

1 26 NCAC 03 .0106 is amended as published in 39:19 NCR 1954 as follows:

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3 **26 NCAC 03 .0106 CONSENT ORDER: SETTLEMENT: STIPULATION**

4 (a) Informal disposition may be made of a contested case or an issue in a contested case by stipulation, agreement, or
5 consent order at any time during the proceedings. Parties may enter into such agreements on their own or may ask for a
6 settlement conference with an administrative law judge to promote consensual disposition of the case.

7 (b) If an agency enters into a settlement agreement after the commencement of a contested case, the agency shall file a
8 copy of the settlement agreement with OAH. The settlement agreement shall be included in the official record of the
9 contested case consistent with G.S. 132-1.3.

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11 *History Note: Authority G.S. 7A-750; 7A-751; 150B-31(b); 150B-37;*

12 *Eff. August 1, 1986;*

13 *Amended Eff. November 1, 1987;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;*

15 *Amended Eff. September 1, 2023.*

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1 26 NCAC 03 .0401 is amended **with changes** as published in 37:21 NCR 2052 as follows:

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3 **26 NCAC 03 .0401 MEDICAID HEARING PROCEDURES RULES**

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

- 6 (1) 26 NCAC 03 .0101(b);
- 7 (2) 26 NCAC 03 .0102(a)(3), (b) – (e);
- 8 (3) 26 NCAC 03 .0103(a);
- 9 (4) 26 NCAC 03 .0104;
- 10 (5) 26 NCAC 03 .0106(b);
- 11 ~~(5)(6)~~ 26 NCAC 03 .0107;
- 12 ~~(6)(7)~~ 26 NCAC 03 .0108;
- 13 ~~(7)(8)~~ 26 NCAC 03 **.0112(b), (c), (d), (f), (g); .0112;**
- 14 ~~(8)(9)~~ 26 NCAC 03 .0115;
- 15 ~~(9)(10)~~ 26 NCAC 03 .0117;
- 16 ~~(10)(11)~~ 26 NCAC 03 .0118;
- 17 ~~(11)(12)~~ 26 NCAC 03 .0120(e);
- 18 ~~(12)(13)~~ 26 NCAC 03 .0123;
- 19 ~~(13)(14)~~ 26 NCAC 03 .0125; and
- 20 ~~(14)(15)~~ 26 NCAC 03 .0127(a).

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

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24 *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;*
 25 *Temporary Adoption Eff. December 2, 2008;*
 26 *Eff. August 1, 2009;*
 27 *Amended Eff. April 1, 2014; November 1, 2012;*
 28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
 29 *2016;*
 30 *Amended Eff. September 1, 2023; October 1, 2022.*

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