

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE DRH70397-SBz-29A\* (4/22)**

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

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Sponsors: Representative Brubaker.

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT TO REPEAL THE DEPARTMENT OF HEALTH AND HUMAN  
3 SERVICES' EXEMPTION FROM THE RULE-MAKING REQUIREMENTS OF  
4 THE ADMINISTRATIVE PROCEDURE ACT WHEN ADOPTING NEW OR  
5 AMENDING EXISTING MEDICAL COVERAGE POLICIES UNDER THE  
6 STATE MEDICAID PROGRAM.

7 The General Assembly of North Carolina enacts:

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

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

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21 repealed.

22       **SECTION 3.** Section 10.19(bb) of S.L. 2003-284 is repealed.

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