

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL DRS45240-MR-70 (03/13)

Short Title: Notice of Medicaid SPA Submissions. (Public)

Sponsors: Senators Hise, Pate, and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO  
3 PROVIDE NOTIFICATION TO THE GENERAL ASSEMBLY UPON THE  
4 SUBMISSION OR NON-SUBMISSION OF A MEDICAID STATE PLAN  
5 AMENDMENT.

6 The General Assembly of North Carolina enacts:

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

8 **"§ 108A-54.1A. Amendments to Medicaid State Plan and Medicaid Waivers.**

9 (a) The Department of Health and Human Services is expressly authorized and required  
10 to take any and all necessary action to amend the State Plan and waivers in order to keep the  
11 program within the certified budget, except as provided in G.S. 108A-54(f). For purposes of  
12 this section, the term "amendments to the State Plan" includes State Plan amendments,  
13 Waivers, and Waiver amendments.

14 (b), (c) Repealed by Session Laws 2015-245, s. 18, effective September 23, 2015.

15 (d) No fewer than 10 days prior to submitting an amendment to the State Plan to the  
16 federal government, the Department shall post the amendment on its Web site and notify the  
17 members of the Joint Legislative Oversight Committee on Medicaid and NC Health Choice and  
18 the Fiscal Research Division that the amendment has been posted. For any amendments to the  
19 State Plan that add or eliminate an optional service, the notice required by this subsection shall  
20 be 90 days. This notice requirement shall not apply to draft or proposed amendments submitted  
21 to the federal government for comments but not submitted for approval.

22 (d1) Upon the submission of an amendment to the State Plan to the federal government,  
23 the Department shall notify the Joint Legislative Oversight Committee on Medicaid and NC  
24 Health Choice and the Fiscal Research Division that the amendment has been submitted.

25 If the Department determines that an amendment posted on its Web site in accordance with  
26 subsection (d) of this section will not be submitted to the federal government, then the  
27 Department shall notify the Joint Legislative Oversight Committee on Medicaid and NC Health  
28 Choice and the Fiscal Research Division upon making that determination.

29 (e) Repealed by Session Laws 2015-245, s. 18, effective September 23, 2015.

30 (f) Any public notice required under 42 C.F.R. 447.205 shall, in addition to any other  
31 posting requirements under federal law, be posted on the Department's Web site. Upon posting  
32 such a public notice, the Department shall notify the members of the Joint Legislative  
33 Oversight Committee on Medicaid and NC Health Choice and the Fiscal Research Division  
34 that the public notice has been posted. Public notices shall remain posted on the Department's  
35 Web site."



1           **SECTION 2.** This act is effective when it becomes law and applies to amendments  
2 to the State Plan posted on the Department of Health and Human Services Web site on or after  
3 that date.