

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 368

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

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

Referred to: Rules and Operations of the Senate

March 27, 2017

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14 (b), (c) Repealed by Session Laws 2015-245, s. 18, effective September 23, 2015.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29 (e) Repealed by Session Laws 2015-245, s. 18, effective September 23, 2015.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