

1 10A NCAC 22H .0301 is proposed for amendment as follows:

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3 **SECTION .0300 - PASRR ~~PASARR~~ HEARINGS**

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5 **10A NCAC 22H .0301 DEFINITIONS**

6 The following definitions shall apply throughout this Section:

7 ~~(1)(a)~~-"Division" means the North Carolina Division of Medical Assistance, ~~Assistance of the Department~~
8 of Health and Human Services.

9 ~~(2)(b)~~-"Hearing Officer" means the person designated by the Chief Hearing Officer of the Division's Hearing
10 Unit to preside over hearings regarding Preadmission Screening and ~~Annual-Resident Review~~
11 ~~(PASRR) (PASARR)~~-determinations.

12 ~~(3)(c)~~-"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)(d)~~-"Preadmission Screening and ~~Annual-Resident Review~~ ~~(PASRR) (PASARR)~~-Notice of
15 Determination" means the form developed by the Division, containing the elements described at 42
16 C.F.R. 483.130(k), which is adopted and incorporated by reference with subsequent changes or
17 amendments and available free of charge at <https://www.ecfr.gov/>. ~~Division.~~

18 ~~(5)(e)~~-"Request for Hearing" means a written request on a Hearing Request Form ~~clear expression, in~~
19 ~~writing~~, by the evaluated individual or family member or legal representative of the evaluated
20 individual, that the evaluated individual wants to appeal the ~~(PASRR) PASARR~~-determination.

21 ~~(6)(f)~~-The "Hearing Request Form" ~~"Request for Hearing"~~-form means the form developed by the Division
22 containing: ~~Division.~~

23 (a) the individual's name;

24 (b) the facility name, if the individual is residing in a facility;

25 (c) the requestor's preference for a telephone hearing or in-person hearing in Raleigh, North
26 Carolina; and

27 (d) the requestor's name, address, telephone number, and signature.

28 ~~(7)(g)~~-The "North Carolina PASRR ~~PASARR-II~~ Screening form" means both the North Carolina PASRR-
29 MI Psychiatric Screening form and the North Carolina Dual Psychiatric and Intellectual
30 Developmental Disabilities/Related Conditions PASRR II Screening Data form developed by the
31 Division, containing the elements described at 42 C.F.R. 483.128(i)-(j), which is adopted and
32 incorporated by reference with subsequent changes or amendments and available free of charge at
33 <https://www.ecfr.gov/>. ~~Psychiatric/Mental Retardation/Dual Psychiatric and MR/RC Evaluation"~~
34 forms means the forms developed by the Division.

1 *History Note:* Authority G.S. 108A-25(b); 42 U.S.C.S. 1395i-3(e)(3), (f)(3); 1396r(e)(3), (e)(7)(F), (f)(3); 42
2 C.F.R. 483.5; 42 C.F.R. Part 483, Subparts C and E; 42 C.F.R. 483.128; 42 C.F.R. 483.130 ~~42~~
3 ~~C.F.R. 483.12; 42 C.F.R. 483.200; 42 C.F.R. 483.204; 42 C.F.R. 483.206;~~
4 *Eff. October 1, 1994;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
6 *2015; 2015.*
7 *Amended Eff. May 1, 2018.*

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