

G.S. 150B-21.3A Report for 10A NCAC 23, MEDICAL ASSISTANCE ADMINISTRATION

Agency - DHHS - Division of Health Benefits

Comment Period - January 16, 2026 - March 17, 2026

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform 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 23A - GENERAL PROGRAM ADMINISTRATION	SECTION .0100 - GENERAL	10A NCAC 23A .0102	DEFINITIONS	Amended Eff. May 1, 2022	Necessary	Yes If yes, include the citation to the federal law	P.L. 100-360; P.L. 100-485; 42 C.F.R. 431.211; 42 C.F.R. 431.214; Alexander v. Bruton, U.S.D.C., File No. C-C-74-183-M, Consent Order dismissed effective February 1, 2002	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23A .0103	QUALITY ASSURANCE	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431, Subpart P	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23A .0104	AVAILABILITY OF MANUALS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.18	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 23B - BENEFITS	SECTION .0100 - GENERAL	10A NCAC 23B .0101	MEDICAID IDENTIFICATION CARD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23B .0102	ISSUANCE	Amended Eff. October 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 23C - APPLICATION FOR MEDICAID BENEFITS	SECTION .0100 - APPLICATION PROCESS	10A NCAC 23C .0101	ACCEPTANCE OF APPLICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 435.906; 42 C.F.R. 435.907; 42 C.F.R. 435.911; Alexander v. Flaherty, U.S.D.C., W.D.N.C., File No. C-C-74-183, Consent Order filed 15 December 1989; Alexander v. Flaherty Consent Order filed February 14, 1992; Alexander v. Bruton Consent Order dismissed Effective February 1, 2002	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0102	FACE-TO-FACE INTERVIEW	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.206; 42 C.F.R. 433.138; C.F.R. 435.901; 42 C.F.R. 435.905; 42 C.F.R. 435.908; C.F.R. 435.919; 42 C.F.R. 435.948; 42 C.F.R. 435.949; Alexander v. Flaherty, U.S.D.C., W.D.N.C., File No. C-C-74-183, Consent Order Filed 15 December 1989; Alexander v. Flaherty Consent Order filed February 14, 1992; Alexander v. Bruton Consent Order dismissed Effective February 1, 2002	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0103	RECOMMENDATION FOR DISPOSITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 435.914	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0104	DISPOSITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 435.912; 42 C.F.R. 435.914; Alexander v. Flaherty, U.S.D.C., W.D.N.C., File No. C-C-74-183, Consent Order filed 15 December 1989; Alexander v. Bruton Consent Order dismissed Effective February 1, 2002	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0105	REFERRALS AT A FACE-TO-FACE INTERVIEW	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.206; 42 C.F.R. 433.138; C.F.R. 435.901; 42 C.F.R. 435.905; 42 C.F.R. 435.908; C.F.R. 435.919; 42 C.F.R. 435.948; 42 C.F.R. 435.949; Alexander v. Flaherty, U.S.D.C., W.D.N.C., File No. C-C-74-183, Consent Order Filed 15 December 1989; Alexander v. Flaherty Consent Order filed February 14, 1992; Alexander v. Bruton Consent Order dismissed Effective February 1, 2002	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		10A NCAC 23C .0106	MANDATORY USE OF OUTREACH LOCATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 CFR 435.904	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0107	HOURS FOR ACCEPTING FINANCIAL AND MEDICAL ASSISTANCE APPLICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 – APPLICATION PROCESSING, MONITORING AND CORRECTIVE ACTION	10A NCAC 23C .0201	APPLICATION PROCESSING STANDARDS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 U.S.C. 1396p; 42 C.F.R.435.406; 42 C.F.R. 435.601; 42 C.F.R.435.831; 42 C.F.R.435.907; 42 C.F.R.435.910; 42 C.F.R. 435.911; 42 C.F.R.435.912; 42 C.F.R.435.952; Alexander v. Flaherty, V.S.D.C., W.D.N.C., File No. C-C-74-183,	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0202	MONITORING THRESHOLDS AND CORRECTIVE ACTION	Amended Eff. March 1, 2020	Necessary	Yes If yes, include the citation to the federal law	Alexander v. Bruton, U.S.D.C., File No. C-C-74-183-M, Consent Order dismissed effective February 1, 2002	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0203	TIMELINESS	Amended Eff. March 1, 2020	Necessary	Yes If yes, include the citation to the federal law	Alexander v. Bruton, U.S.D.C., File No. C-C-74-183-M, Consent Order dismissed effective February 1, 2002	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0204	LOCAL CORRECTIVE ACTION TEAM	Amended Eff. March 1, 2020	Necessary	Yes If yes, include the citation to the federal law	Alexander v. Bruton, U.S.D.C., File No. C-C-74-183-M, Consent Order dismissed effective February 1, 2002	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23C .0205	STATE CORRECTIVE ACTION TEAM	Amended Eff. March 1, 2020	Necessary	Yes If yes, include the citation to the federal law	Alexander v. Bruton, U.S.D.C., File No. C-C-74-183-M, Consent Order dismissed effective February 1, 2002; 42 C.F.R. 435.903	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 23E – MEDICAID ELIGIBILITY REQUIREMENTS	SECTION .0100 – NON-FINANCIAL REQUIREMENTS	10A NCAC 23E .0103	RESIDENCE	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 435.403	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23E .0105	DISABILITY	Readopted Eff. August 1, 2019	Necessary	Yes If yes, include the citation to the federal law	20 C.F.R. 416, subpart I; 42 C.F.R. 435.540; 42 C.F.R. 435.541;	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23E .0106	BLINDNESS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	20 C.F.R. 416, Subpart I; 42 C.F.R. 435.133; 42 C.F.R. 435.530; 42	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 – FINANCIAL REQUIREMENTS	10A NCAC 23E .0201	APPLYING FOR ALL BENEFITS AND ANNUITIES	Readopted Eff. June 1, 2019	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 23E .0202	WHAT RESOURCES ARE COUNTED	Amended Eff. March 1, 2020	Necessary	Yes If yes, include the citation to the federal law	20 C.F.R. 416 subpart I; 42 C.F.R. 435.120; 42 C.F.R. 435.210; 42 C.F.R. 435.601; 42 C.F.R. 435.603; 42 C.F.R. 435.840; 42 C.F.R. 435.843; 42 C.F.R. 435.845	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23E .0203	COUNTABLE INCOME	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 435.135; 42 C.F.R. 435.603; 42 C.F.R. 435.725; 42 C.F.R. 435.811; 42 C.F.R. 435.831; 42 C.F.R. 435.832; 42 C.F.R. 435.1007; 45 C.F.R. 233.20; 42 U.S.C 1383c(b); 42 U.S.C 1383c(d); P.L. 99-272, Section 12202; Alexander v. Flaherty Consent Order filed February 14, 1992	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23E .0205	BUDGET UNIT MEMBERSHIP	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	45 C.F.R. 233.20; 42 C.F.R. 435.602; 42 C.F.R. 435.603; 45 C.F.R. 233.51 P.L. 104-208, Title IV	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		10A NCAC 23E .0207	WHOSE RESOURCES ARE COUNTED	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 U.S.C. 1396r-5; 42 U.S.C. 1396a(a)(17); 42 U.S.C. 1396a(a)(51); 42 C.F.R. 435.602; 42 C.F.R. 435.725; 42 C.F.R. 435.726; 42 C.F.R. 435.840; 42 C.F.R. 435.832; 42 C.F.R. 435.845; 45 C.F.R. 233.20; 45 C.F.R. 233.51; Correll v. DSS/DMA/DHR, 418 S.E.2d 232 (1992)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23E .0208	CALCULATING INCOME	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 435.603; 42 C.F.R. 435.831; 45 C.F.R. 435.845; 45 C.F.R. 233.20; 45 C.F.R. 233.51; P.L. 104-208	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23E .0209	DEDUCTIBLE	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 435.831; Alexander v. Flaherty, U.S.D.C., W.D.N.C., File Number C-C-74-483; Alexander v. Flaherty Consent Order filed February 14, 1992	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23E .0210	PATIENT LIABILITY	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 435.725; 42 C.F.R. 435.831; 42 C.F.R. 435.832	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23E .0211	ALIEN SPONSOR DEEMING	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	P.L. 104-208, Title IV; P.L. 105-33, Title IV; 45 C.F.R. 233.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 23G – MEDICAID CERTIFICATION, CORRECTION OF ELIGIBILITY AND REDETERMINATION OF ELIGIBILITY	SECTION .0200 – CORRECTION OF ERRONEOUS ELIGIBILITY	10A NCAC 23G .0201	GENERAL	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.246; 42 C.F.R. 431.804; 42 C.F.R. 435.916	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23G .0202	CORRECTIVE ACTIONS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.246; 42 C.F.R. 431, Subpart P; 42 C.F.R. 431.804; 42 C.F.R. 435.831; 42 C.F.R. 435.903; 42 C.F.R. 435.906; 42 C.F.R. 435.909; 42 C.F.R. 435.916; 42 C.F.R. 435.919	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23G .0203	TIME LIMITS FOR CORRECTIONS	Readopted Eff. August 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.246; 42 C.F.R. 431.250; 42 C.F.R. 435.903	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23G .0204	RESPONSIBILITY FOR ERRORS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 433.32; 42 C.F.R. 435.903;	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0300 – REDETERMINATION OF ELIGIBILITY AND CHANGE IN SITUATION	10A NCAC 23G .0302	INTERVIEW	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 23G .0304	CHANGE IN SITUATION	Readopted Eff. October 1, 2019	Necessary	Yes If yes, include the citation to the federal law	2 C.F.R. 435.603; 42 C.F.R. 435.916; 42 C.F.R. 435.919; 42 C.F.R. 435.949	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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SUBCHAPTER 23H – CONFIDENTIALITY AND ACCESS TO CLIENT RECORDS	SECTION .0100 - GENERAL	10A NCAC 23H .0101	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431 Subpart F	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0102	INFORMATION FROM OTHER AGENCIES	Amended Eff. March 1, 2020	Necessary	Yes If yes, include the citation to the federal law	42 CFR 431.300; 42 C.F.R. 431. 306	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0103	CONFIDENTIALITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	2 C.F.R. 431.302; 42 C.F.R. 431 Subpart F	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0104	OWNERSHIP OF RECORDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.306; 42 C.F.R. 431.17	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0105	SECURITY OF RECORDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.300	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0106	LIABILITY OF PERSONS WITH ACCESS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431 Subpart F	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0107	RIGHT OF ACCESS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.306	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0108	WITHHOLDING INFORMATION FROM THE CLIENT	Readopted Eff. June 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0109	PROCEDURE FOR REVIEW OF RECORDS	Readopted Eff. August 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0110	CONSENT FOR RELEASE	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.304; 42 CFR 431.306; 42 C.F.R. 435.945	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0111	DISCLOSURE WITHOUT CLIENT CONSENT	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.300; 42 C.F.R. 431.302; 42 C.F.R. 431.306	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0112	DOCUMENTATION OF CONSENT OR DISCLOSURE	Readopted Eff. June 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 23H .0113	PERSONS DESIGNATED TO DISCLOSE INFORMATION	Readopted Eff. June 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 25H .0205	RESTRICTIONS AND PRIOR APPROVAL	Amended Eff. March 1, 2020	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. Part 456	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt