

1 10A NCAC 22H .0201 is proposed for amendment as follows:

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3 **SECTION .0200 - HEARINGS: TRANSFER AND DISCHARGES FROM NURSING FACILITIES**

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5 **10A NCAC 22H .0201 DEFINITIONS**

6 The following definitions shall apply throughout this ~~Section: Subchapter:~~

- 7 (1) "Division" means the North Carolina Division of Medical ~~Assistance, Assistance of the~~ Department
8 of Health and Human Services.
- 9 (2) "Hearing Officer" means the person designated by the Chief Hearing Officer of the Division's
10 Hearing Unit to preside over hearings between a resident and a nursing facility provider regarding
11 transfers and discharges.
- 12 (3) "Hearing Unit" means the Chief Hearing Officer and his or her staff in the Division of Medical
13 Assistance, Department of Health and Human Services.
- 14 (4) "Notice of Transfer ~~and~~ Discharge form" means the form developed by the Division containing
15 the elements described at 42 C.F.R. 483.15(c)(5), which is adopted and incorporated by reference
16 with subsequent changes or amendments and available free of charge at <https://www.ecfr.gov/>.
17 ~~Division.~~
- 18 (5) "Request for Hearing" means a written request ~~clear expression, in writing~~ by the resident, resident
19 ~~or family member, member~~ or legal representative of the resident ~~resident~~, that the resident wants
20 to appeal the facility's decision to transfer or discharge.
- 21 (6) The ~~"Request"~~ "Nursing Home Hearing Request for Hearing form" means the form developed by the
22 ~~Division containing: Division.~~
- 23 (a) the resident's name;
- 24 (b) the facility's name;
- 25 (c) the date of the Notice of Transfer or Discharge form;
- 26 (d) the date of the scheduled transfer or discharge;
- 27 (e) the requestor's preference for a telephone hearing or in-person hearing in Raleigh, North
28 Carolina;
- 29 (f) the requestor's name, address, telephone number, and signature; and
- 30 (g) the telephone number, fax number, mailing address, and email address of the Division's
31 Hearing Unit.

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33 *History Note:* ~~Authority G.S. 108A-25(b); 42 USCS 1396r(e)(3), (f)(3); 42 C.F.R. Part 483; 42 C.F.R. 483.5; 42~~
34 ~~C.F.R. 483.12; 42 C.F.R. 483.202; 42 C.F.R. 483.206;~~
35 ~~Eff. April 1, 1994;~~
36 ~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,~~
37 ~~2015; 2015.~~

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Amended Eff. May 1, 2018.