

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Medical Care Commission/DHHS

RULE CITATION: All rules

DEADLINE FOR RECEIPT: September 17, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Do not include the 2026 periodic review report in the history note for any rules. I.e. in 10A NCAC 14A .0101 delete line 7 on p. 2.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Medical Care Commission/DHHS

RULE CITATION: 10A NCAC 14A .0301

DEADLINE FOR RECEIPT: September 17, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

*On line 9, use a more direct link to the section being incorporated.
<https://www.ecfr.gov/current/title-42/section-483.5>*

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

1 10A NCAC 14A .0301 is readopted as published in 40:23 NCR 1856-1857 as follows:

2
3 **SECTION .0300 – HEARINGS: TRANSFERS AND DISCHARGES**
4

5 **10A NCAC 14A .0301 DEFINITIONS**

6 The following definitions apply throughout this Section:

- 7 (1) “Facility” is defined in 42 CFR 483.5, which is herein incorporated by reference, including
8 subsequent amendments and editions. The Code of Federal Regulations may be accessed free of
9 charge at http://www.access.gpo.gov/nara/cfr/waisidx_08/42cfr483_08.html~~http://ecfr.gov.~~
- 10 (2) “Hearing Officer” means the person at the Hearing Unit designated to preside over hearings between
11 residents and nursing facility providers regarding transfers and discharges.
- 12 (3) “Hearing Unit” means the Chief Hearing Officer and his or her staff in the Division of ~~Medical~~
13 ~~Assistance~~ Health Benefits of the Department of Health and Human Services.
- 14 (4) “Notice” means a written notification of transfer or discharge, as required by 42 CFR 483.15 (c), by
15 the facility to the resident and the resident’s representative as defined in 42 CFR 483.5.
- 16 (5) “Request for a Hearing” means a written expression by the resident, family member, or legal
17 representative, that he or she wants the opportunity to present his or her case to the Hearing Officer.
- 18 (6) “Resident” means any person who is receiving treatment or long-term care in a facility.
- 19 (7) “Serve” means personal delivery, delivery by first class or certified United States Postal Service
20 mail, or delivery by licensed overnight express mail, postage prepaid and addressed to the party at
21 his or her last known address.
22

23 *History Note: Authority G.S. 143B-165(10); 42 U.S.C. 1395i-3(c)(2)(B)(iii); 42 U.S.C. 1396r(e)(3); 42 U.S.C.*
24 *1396r(f)(3); 42 CFR 483.15(c);*
25 *Eff. August 3, 1992;*
26 *Readopted Eff. January 1, ~~2019~~ 2019;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. January 21, 2026;*
28 *Readopted Eff. October 1, 2026.*