with substantive public interest
		10A NCAC 22F .0705	OVERUTILIZATION SURVEILLANCE (SUR INDICATOR)	Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22F .0706	RECOUPMENT OF OVERPAYMENTS	Eff. May 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431; 42 C.F.R. 455; 42 C.F.R. 456	No	Necessary with substantive public interest
		10A NCAC 22F .0707	REPORTS AND REVIEWS	Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
SUBCHAPTER 22G – REIMBURSEMENT PLANS	SECTION .0100 – REIMBURSEMENT FOR NURSING FACILITY SERVICES	10A NCAC 22G .0101	REIMBURSEMENT PRINCIPLES	Temporary Amendment Eff. June 26, 2003	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0102	RATE SETTING METHODS	Amended Eff. January 1, 2005	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0103	REASONABLE AND NON-ALLOWABLE COSTS	Amended January 1, 2005	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0104	COST REPORTING: AUDITING	Amended Eff. January 1, 2005	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0105	CASE-MIX INDEX CALCULATION	Amended Eff. January 1, 2005	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0106	RECONSIDERATION REVIEWS	Amended Eff. February 1, 2005	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0107	PAYMENT ASSURANCE	Amended Eff. January 1, 2005	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0108	REIMBURSEMENT METHODS FOR STATE- OPERATED FACILITIES	Amended Eff. January 1, 2005	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447, Subpart C	No	Necessary with substantive public interest
		10A NCAC 22G .0109	PROVIDER ASSESSMENT	Eff. January 1, 2005	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 433, Subpart B	No	Necessary with substantive public interest
		10A NCAC 22G .0110	DEFINITIONS	Eff. January 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 – HOSPITAL INPATIENT REIMBURSEMENT PLAN	10A NCAC 22G .0201	REIMBURSEMENT PRINCIPLES	Eff. February 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0202	DRG RATE SETTING METHODOLOGY	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0203	EXCEPTIONS TO DRG REIMBURSEMENT	Amended Eff. April 1, 2003	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0204	DISPROPORTIONATE SHARE HOSPITALS (DSH)	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0205	OUT OF STATE HOSPITALS	Eff. February 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0206	SPECIAL SITUATION	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0207	COST REPORTING AND AUDITS	Eff. February 1, 1995	Unnecessary	No		No	Unnecessary

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		10A NCAC 22G .0208	ADMINISTRATIVE RECONSIDERATION REVIEWS	Eff. February 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447, Subpart C	No	Necessary with substantive public interest
		10A NCAC 22G .0209	BILLING STANDARDS	Eff. February 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0210	PAYMENT OF MEDICARE PART A DEDUCTIBLES	Eff. February 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0211	PAYMENT ASSURANCES	Eff. February 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0212	PROVIDER PARTICIPATION	Eff. February 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0213	PAYMENT IN FULL	Eff. February 1, 1995	Unnecessary	No		No	Unnecessary
	SECTION .0300 - ICF-MR PROSPECTIVE RATE PLAN	10A NCAC 22G .0301	PAYMENT FOR SERV-PROSPECTIVE REIMBURSEMENT PLAN ICF-MR FACILITIES	Amended Eff. November 1, 1993	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0302	REPORTING REQUIREMENTS	Amended Eff. August 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0303	REQUIREMENTS FOR FINANCIAL RECORDS	Amended Eff. November 1, 1993	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0304	RATE SETTING METHOD FOR NON-STATE FACILITIES	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0305	ALLOWABLE COSTS	Amended Eff. August 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0306	PAYMENT ASSURANCE	Eff. November 1, 1993	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0307	REIMBURSEMENT METHODS FOR STATE-OPERATED FACILITIES	Temporary Amendment Eff. June 26, 2003	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0308	RATE APPEALS	Amended Eff. August 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0309	AUDITS	Amended Eff. August 1, 1995	Unnecessary	No		No	Unnecessary
	SECTION .0400 - PROVIDER FEE SCHEDULES	10A NCAC 22G .0401	PHYSICIAN'S FEE SCHEDULE	Amended Eff. April 1, 2003	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0402	OTHER SERVICES PERFORMED BY PHYSICIANS AND OTHER PRACTITIONERS	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
	SECTION .0500 - REIMBURSEMENT FOR SERVICES	10A NCAC 22G .0501	CLINIC SERVICES	Amended Eff. April 1, 2003	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0502	MENTAL HEALTH CLINIC SERVICES	Eff. February 1, 1984	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447, Subpart F	No	Necessary with substantive public interest
		10A NCAC 22G .0503	INPATIENT HOSPITAL: INAPPROPRIATE LEVEL OF CARE	Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0504	HEALTH MAINTENANCE ORGANIZATIONS AND PREPAID HEALTH PLANS	Amended Eff. February 1, 1985	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 434; 42 C.F.R. 438.6	No	Necessary with substantive public interest
		10A NCAC 22G .0505	PERSONAL CARE SERVICES	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0506	INDEPENDENT LABORATORY SERVICES	Amended Eff. September 1, 1991	Unnecessary	No		No	Unnecessary

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		10A NCAC 22G .0507	DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES	Amended Eff. December 1, 1995	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0508	PRIVATE DUTY NURSING	Temporary Amendment Eff. December 20, 2002	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0509	REIMBURSEMENT PRINCIPLES, HEARING AIDS/ACCESSORIES/BATTERIES	Recodified from 10 NCAC 26H .0509 Eff. January 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447.325	No	Necessary with substantive public interest
		10A NCAC 22G .0510	CASE MANAGEMENT SERVICES	Eff. April 1, 1994	Unnecessary	No		No	Unnecessary
	SECTION .0600 - HOME HEALTH PROSPECTIVE REIMBURSEMENT	10A NCAC 22G .0601	REIMBURSEMENT PRINCIPLES	Amended Eff. October 1, 1992	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0602	REIMBURSEMENT METHODS	Amended Eff. April 1, 2003	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0603	APPEALS	Eff. October 1, 1987	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0604	COST REPORTING AND AUDITING	Eff. October 1, 1987	Unnecessary	No		No	Unnecessary
		10A NCAC 22G .0605	PAYMENT ASSURANCES	Amended Eff. October 1, 1992	Unnecessary	No		No	Unnecessary
SUBCHAPTER 22H - APPEALS PROCEDURES	SECTION .0100 - RECIPIENT/APPLICANT APPEAL REVIEW PROCEDURES FOR DENIAL, TERMINATION, SUSPENSION, OR REDUCTION OF PRIOR APPROVAL REQUESTS FOR MEDICAID COVERED MEDICAL SERVICES OR FOR OTHER MEDICAID COVERED MEDICAL SERVICES	10A NCAC 22H .0101	PURPOSE AND SCOPE	Amended Eff. December 11, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431, Subpart D	No	Necessary with substantive public interest
		10A NCAC 22H .0102	REQUESTS FOR FORMAL AND INFORMAL APPEALS	Amended Eff. December 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431, Subpart D	No	Necessary with substantive public interest
		10A NCAC 22H .0103	TIME LIMITS ON REQUESTS FOR RECIPIENT/APPLICANT INFORMAL APPEALS	Amended Eff. December 11, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 431, Subpart E	No	Necessary with substantive public interest
		10A NCAC 22H .0104	PAYMENT PENDING APPEALS	Amended Eff. December 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431, Subpart D	No	Necessary with substantive public interest
		10A NCAC 22H .0105	DISMISSAL OF APPEAL	Amended Eff. December 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431, Subpart D	No	Necessary with substantive public interest

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	SECTION .0200 - HEARINGS: TRANSFER AND DISCHARGES	10A NCAC 22H .0201	DEFINITIONS	Eff. April 1, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 22H .0202	TRANSFER AND DISCHARGE REQUIREMENTS	Eff. April 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart E	No	Necessary with substantive public interest
		10A NCAC 22H .0203	INITIATING A HEARING	Eff. April 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart E	No	Necessary with substantive public interest
		10A NCAC 22H .0204	HEARING PROCEDURES	Eff April 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart E	No	Necessary with substantive public interest
		10A NCAC 22H .0205	HEARING OFFICER'S FINAL DECISION	Eff April 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart E	No	Necessary with substantive public interest
	SECTION .0300 - PASARR HEARINGS	10A NCAC 22H .0301	DEFINITIONS	Eff. October 1, 1994	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart E	No	Necessary without substantive public interest
		10A NCAC 22H .0302	PASARR REQUIREMENTS	Eff. October 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart C	No	Necessary with substantive public interest
		10A NCAC 22H .0303	INITIATING A HEARING	Eff. October 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart E	No	Necessary with substantive public interest
		10A NCAC 22H .0304	HEARING PROCEDURES	Eff. October 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart E	No	Necessary with substantive public interest
		10A NCAC 22H .0305	HEARING OFFICER'S FINAL DECISION	Eff. October 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 483, Subpart E	No	Necessary with substantive public interest
SUBCHAPTER 22I - TITLE XIX REIMBURSEMENT AND ADMINISTRATIVE REVIEW PROCESS	SECTION .0100 - AUDIT REVIEW PROCESS	10A NCAC 22I .0101	AUDIT TO BE CONDUCTED	Amended Eff. May 1, 1990	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447.202; 42 C.F.R. 455.232	No	Necessary without substantive public interest
		10A NCAC 22I .0102	EXIT CONFERENCE	Eff. September 24, 1980	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		10A NCAC 22I .0103	NOTICE OF PROGRAM REIMBURSEMENT	Amended Eff. January 1, 1988	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 22I .0104	RECONSIDERATION REVIEW	Amended Eff. January 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SUBCHAPTER 22J - TITLE XIX APPEALS PROCEDURES		10A NCAC 22J .0101	PURPOSE AND SCOPE	Eff. January 1, 1988	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396b; 42 C.F.R. 455.512	No	Necessary without substantive public interest

G.S. 150B-21.3A Report for 10A NCAC Chapter 22, MEDICAL ASSISTANCE ELIGIBILITY

Agency - Department of Health and Human Services

Comment Period - Filled in by agency

Date Submitted to APO - Filled in by RRC staff

Subchapter or Blank	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
		10A NCAC 22J .0102	PETITION FOR RECONSIDERATION REVIEW	Eff. January 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396b; 42 C.F.R. 455.512	No	Necessary with substantive public interest
		10A NCAC 22J .0103	RECONSIDERATION REVIEW PROCESS	Eff. January 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396b; 42 C.F.R. 455.512	No	Necessary with substantive public interest
		10A NCAC 22J .0104	PETITION FOR A CONTESTED CASE HEARING	Eff. January 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396b; 42 C.F.R. 455.512	No	Necessary with substantive public interest
		10A NCAC 22J .0105	PAYMENT STATUS	Eff. January 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396b(d)(2)	No	Necessary with substantive public interest
		10A NCAC 22J .0106	PROVIDER BILLING OF PATIENTS WHO ARE MEDICAID RECIPIENTS	Amended Eff. February 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 447.15; 42 C.F.R. 447.52(e); 42 C.F.R. 433.139	No	Necessary with substantive public interest
SUBCHAPTER 22K - QUALIFIED PROVIDERS		10A NCAC 22K .0101	DEFINITION	Eff. June 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 435.1103	No	Necessary with substantive public interest
		10A NCAC 22K .0102	AGREEMENT	Eff. June 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 435.1103	No	Necessary with substantive public interest
		10A NCAC 22K .0103	PRESUMPTIVE DETERMINATIONS	Eff. June 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 435.1103	No	Necessary with substantive public interest
SUBCHAPTER 22I - MANAGED CARE AND PREPAID PLANS	SECTION .0100 - MANAGED CARE	10A NCAC 22L .0101	PROGRAM DEFINITION	Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 22L .0102	COORDINATION FEE	Eff. August 3, 1992	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		10A NCAC 22L .0103	ACCESS TO CARE	Eff. August 3, 1992	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		10A NCAC 22L .0104	ENROLLMENT	Eff. August 3, 1992	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		10A NCAC 22L .0105	EMERGENCY ROOM CARE	Eff. August 3, 1992	Unnecessary	No		No	Unnecessary
	SECTION .0200 - PREPAID PLANS	10A NCAC 22L .0201	PROGRAM DEFINITION	Amended Eff. April 1, 1999	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 22L .0202	ENROLLMENT	Amended Eff. April 1, 1999	Unnecessary	No		No	Unnecessary
		10A NCAC 22L .0203	ACCESS TO CARE	Amended Eff. April 1, 1999	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SUBCHAPTER 22N - PROVIDER ENROLLMENT	SECTION .0100 - GENERAL	10A NCAC 22N .0101	DEFINITIONS	Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 400.203	No	Necessary without substantive public interest

G.S. 150B-21.3A Report for 10A NCAC Chapter 22, MEDICAL ASSISTANCE ELIGIBILITY

Agency - Department of Health and Human Services

Comment Period - Filled in by agency

Date Submitted to APO - Filled in by RRC staff

Subchapter or Blank	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
		10A NCAC 22N .0102	SIGNED AGREEMENTS	Eff. July 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455, Subpart E	No	Necessary with substantive public interest
	SECTION .0200 - ENTITIES LICENSED UNDER NCGS 122C OR NCGS 131D	10A NCAC 22N .0201	DEFINITIONS	Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 400.203	No	Necessary without substantive public interest
		10A NCAC 22N .0202	DISCLOSURE OF OWNERSHIP	Eff. July 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.104; 42 C.F.R. 455.106	No	Necessary with substantive public interest
		10A NCAC 22N .0203	ENROLLMENT RESTRICTIONS	Eff. July 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.422; 42 C.F.R. 1002.213	No	Necessary with substantive public interest
	SECTION .0300 – ENTITIES PROVIDING SPECIFIED HABILITATIVE AND REHABILITATIVE SERVICES	10A NCAC 22N .0301	DEFINITIONS	Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 440.130(d); 42 C.F.R. 440.90	No	Necessary without substantive public interest
		10A NCAC 22N .0302	DISCLOSURE OF OWNERSHIP	Eff. July 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.104	No	Necessary with substantive public interest
		10A NCAC 22N .0303	ENROLLMENT RESTRICTIONS	Eff. July 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 455.416	No	Necessary with substantive public interest
SUBCHAPTER 220 - MEDICAL ASSISTANCE PROVIDED	SECTION .0100 - GENERAL	10A NCAC 22O .0101	HOSPITAL INPATIENT	Amended Eff. January 1, 1984	Unnecessary	No		No	Unnecessary
		10A NCAC 22O .0112	PSYCHIATRIC ADMISSION CRITERIA/MEDICAID BENEFICIARIES UNDER AGE 21	Amended Eff. February 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 441, Subpart D; 42 C.F.R. 441.151	No	Necessary with substantive public interest

Agency	Rule	Name	Type of Comment	Comment	Agency Response
DMA	10A NCAC 22B .0101	INSTITUTIONAL HEALTH SERVICES	Other Statement	<p>North Carolina's Certificate of Need (CON) law controls costs, utilization and distribution of services. NCHA opposes the removal of 10A NCAC 22B .0101 INSTITUTIONAL HEALTH SERVICES for the following reasons: 1) 10A NCAC 22B .0101 serves to ensure that Medicaid payments are used for new institutional health services only when they are offered by a provider that is compliant with the North Carolina law requiring a Certificate of Need; 2) 10A NCAC 22B .0101 does not impact providers or services that do not require a Certificate of Need. The repeal of 10A NCAC 22B .0101 would enable Medicaid payments to be used to finance health care services provided by unauthorized providers and/or equipment; 3) The repeal of 10A NCAC 22B .0101 would remove an effective control for the use of state and federal Medicaid dollars.</p>	<p>DMA determined this rule to be "necessary with substantive public interest." Therefore, the Division of Medical Assistance has no intention of repealing the rule, and it will not automatically expire.</p>

Agency	Rule	Name	Type of Comment	Comment	Agency Response
DMA	10A NCAC 22B .0105	OVERUTILIZER IDENTIFICATION	Other Statement	Overutilizers should be evaluated for marketplace coverage and cost sharing of the over utilized services.	Overutilization is tracked within the context of fraud and abuse of Medicaid covered services that may already require beneficiary cost sharing. An individual eligible for Marketplace coverage would have a higher household income than an individual eligible for Medicaid.

Agency	Rule	Name	Type of Comment	Comment	Agency Response
DMA	10A NCAC 22B .0201	MANUALS	Other Statement	Manuals for Medicaid are not up to date. These should be brought current to reflect the no longer new coverage rules from January 2014.	DMA publishes new electronic Medicaid Bulletins for providers each month and also provides indexed links to previous Bulletins. Medicaid manuals for providers are current and posted on the NCTracks web page at: https://www.nctracks.nc.gov/content/public/providers/provider-manuals.html

Agency	Rule	Name	Type of Comment	Comment	Agency Response
DMA	10A NCAC 22C .0101	COST SHARING	Other Statement	The Medically Needy class of coverage is an optional coverage group. This option should be completely eliminated. These individuals and any others with a deductible can and should get coverage via the marketplace aka Obamacare.	Cost sharing is applicable to all Medicaid beneficiaries regardless of whether they are categorically need or medically needy, with certain exceptions outlined in the Medicaid State Plan.
DMA	10A NCAC 22C .0102	MEDICALLY NEEDED	Public Comment as defined in G.S. 150B-21.3A(a)(5)	The Medically Needy class of coverage is an optional coverage group. This option should be completely eliminated. These individuals can get coverage via the marketplace aka Obamacare.	Medically Needy coverage is optional coverage under 42 C.F.R. 435, Subpart D of the Centers for Medicare and Medicaid Services' (CMS) regulations. North Carolina's Department of Health and Human Services has a State Plan Amendment that serves as an Agreement between NC and CMS. The State Plan Amendment includes coverage for the Medically Needy. N.C.G.S. 108A-54.1A prohibits DHHS from amending Medicaid State Plan coverage without General Assembly approval or in order to comply with changes in federal law. Therefore, the commenter could contact his or her Legislator with this concern.