

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 - May 29, 2026

| 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 |

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|-----------------------------------------------------------|---------------------------------------------------------------------------------|--------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------|
| | | 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 |
| | | 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; 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 |
| | | 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. 435.120; 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 |
| | 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 |

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|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------|-----------------------------|-----------------------------------------|------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------------------------------------------|---------------------|
| | | 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 |
| | | 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 |

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|----------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------|
| | | 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 |
| 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 |