

1 10A NCAC 22F .0301 is proposed for readoption without substantive change as follows:

2
3 **SECTION .0300 - PROVIDER ABUSE**

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5 **10A NCAC 22F .0301 DEFINITION OF PROVIDER ABUSE**

6 ~~Provider abuse~~ Abuse, defined as provided by 42 C.F.R. 455.2, which is adopted and incorporated by reference with
7 subsequent changes or amendments and available free of charge at <https://www.ecfr.gov/>, ~~includes any incidents,~~
8 ~~services, or practices inconsistent with accepted fiscal or medical practices which cause financial loss to the Medicaid~~
9 ~~program or its beneficiaries, or which are not reasonable or which are not necessary including,~~ includes for example,
10 the following:

- 11 (1) ~~overutilization~~ Overutilization of medical and health care and ~~services;~~ services.
- 12 (2) ~~separate~~ Separate billing for care and services that are:
- 13 (a) part of an all-inclusive procedure, or
- 14 (b) included in the daily per-diem ~~rate;~~ rate.
- 15 (3) ~~billing~~ Billing for care and services that are provided by an unauthorized or unlicensed person;
16 ~~person.~~
- 17 (4) ~~failure~~ Failure to provide and maintain within accepted medical standards for the community, as set
18 out in 10A NCAC 25A .0201; ~~community;~~
- 19 (a) proper quality of care,
- 20 (b) appropriate care and services, or
- 21 (c) medically necessary care and ~~services;~~ or services.
- 22 (5) ~~breach~~ Breach of the terms and conditions of the Provider Administrative Participation Agreement,
23 ~~participation agreements,~~ or a failure to comply with requirements of certification, ~~or~~ failure to
24 comply with the provisions of the claim form.

25 ~~The foregoing examples do not restrict the meaning of the general definition.~~

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27 *History Note: Authority G.S. 108A-25(b); 108A-54.2; 108A-63; 42 C.F.R. Part 455; 455, Subpart C;*
28 *Eff. April 15, 1977;*
29 *Readopted Eff. October 31, 1977;*
30 *Amended Eff. May 1, 1984; ~~1984~~.*
31 *Readopted Eff. May 1, 2018.*