

**10A NCAC 22N .0203 ENROLLMENT RESTRICTIONS**

- (a) The Department shall deny enrollment, including enrollment for new or additional services in accordance with G.S. 122C-23(e1) and G.S. 131D-10.3(h).
- (b) The Department may deny enrollment when an applicant meets any of the following conditions:
- (1) if the Department has initiated revocation or summary suspension proceedings against any facility licensed pursuant to G.S. 122C, Article 2, G.S. 131D, Articles 1 or 1A, or G.S. 110, Article 7 that was previously held by the applicant and the applicant voluntarily relinquished the license;
  - (2) there is a pending appeal of a denial, revocation, or summary suspension of any facility licensed pursuant to G.S. 122C, Article 2, G.S. 131D, Articles 1 or 1A, or G.S. 110, Article 7 that is owned by the applicant;
  - (3) the applicant had an individual as part of their governing body or management who previously held a license that was revoked or summarily suspended under G.S. 122C, Article 2, G.S. 131D, Articles 1 or 1A, and G.S. 110, Article 7 and the rules adopted under these laws; or
  - (4) the applicant is an individual who has a finding or pending investigation by the Health Care Personnel Registry in accordance with G.S. 131E -256.
- (c) When an application for enrollment of a new service is denied:
- (1) pursuant to G.S. 150B-22, the applicant shall be given an opportunity to provide reasons why the enrollment should be granted or the matter otherwise settled;
  - (2) the Division shall give the applicant written notice of the denial, the reasons for the denial and advise the applicant of the right to request a contested case hearing pursuant to G.S. 150B; and
  - (3) the provider shall not provide the new service until a decision is made to enroll the provider, despite an appeal action.
- (d) If the denial is reversed on appeal, the provider may re-apply for enrollment in accordance with 42 C.F.R. 455, Subpart E, which is adopted and incorporated by reference with subsequent changes or amendments and available free of charge at <https://www.ecfr.gov/>.

*History Note: Authority G.S. 108A-54; 122C-23(e1),(e3); 131E-256; 143B-139.1; 42 C.F.R. 455.422; 42 C.F.R. 1002.213;  
Eff. July 1, 2004;  
Readopted Eff. July 1, 2018.*