

1 10A NCAC 22H .0104 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 22H .0104 PAYMENT PENDING APPEALS**

4 ~~(a) If no informal appeal is requested, payment shall continue for the existing level of care or approved service(s)~~
5 ~~rendered until the required change (action) date stated in the notification or until the recipient moves from that level~~
6 ~~of care or discontinues approved service(s), whichever comes first.~~

7 ~~(b) If an informal appeal is requested in accordance with Rule .0103 of this Section, Medicaid payment for that level~~
8 ~~of care or approved service(s) shall continue until the informal appeal process is completed.~~

9 ~~(c) If a formal appeal is requested in accordance with Rule .0102(b) of this Section, Medicaid payment for that level~~
10 ~~of care or approved service(s) shall continue until the formal appeal process is completed.~~

11 ~~(d) If a final decision rendered in accordance with G.S. 108A-70.9B(g) upholds the adverse determination, as defined~~
12 ~~in G.S. 108A-70.9A(a), the Division~~ ~~If the formal appeal decision upholds the original decision by DMA, MR/IPR,~~
13 ~~PAU, other State Agency or entity, DMA~~ may institute recovery procedures against the beneficiary applicant or
14 ~~recipient~~ to recoup the cost of any services furnished resulting from the ~~formal~~ appeal process.

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16 *History Note: Authority G.S. 108A-25(b); 108A-70.9A; 108A-70.9B; 42 C.F.R. 431.230(b); ~~431~~;*

17 *Eff. April 13, 1979;*

18 *Amended Eff. December 1, 1995; October 4, 1979; ~~1979~~.*

19 *Readopted Eff. May 1, 2018.*

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