

REQUEST FOR TECHNICAL CHANGE

AGENCY: DHHS/Division of Health Benefits

RULE CITATION: 10A NCAC 23B .0102

DEADLINE FOR RECEIPT: Tuesday, September 7, 2021

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On the Submission for Permanent Rule form, Box 3, please show that this is an amendment, not a readoption.

In the Introductory Statement, line 1, please reflect that is an amendment.

Throughout this Rule, lines 7 through 15, as well as the History Note on line 17, remove the highlighting. Highlighting is used to show changes made after publication; you published all of these changes in the Register. Please do highlight any changes made to the Rule text in response to this Request for Technical Changes unless told otherwise.

In (a)(2), line 6, delete the "or" after "deductible;"

On line 10, please show that (c) is being deleted and replace it with (b). As this was published correctly in the Register, do not show it as a change; simply do it. Please note the same for changing former (c) to (b) on line 10.

On line 10, you published "state" lowercase. Please show the change to "State" by removing the underlining from "state" and striking, highlighting, and bracketing the term and then inserting "State" by underlining and highlighting it.

In (b)(1), what are these manuals?

In (b)(2), line 12, please insert a comma after "burned" And I am only asking – is the only way that the cards can be defaced such that they will be replaced?

In (b)(3), line 13, please capitalize "State" if you mean "NC" and insert a hyphen in the term "State-issued"

Consider replacing the "and" at the end of line 13 with an "or"

In the History Note, line 22, please reflect that this is an amendment rather than a readoption.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 23, 2021

Also in the History Note, line 17, please simply insert a semicolon after “4D.2” Do not show it as a change; just do it.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 23, 2021

1 10A NCAC 23B .0102 is readopted as published in 35:23 NCR 2518-2519 as follows:

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3 **10A NCAC 23B .0102 ISSUANCE**

4 (a) Cards shall be issued by the State at any time of the month for:

- 5 (1) Approved applications;
- 6 (2) Cases authorized after meeting a deductible; or
- 7 (3) Requests by the county agency. Change in primary care provider; or
- 8 (4) Change in LME/MCO catchment area.

9 ~~(b) Cards shall be issued by the state at the beginning of each month for clients authorized for the month.~~

10 (b) Cards shall be ~~issued~~ requested by the county agency for issuance by the State for:

- 11 (1) Emergencies as indicated in the Eligibility Manuals;
- 12 (2) Replacement of lost, stolen, burned or incorrect cards;
- 13 (3) Non-receipt of a state issued card; and
- 14 (4) Requests by a second county during a county transfer.

15 (c) Cards shall be issued by the State 12 months from the last issuance date if the client remains eligible.

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17 *History Note: Authority G.S. 108A-54; S.L. 2020-78, s. 4D.2*

18 *Eff. September 1, 1984;*

19 *Amended Eff. August 1, 1990;*

20 *Transferred from 10A NCAC 21C .0102 Eff. May 1, 2012;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;*

22 *Readopted Eff. October 1, 2021.*

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