

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1104*

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

Sponsors: Senators Foxx; Allran, Apodaca, Berger, Bingham, Carpenter, Carrington, Forrester, Garwood, Hargett, Horton, Hoyle, Kerr, Nesbitt, Rucho, Shubert, Sloan, Smith, Stevens, Webster, Weinstein, and White.

Referred to: Judiciary I.

May 17, 2004

A BILL TO BE ENTITLED

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21 repealed.

22 **SECTION 3.** Section 10.19(bb) of S.L. 2003-284 is repealed.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