

G.S. 150B-21.3A Report for 10A NCAC Chapter 21, MEDICAL ASSISTANCE ADMINISTRATION

Agency - Department of Health and Human Services

Comment Period - Filled in by agency

Date Submitted to APO - June 22, 2015

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)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 21A - GENERAL PROGRAM ADMINISTRATION	SECTION .0300 - APPEALS	10A NCAC 21A .0301	NOTICE	Amended Eff. August 1, 1990	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431.211	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 21A .0302	GOOD CAUSE FOR DELAYED HEARINGS	Amended Eff. August 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 21A .0303	APPEAL DECISION	Amended Eff. September 1, 1992	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 431.245	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SUBCHAPTER 21B - ELIGIBILITY DETERMINATION	SECTION .0200 - APPLICATION PROCESS	10A NCAC 21B .0204	EFFECTIVE DATE OF ASSISTANCE	Amended Eff. August 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 C.F.R. 435.915	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0300 - CONDITIONS FOR ELIGIBILITY	10A NCAC 21B .0311	TRANSFER OF RESOURCES	Amended Eff. August 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SUBCHAPTER 21D - ESTATE RECOVERY	SECTION .0100 - RECIPIENTS SUBJECT TO ESTATE RECOVERY	10A NCAC 21D .0101	NOTICE OF ESTATE RECOVERY	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p(b)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 21D .0102	PERMANENTLY INSTITUTIONALIZED	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p(a)(1)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 21D .0103	AGE 55 AND OVER	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p(b)(1)(B)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0200 - RECONSIDERATION REVIEW	10A NCAC 21D .0201	RECONSIDERATION REVIEW	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p(a)(1)(B)(ii)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0300 - MEDICAID PAYMENTS SUBJECT TO RECOVERY	10A NCAC 21D .0301	PERMANENTLY INSTITUTIONALIZED	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p(b)(1)(A), (b)(3)(A)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 21D .0302	AGE 55 AND OVER	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p(b)(1)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0400 - FILING AND COLLECTION OF CLAIMS AGAINST ESTATE	10A NCAC 21D .0401	FILING CLAIM AGAINST ESTATE	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p(b)(2)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 21D .0402	COLLECTION OF CLAIMS	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0500 - WAIVER OF RECOVERY	10A NCAC 21D .0501	RECOVERY NOT COST EFFECTIVE	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 21D .0502	UNDUE HARDSHIP	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 21D .0503	DETERMINATION OF UNDUE HARDSHIP	Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt