



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

MEMORANDUM

TO: Office of State Budget & Management

FROM: Nadine Pfeiffer, DHSR Rule-making Coordinator *NP*

DATE: February 15, 2018

RE: Federal Certification for Hearings: Transfers and Discharges Rule Readoptions

Rule-making Coordinator's Certificate

As Required by GS 150B-19.1(g)
For Proposed Permanent and Temporary Rules Adopted to
Implement a Federal Law or which upon Receipt of Federal Funds is Conditioned

Rules 10A NCAC 14A .0301, .0302, and .0303 are proposed for readoption with substantive changes following the periodic review of rules. These proposed rules apply to licensed nursing homes that participate in the Medicare and Medicaid certification programs in North Carolina. Before these nursing homes issue a discharge notice to a resident residing in the certified portion of the home, a discharge notice must be issued to the resident that includes the right to appeal the discharge. The N.C. DHHS Division of Medical Assistance is the hearing office agency for the appeals process. These readoption rules refer to the existing DHHS hearing office process.

The readoption of these rules are necessary to comply with federal regulations 42 U.S.C. 1395i-3(c)(2)(B)(iii), 42 U.S.C. 1396r(e)(3), 42 U.S.C. 1396r(f)(3), 42 CFR 483.5, and 42 CFR 483.15(c), that govern the nursing home transfers and discharges.

OFFICE OF THE DIRECTOR

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