

Annual Issuance of Medicaid Identification Cards

Session Law 2020-78, Section 4D.2



Report to

**Joint Legislative Oversight Committee on
Medicaid and NC Health Choice**

By

North Carolina Department of Health and Human Services

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Introduction:

Session Law 2020-78, Section 4D.2 (see Appendix A), directed the Division of Health Benefits (DHB) to engage in rulemaking to codify the issuance of annual Medicaid identification cards. DHB amended Rule 10A NCAC 23A .0102- Issuance to implement the session law. A copy of the original rule is attached to this report (see Appendix C). The requirement of annual issuance of Medicaid identification cards appears in subsection (c) of the new rule (see Appendix B).

Summary of Rulemaking Process:

Before engaging in the statutory process for permanent rulemaking under Article 2A of Chapter 150B of the North Carolina General Statutes, DHB's eligibility team recommended updating the rule language to reflect changes to identification card procedures in addition to adding language to reflect the annual issuance of identification cards. These changes are incorporated into the amended rule as well.

Pursuant to Article 2A the following steps were completed.

DHB consulted with the Office of State Management and Budget to determine if a fiscal impact analysis was necessary. OSBM determined that it was not needed. A federal law certification is not required for this rule.

This rule was reviewed and approved by the Department for publication on April 29, 2021. The rule was published in the NC Register on June 1, 2021. It was open for public comment for 60 days ending August 2, 2021. The rule was also posted to the Division of Health Benefits website on May 20, 2021 with notification that the Notice of Proposed Rulemaking became effective June 1, 2021.

The Division of Health Benefits held a virtual public hearing on this rule on June 17, 2021. No oral comments were received during the public hearing. No written comments were received by email or first class mail during the 60 day comment period.

The Rule was approved by the Secretary's Office on August 11, 2021. The Division of Health Benefits filed this rule with the Rules Review Commission on August 17, 2021. At the September 16, 2021, hearing the Rules Review Commission members did not have questions or debate the text of the Rule. The Rule was recommended for adoption by the Rules Review Commission. The rule passed unanimously by the Rules Review Commission on September 16, 2021. No written objections were received by the Rules Review Commission after approval.

The amended rule was effective on October 1, 2021.

Appendix A: S.L. 2020-78, Section 4D.2

ANNUAL ISSUANCE OF MEDICAID IDENTIFICATION CARDS

SECTION 4D.2. The Department of Health and Human Services (Department) shall issue Medicaid identification cards to recipients on an annual basis with updates as needed. The Department shall adopt rules, or amend any current rules relating to Medicaid identification cards, to implement this section. No later than February 1, 2021, the Department shall submit a report to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice confirming the adoption or amendment of rules in accordance with this section.

Appendix B: Amended Rule 10A NCAC 23B .0102 ISSUANCE

10A NCAC 23B .0102 ISSUANCE

- (a) Cards shall be issued by the State at any time of the month for:
 - (1) Approved applications;
 - (2) Cases authorized after meeting a deductible;
 - (3) Change in primary care provider; or
 - (4) Change in LME/MCO catchment area.
- (b) Cards shall be requested by the county agency for issuance by the State for:
 - (1) A legal name change;
 - (2) Replacement of lost, stolen, burned, destroyed, or incorrect cards;
 - (3) Non-receipt of a State-issued card; or
 - (4) Requests by a second county during a county transfer.
- (c) Cards shall be issued by the State 12 months from the last issuance date if the client remains eligible.

*History Note: Authority G.S. 108A-54; S.L. 2020-78, s. 4D.2;
Eff. September 1, 1984;
Amended Eff. August 1, 1990;
Transferred from 10A NCAC 21C .0102 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;
Amended Eff. October 1, 2021.*

Appendix C: Original Rule 10A NCAC 23B .0102 ISSUANCE

10A NCAC 23B .0102 ISSUANCE

- (a) Cards shall be issued by the state at any time of the month for:
 - (1) Approved applications;
 - (2) Cases authorized after meeting a deductible; or
 - (3) Requests by the county agency.
- (b) Cards shall be issued by the state at the beginning of each month for clients authorized for the month.
- (c) Cards shall be issued by the county agency for:
 - (1) Emergencies as indicated in the Eligibility Manuals;
 - (2) Replacement of lost, stolen, burned or incorrect cards;
 - (3) Non-receipt of a state issued card; and
 - (4) Requests by a second county during a county transfer.

*History Note: Authority G.S. 108A-54;
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