

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Office of Administrative Hearings intends to amend the rule cited as 26 NCAC 03 .0401.

Link to agency website pursuant to G.S. 150B-19.1(c): *oah.nc.gov*

Proposed Effective Date: *September 1, 2023*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Contact Ashley Snyder via email at ashley.snyder@oah.nc.gov or via mail at 1711 New Hope Church Road, Raleigh, NC 27609.*

Reason for Proposed Action: *OAH separately proposed an amendment to 26 NCAC 03 .0106, requiring agencies to file copies of settlement agreements with OAH. This amendment clarifies that requirement will not apply to contested Medicaid cases commenced by Medicaid applicants or recipients.*

Comments may be submitted to: *Ashley Snyder, 1711 New Hope Church Rd., Raleigh, NC 27609*

Comment period ends: *June 30, 2023*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 03 - HEARINGS DIVISION

SECTION .0400 – SIMPLIFIED PROCEDURES FOR MEDICAID APPLICANT AND RECIPIENT APPEALS

26 NCAC 03 .0401 MEDICAID HEARING PROCEDURES RULES

(a) The rules in 26 NCAC 03 .0100 apply to contested Medicaid cases commenced by Medicaid applicants or recipients under S.L. 2008-107, s. 10.15A.(h1) as rewritten by S.L. 2008-118, s. 3.13 except:

- (1) 26 NCAC 03 .0101(b);
- (2) 26 NCAC 03 .0102(a)(3), (b) – (e);
- (3) 26 NCAC 03 .0103(a);
- (4) 26 NCAC 03 .0104;
- (5) 26 NCAC 03 .0106(b);
- ~~(5)(6)~~ 26 NCAC 03 .0107;
- ~~(6)(7)~~ 26 NCAC 03 .0108;
- ~~(7)(8)~~ 26 NCAC 03 .0112(b), (c), (e), (f), (g);
- ~~(8)(9)~~ 26 NCAC 03 .0115;
- ~~(9)(10)~~ 26 NCAC 03 .0117;
- ~~(10)(11)~~ 26 NCAC 03 .0118;
- ~~(11)(12)~~ 26 NCAC 03 .0120(e);
- ~~(12)(13)~~ 26 NCAC 03 .0123;
- ~~(13)(14)~~ 26 NCAC 03 .0125; and
- ~~(14)(15)~~ 26 NCAC 03 .0127(a).

(b) Nothing in this ~~Section~~ Rule affects discretionary powers granted to an administrative law judge as set out in G.S. 150B-33(b).

History Note: Authority G.S. 7A-751(a); S.L. 2008-107, s. 10.15A.(h1) as rewritten by S.L. 2008-118, s. 3.13; Temporary Adoption Eff. December 2, 2008; Eff. August 1, 2009; Amended Eff. April 1, 2014; November 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;

Amended Eff. September 1, 2023; October 1, 2022.