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LME-MCO Communication Bulletin #J190

Date: April 5, 2016
To: LME-MCOs
From: Mabel McGlothlen, LME-MCO System Management Section Chief, DMH/DD/SAS and Kathy Nichols, Behavioral Health Manager, Behavioral Health Section, DMA
Subject: Exemptions from Duplicative Monitoring

This Communication Bulletin clarifies information regarding requests for exemption for routine monitoring that is duplicative of that conducted by a national accrediting agency.

The N.C. Department of Health and Human Services has received requests from providers seeking to avail themselves of the exemption opportunity made available through Session Law 2015-286, H.B. 765, Section 3.7. For the reasons set forth below, these requests are premature.

S.L. 2015-286, H.B. 765, *The Regulatory Reform Act of 2015*, Section 3.7, amended G.S. § 122C-81, *National Accreditation Benchmarks*, to permit the Secretary to “exempt a provider that is accredited under this section and in good standing with the national accrediting agency from undergoing any routine monitoring that is duplicative of the oversight by the national accrediting agency.” This amendment clarifies that the Secretary of Health and Human Services may only offer this exemption in accordance with rules adopted by the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services.

Session Law 2015-286 further amended G.S. § 122C-81 granting new rulemaking authority to permit the Commission to adopt rules establishing the procedure whereby this exemption may be made available. Until the rules are adopted by the Commission, the exemption for routine monitoring that is duplicative of that conducted by a national accrediting agency is unavailable. Therefore, any requests for this exemption submitted prior to the Commission’s adoption of the rules governing this process will be denied.

To be added to the list of interested parties to be notified when the Commission discusses any language proposed to satisfy this rulemaking option please email Commission Rulemaking Coordinator Ms. W. Denise Baker at denise.baker@dhhs.nc.gov

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