

1 **10A NCAC 27I .0605 IS PROPOSED FOR AMENDMENT AS FOLLOWS:**

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3 **10A NCAC 27I .0605 DIVISION'S INITIAL RESPONSE TO A DMH/DD/SAS NON-MEDICAID**
4 **APPEAL**

5 (a) The Director shall screen the request for appeal to the Division to determine:

6 (1) if the appeal was reviewed by the area authority or county program according to the area authority
7 or county program policy and procedures; ~~and~~

8 (2) if the appeal includes the denial, reduction, suspension or termination of a non-Medicaid state
9 funded ~~service.~~ service;

10 (3) if the appeal falls within the scope of Rule .0601 of this Section; and

11 (4) if the appeal was filed in accordance with the requirements of Rule .0603 of this Section.

12 (b) The Director shall send an acknowledgement letter to the ~~client~~ client, or the client's legally responsible person,
13 and the area authority or county program within 5 business days of receipt of the request for appeal to the Division.

14 (c) The acknowledgement letter shall specify whether the appeal has been accepted or not. The Division shall
15 accept an appeal if it meets the standards as set forth in Paragraph (a) of this Rule.

16 (d) The Director shall notify the area authority or county program and the ~~client~~ client, or the client's legally
17 responsible person, whose appeal is accepted for review to forward all documentation considered during the area
18 authority or county program review to the Division no later than 10 calendar days from the date of the
19 acknowledgement letter. The acknowledgment letter shall advise the parties that a ~~panel will be convened to~~
20 Hearing Officer will conduct a hearing.

21 (e) An appeal that does not meet the criteria as set forth in Paragraph (a) of this Rule shall be returned to the client
22 as ~~disqualified~~ denied with an explanation of the basis for ~~disqualification.~~ denial.

23 (f) If the appeal is denied on the basis of Paragraph (a)(1) of this Rule, the ~~The~~ area authority or county program
24 shall review the ~~appeal, if the appeal made to the Division is disqualified on the basis of not having been reviewed~~
25 ~~according to the area authority or county program's policy and procedures.~~ appeal in accordance with the
26 requirements of Rule 10A NCAC 27G .7004.

27 (g) The client shall have 11 calendar days from the date of the area authority or county program clinical review
28 decision to resubmit the appeal to the Division.

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30 *History Note: Authority G.S. 143B-147;*

31 *Eff. October 1, 2006;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24,*
33 *2017-2017;*

34 *Amended eff. May 1, 2024.*