

1 10A NCAC 22K .0102 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 22K .0102 AGREEMENT**

4 (a) The provider ~~must~~ shall agree to participate in training offered by the Division of Medical Assistance (DMA) or  
5 its agents and to make presumptive eligibility determinations pursuant to 42 C.F.R. 435.1103, which is adopted and  
6 incorporated by reference with subsequent changes or amendments and available free of charge at  
7 <https://www.ecfr.gov/>, and the Medicaid State Plan, ~~based on the procedures and guidelines issued by the DMA.~~

8 (b) The ~~Division DMA may~~ shall terminate the provider's Medicaid Participation agreement and authority to make  
9 presumptive determinations if the provider fails to make required referrals within five business days or fails to follow  
10 procedures set forth in Section MA3245 of the Department of Health and Human Service's Family and Children's  
11 Medical Manual, which is adopted and incorporated by reference with subsequent changes or amendments and  
12 available free of charge at <https://www2.ncdhhs.gov/info/olm/manuals/dma/fcm/man/ma3245-01.htm>, ~~procedures and~~  
13 ~~guidelines~~ resulting in eligibility denials for a majority of the provider's referrals.

14 (c) Termination of the agreement ~~will~~ shall occur 30 calendar days following notification when termination is initiated  
15 by the Division DMA.

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17 *History Note: Authority G.S. 108A-25(b); 42 U.S.C. § 1396r-1; 42 C.F.R. 435.1103; 1987 Session Laws, c. 738;*  
18 *~~P.L. 99-509;~~*  
19 *~~Eff. June 1, 1988; 1988.~~*  
20 *Readopted Eff. May 1, 2018.*  
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