

1 10A NCAC 22R .0105 is proposed as a temporary rule as follows:

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3 **10A NCAC 22R .0105 DISTRIBUTION OF AVAILABLE FUNDS**

4 (a) An eligible hospital satisfying the requirements of Rule .0103 of this Section shall be eligible for a  
5 payment from funds available under this Subchapter. In a payment period, an eligible hospital shall receive  
6 a proportional payment of the available funds based on the eligible hospital's share of outpatient costs for  
7 uninsured patients as a percentage of the aggregate of outpatient costs for uninsured patients for all eligible  
8 hospitals.

9 (b) Based on the availability of funds, payments authorized by this Rule shall be made at least annually on  
10 a frequency determined by the Department in consultation with certifying hospitals.

11 (c) To confirm the hospital's eligibility to receive payments pursuant to this Subchapter and the accuracy  
12 of the hospital's attestation to unreimbursed charges for outpatient services provided to uninsured patients  
13 and the hospital's Medicaid outpatient cost-to-charge ratios, the Department may cause a hospital receiving  
14 more than two million dollars (\$2,000,000) to be audited for compliance with the requirements of this  
15 Subchapter.

16 (1) If a hospital received payments pursuant to Paragraph (a) of this Rule in excess of the  
17 percentage determined by the audit, the excess payments shall be refunded to the Department.

18 (2) The Department shall distribute any refunded amounts to eligible hospitals within 12 months  
19 of receipt using the distribution method set forth Paragraph (a) of this Rule.

20 (3) No additional payment shall be made to eligible hospitals in connection with the audit except  
21 for the redistribution of amounts refunded after an audit conducted by the Division of Health  
22 Benefits.

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24 *History Note:* Authority G.S. 108A-54; 143C-9-9;  
25 Temporary Adoption Eff. December 29, 2021.  
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