

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS75285-SBz-29* (4/22)

Short Title: Repeal Medical Coverage Policy APA Exemption. (Public)

Sponsors: Senator Foxx.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' EXEMPTION FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WHEN ADOPTING NEW OR AMENDING EXISTING MEDICAL COVERAGE POLICIES UNDER THE STATE MEDICAID PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 21.20(a) of S.L. 2001-424 reads as rewritten:

"SECTION 21.20.(a) In order to promote consistency among providers and to ensure that medical coverage criteria are uniformly applied to Medicaid recipients throughout the State, the Department of Health and Human Services shall adopt medical coverage policies for the State Medicaid Program that are consistent with national standards or Department-defined standards. If the Department determines that application of a national standard would likely cause significant deterioration in the quality of or access to appropriate medical care, then the Department shall substitute for that national standard an evidence-based, best-practice standard that will not compromise quality of or access to appropriate medical care. ~~The adoption of new or amended medical coverage policies under the State Medicaid Program are exempt from the rule-making requirements of Chapter 150B of the General Statutes.~~"

SECTION 2. Section 21.20(b) and Section 21.20(c) of S.L. 2001-424 are repealed.

SECTION 3. Section 10.19(bb) of S.L. 2003-284 is repealed.

SECTION 4. This act is effective when it becomes law and applies retroactively to July 1, 2001.