

1 10A NCAC 22F .0202 is proposed for re adoption with substantive changes as follows:

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3 **10A NCAC 22F .0202 INVESTIGATION**

4 ~~(a) The Division will publish methods and procedures for the control of provider fraud, abuse, error, and~~  
5 ~~overutilization.~~

6 ~~(a)(b)~~ There shall be a preliminary investigation of all complaints received or fraud, waste, abuse, overutilization,  
7 error, or practices not conforming to regulations or policy aberrant practices detected, until it is determined:

- 8 (1) whether there are sufficient findings to warrant a full investigation;
- 9 (2) whether there is sufficient evidence to warrant referring the case for civil and ~~and/or~~ criminal fraud  
10 action; or
- 11 (3) whether there is insufficient evidence to support the allegation(s) and the case may be closed.

12 ~~(b)(c)~~ There shall be a full investigation if the preliminary findings support the conclusion of possible fraud until:

- 13 (1) the case is referred to the appropriate law enforcement agency;
- 14 (2) the case is found to be one of program abuse subject to administrative action;
- 15 (3) the case is closed for insufficient evidence of fraud or abuse; or
- 16 (4) the provider is found not to have abused or defrauded the program.

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18 *History Note: Authority G.S. 108A-25(b); 108A-63; 42 U.S.C. 1396(b) et seq.; 42 C.F.R. Part 455, Subpart A;*  
19 *455;*

20 *Eff. April 15, 1977;*

21 *Readopted Eff. October 31, 1977;*

22 *Amended Eff. May 1, 1984; 1984.*

23 *Readopted Eff. May 1, 2018.*

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