

1 10A NCAC 22G .0109 is readopted as published in 32:13 NCR 1258–1268 as follows:

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3 **10A NCAC 22G .0109 NURSING HOME PROVIDER ASSESSMENT**

4 (a) In accordance with 42 USC 1396b(w) and 42 CFR, Part 433, Subpart ~~B~~, which are adopted and incorporated by  
5 reference with subsequent changes or amendments; B; and consistent with the CMS Federal Waiver approved April  
6 5, 2004 with an effective date of October 1, 2003, which is adopted and incorporated by reference with 2003 including  
7 subsequent changes or amendments, amendments and revisions, a monthly nursing facility assessment based on all  
8 occupied nursing facility bed days of service shall be ~~is~~ imposed on all nursing bed days in licensed nursing facilities,  
9 except:

- 10 (1) any ~~Any~~ nursing facility bed day of service provided by a Continuing Care Retirement Community  
11 (CCRC), as defined by G.S. GS 58-64 and licensed by the North Carolina Department of Insurance;  
12 or  
13 (2) any ~~Any~~ nursing facility bed day of service paid for under the Medicare program established under  
14 Title XVIII of the Social Security Act.

15 A copy of the CMS Federal Waiver may be obtained by contacting the Division of Medical Assistance, 2501 Mail  
16 Service Center, Raleigh, North Carolina 27699-2501, (919) 855-4000, 857-4016. Copies of 42 USC 1396b(w) and 42  
17 CFR, Part 433, Subpart B are available free of charge at <http://uscode.house.gov/> and <https://www.ecfr.gov/>,  
18 respectively.

19 (b) ~~Effective October 1, 2003, the~~ The assessment is payable monthly and due to the Department of Health and Human  
20 Services or designee of the Department within 15 days of the last day of the reporting month. Facilities shall submit  
21 payment and an account of all actual patient days during the month. Failure to provide accurate ~~and timely~~-reporting  
22 of days, days and payment of assessment within 15 days of the last day of the reporting month shall result in a 10%  
23 reduction in facility rates for Medicaid participating facilities and recoupment. ~~recoupment per the Department Cash~~  
24 ~~Management Plan.~~

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26 *History Note:* Authority G.S. 108A-25(b); 108A-54; 108A-55; S.L. 2003-284, Sec. 10.28; CMS Waiver approved  
27 April 5, 2004; 42 CFR Part 433, Subpart B; 42 USC 1396b(w);  
28 Temporary Adoption Eff. August 3, 2004;  
29 Eff. January 1, 2005; 2005.  
30 Readopted Eff. July 1, 2018.