

1 10A NCAC 22N .0203 is proposed for readoption without substantive change as follows:

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3 **10A NCAC 22N .0203 ENROLLMENT RESTRICTIONS**

4 (a) The Department shall deny enrollment, including enrollment for new or additional services in accordance with  
5 G.S. 122C-23(e1) and G.S. 131D-10.3(h). ~~They may be accessed online at~~

6 ~~[http://www.neleg.net/statutes/generalstatutes/html/bysection/chapter\\_122c/gs\\_122c\\_23.html](http://www.neleg.net/statutes/generalstatutes/html/bysection/chapter_122c/gs_122c_23.html) and~~

7 ~~[http://www.neleg.net/statutes/generalstatutes/html/bysection/chapter\\_131d/gs\\_131d\\_10.3.html](http://www.neleg.net/statutes/generalstatutes/html/bysection/chapter_131d/gs_131d_10.3.html).~~

8 (b) The Department may deny enrollment when an applicant meets any of the following conditions:

9 (1) if the Department has initiated revocation or summary suspension proceedings against any facility  
10 licensed pursuant to G.S. 122C, Article 2, G.S. 131D, Articles 1 or 1A, or G.S. 110, Article 7 ~~which~~  
11 ~~that~~ was previously held by the applicant and the applicant voluntarily relinquished the license;

12 (2) there is a pending appeal of a denial, revocation, ~~revocation~~ or summary suspension of any facility  
13 licensed pursuant to G.S. 122C, Article 2, G.S. 131D, Articles 1 or 1A, or G.S. 110, Article 7 ~~which~~  
14 ~~that~~ is owned by the applicant;

15 (3) the applicant had an individual as part of their governing body or management who previously held  
16 a license which was revoked or summarily suspended under G.S. 122C, Article 2, G.S. 131D,  
17 Articles 1 or 1A, and G.S. 110, Article 7 and the rules adopted under these laws; or

18 (4) the applicant is an individual who has a finding or pending investigation by the Health Care  
19 Personnel Registry in accordance with G.S. 131E -256.

20 (c) When an application for enrollment of a new service is denied:

21 (1) pursuant ~~Pursuant~~ to G.S. 150B-22, the applicant shall be given an opportunity to provide reasons  
22 why the enrollment should be granted or the matter otherwise settled;

23 (2) the Division ~~DMA~~ shall give the applicant written notice of the denial, the reasons for the denial  
24 and advise the applicant of the right to request a contested case hearing pursuant to G.S. 150B; and

25 (3) the ~~The~~ provider shall not provide the new service until a decision is made to enroll the provider,  
26 despite an appeal action.

27 (d) If the action is reversed on appeal, the ~~owner~~ provider may re-apply for enrollment in accordance with 42 C.F.R.  
28 455, Subpart E, which is adopted and incorporated by reference with subsequent changes or amendments and available  
29 free of charge at <https://www.ecfr.gov/>. ~~and may be approved back to the date of the denied application if all~~  
30 ~~qualifications are met.~~

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32 *History Note: Authority G.S. 108A-54; 143B-139.1; 122C-23(e1),(e3); 131E-256; 110, Article 7; 42 C.F.R.*  
33 *455.422; 42 C.F.R. 1002.213;*

34 *Eff. July 1, 2004; 2004.*

35 *Readopted Eff. May 1, 2018.*