

1 10A NCAC 22F .0603 is proposed for re adoption without substantive change as follows:

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3 **10A NCAC 22F .0603 PROVIDER LOCK-OUT**

4 (a) The Division may restrict the ~~provider through suspension~~ provider, through suspension or otherwise, from
5 participating in the Medicaid program, provided that:

6 (1) Before imposing any restrictions, the Division ~~shall~~ will give the provider notice and opportunity
7 for ~~review~~ review in accordance with procedures established by the Division.

8 (2) The Division ~~shall demonstrate a relevant and factual basis for imposing the restriction.~~ shows,
9 ~~before so restricting a provider, that in a significant number of proportion of cases, the provider has:~~

10 (A) ~~provided care, services, and items at a frequency or amount not medically necessary, as determined~~
11 ~~in accordance with utilization guidelines established by the Division; or~~

12 (B) ~~provided care, service, and items of a quality that does not meet professionally recognized standards~~
13 ~~of health care.~~

14 (3) The Division ~~shall~~ will assure that recipients do not lose reasonable access to services of adequate
15 ~~quality~~ quality, as set out in 42 C.F.R. 440.230, 440.260, and 431.54, which are adopted and
16 ~~incorporated by reference with subsequent changes or amendments and available free of charge at~~
17 ~~<https://www.ecfr.gov/>, as a result of such restrictions.~~

18 (4) The Division ~~shall~~ will give general notice to the public of the restriction, its basis, and its duration.

19 (b) Suspension or termination from participation of any provider shall preclude ~~the~~ such provider from submitting
20 claims for payment to the ~~Division.~~ state agency. No claims may be submitted by or through any clinic, group,
21 corporation, or other association for any services or supplies provided by a person within such organization who has
22 been suspended or terminated from participation in the Medicaid program, except for those services or supplies
23 provided prior to the suspension or termination effective date.

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25 *History Note:* Authority G.S. 108A-25(b); 42 C.F.R. 440.230; 42 C.F.R. 440.260; 42 C.F.R. Part 431; 42
26 C.F.R.431.54; 42 C.F.R. Part 455;
27 *Eff. May 1, 1984;*
28 *Amended Eff. December 1, 1995; 1995.*
29 *Readopted Eff. May 1, 2018.*
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