

1 10A NCAC 22J .0103 is proposed for readoption without substantive change as follows:

2

3 **10A NCAC 22J .0103 RECONSIDERATION REVIEW PROCESS**

4 (a) Upon receipt of a ~~timely~~ request for a reconsideration review that is submitted timely pursuant to Rule .0102 of
5 this Subchapter, review, the Deputy Director shall appoint a reviewer or panel to conduct the review. The Division
6 shall DMA will arrange with the provider a time and date of the hearing. The provider shall must reduce his arguments
7 to writing and submit them to the Division DMA no later than 14 calendar days prior to the review. Failure to submit
8 written arguments within this time frame shall be grounds for dismissal of the reconsideration, unless the Division
9 within the 14 calendar day period agrees to a delay for good cause. delay.

10 (b) The provider shall will be entitled to an in-person a personal review meeting unless the provider agrees to a review
11 of documents only or a discussion by telephone.

12 (c) Following the review, the Division DMA shall, within 30 calendar days or such additional time thereafter as
13 specified in writing during the 30 day period, render a decision in writing and send it by certified mail to the provider
14 or his representative.

15

16 *History Note: Authority G.S. 108A-25(b); 108A-54; ~~150B-11~~; 42 U.S.C. 1396b; 42 C.F.R. 455.512;*

17 *Eff. January 1, 1988;*

18 *Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge Augustus B. Elkins, II declared this rule*
19 *void as applied in Psychiatric Solutions, Inc., d/b/a/ Holly Hill Hospital v. Division of Medical*
20 *Assistance, North Carolina Department of Health and Human Services (02 DHR 1499); ~~1499~~).*

21 *Readopted Eff. May 1, 2018.*

22

23