

10A NCAC 14A .0303 is readopted as published in 32:24 NCR 2642-2644 as follows:

**10A NCAC 14A .0303    INITIATING A HEARING    FILING A REQUEST FOR HEARING**

(a) In order to initiate a ~~hearing with the Hearing Officer,~~ hearing, a resident must first have been served by the facility administrator with a written ~~Notice of Transfer or Discharge~~ notice and ~~must~~ shall file a Request for Hearing in accordance with ~~the Rules in 10 NCAC 14A .0300.~~ rules in 10A NCAC 22H .0200. ~~The Request for Hearing must be in writing and must be signed by the resident. A Request for Hearing form shall be provided to the resident by the facility for this purpose.~~

(b) ~~The hearing is a mechanism for listening to appeals by residents concerning disputes over transfers and discharges. The hearing shall be narrowly focused on discharge and transfer issues between the nursing facility and the resident and shall not involve Medicaid matters such as eligibility, which is the responsibility of the Medicaid hearing officer.~~

(c) ~~Should an appeal of the Notice of Transfer or Discharge be desired, a Request for a Hearing, accompanied by the Notice of Transfer or Discharge, shall be served to the Hearing Officer and must be received by him no later than 11 days from the date of the facility's Notice of Transfer or Discharge. If the request for hearing has not been received within 11 days, the resident shall waive his right to appeal. The resident must be notified of the option for the hearing to be in person (face to face) or by telephone.~~

(d) ~~The facility administrator must make available to the resident information and records at least five working days prior to the hearing to enable an opportunity for review and preparation. The facility administrator must forward identical information relevant to the transfer or discharge to the agency, to be received at least five working days prior to the hearing. A resident must authorize release of his medical records to the hearing officer.~~

*History Note:*    Authority G.S. 143B-165(10); 42 U.S.C.S. 1396r(e)(3) and (f)(3); U.S.C. 1395i-3(c)(2)(B)(iii); 42 U.S.C. 1396r(e)(3); 42 U.S.C. 1396r(f)(3); 42 C.F.R. 483.12; CFR 483.15(c); G.S. 143B-165(10); Eff. August 3, 1992- 1992;  
Readopted Eff. January 1, 2019.