

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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SENATE BILL 782*

Short Title: State Plan Amendments/Submission and Notice. (Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to: Health Care.

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ADDITIONAL PUBLIC POSTING AND NOTICE OF STATE PLAN AMENDMENTS AND TO REQUIRE SUBMISSION OF A STATE PLAN AMENDMENT TO THE FEDERAL GOVERNMENT PRIOR TO THE EFFECTIVE DATE OF THE STATE PLAN AMENDMENT, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 108A-54.1A reads as rewritten:

"§ 108A-54.1A. Amendments to Medicaid State Plan and Medicaid Waivers.

...

(d) No fewer than 10 days prior to submitting an amendment to the State Plan to the federal government, the Department shall post the amendment on its Web site and notify the members of the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division that the amendment has been posted. This requirement shall not apply to draft or proposed amendments submitted to the federal government for comments but not submitted for approval. The amendment shall remain posted on the Department's Web site at least until the plan has been approved, rejected, or withdrawn. If the authority for submitting the amendment to the State Plan is pursuant to subdivision (3), (4), (5), or (6) of subsection (b) of this section, then, prior to submitting an amendment to the federal government, the Department shall submit to the General Assembly members receiving notice under this subsection and to the Fiscal Research Division an explanation of the amendment, the need for the amendment, and the federal time limits required for implementation of the amendment.

(e) The Department shall submit an amendment to the State Plan to the federal government by a date sufficient to provide the federal government adequate time to review and approve the amendment so the amendment may be effective by the date required by the directing authority in subsection (b) of this section. Additionally, if a change is made to the Medicaid program by the General Assembly and that change requires an amendment to the State Plan, then the amendment shall be submitted at least 90 days prior to the effective date of the change as provided in the legislation.

~~(e) The Department shall submit an amendment to the State Plan to the federal government by a date sufficient to provide the federal government adequate time to review and approve the amendment so the amendment may be effective by the date required by the directing authority in subsection (b) of this section.~~ at least 90 days prior to the effective date of the amendment, regardless of any later submission date allowed under federal law.

(f) Any public notice required under 42 CFR 447.205 shall, in addition to any other posting requirements under federal law, be posted on the Department's Web site. Upon posting



1 such a public notice, the Department shall notify the members of the Joint Legislative
2 Oversight Committee on Health and Human Services and the Fiscal Research Division that the
3 public notice has been posted. Public notices shall remain posted on the Department's Web
4 site."

5 **SECTION 2.(a)** G.S. 108A-55(c) reads as rewritten:

6 "(c) The Department shall reimburse providers of services, equipment, or supplies under
7 the Medical Assistance Program in the following amounts:

8 (1) The amount approved by the ~~Health Care Financing Administration~~Centers
9 for Medicare & Medicaid Services (CMS) of the United States Department
10 of Health and Human Services, if ~~that Administration~~CMS approves an
11 exact reimbursement ~~amount;~~amount.

12 (2) The amount determined by application of a method approved by the ~~Health~~
13 ~~Care Financing Administration~~Centers for Medicare & Medicaid Services
14 (CMS) of the United States Department of Health and Human Services, if
15 ~~that Administration~~CMS approves the method by which a reimbursement
16 amount is determined, and not the exact amount.

17 The Department shall establish the methods by which reimbursement amounts are
18 determined in accordance with Chapter 150B of the General Statutes. A change in a
19 reimbursement amount becomes effective as of the date for which the change is approved by
20 the ~~Health Care Financing Administration~~Centers for Medicare & Medicaid Services (CMS) of
21 the United States Department of Health and Human Services.~~The Department shall report to the~~
22 ~~Fiscal Research Division of the Legislative Services Office and to the Senate Appropriations~~
23 ~~Committee on Human Resources and the House of Representatives Appropriations~~
24 ~~Subcommittee on Human Resources or the Joint Legislative Oversight Committee on Health~~
25 ~~and Human Services on any change in a reimbursement amount at the same time as it sends out~~
26 ~~public notice of this change prior to presentation to the Health Care Financing Administration."~~

27 **SECTION 2.(b)** By repealing language in subsection (a) of this section related to
28 giving to the General Assembly notice of a public notice, it is not the intent of the General
29 Assembly to remove the required notice of the changes to reimbursement amounts for services,
30 equipment, or supplies. Rather, it is the intent that those notices be given pursuant to
31 G.S. 108A-54.1A(f), rather than pursuant to both G.S. 108A-54.1A(f) and G.S. 108A-55(c).

32 **SECTION 3.** This act becomes effective July 1, 2014, and the amendment to
33 G.S. 108A-54.1A(e) applies to State Plan Amendments with effective dates on or after
34 September 1, 2014.