SECTION .0200 - HEARINGS: TRANSFER AND DISCHARGES FROM NURSING FACILITIES

10A NCAC 22H .0201 DEFINITIONS

The following definitions shall apply throughout this Section:

(1) "Division" means the North Carolina Division of Health Benefits, Department of Health and Human Services.

(2) "Hearing Officer" means the person designated by the Chief Hearing Officer of the Division's Hearing Unit to preside over hearings between a resident and a nursing facility provider regarding transfers and discharges.

(3) "Hearing Unit" means the Chief Hearing Officer and his or her staff in the Division of Health Benefits, Department of Health and Human Services.

(4) "Notice of Transfer or Discharge form" means the form developed by the Division containing the elements described at 42 C.F.R. 483.15(c)(5), which is adopted and incorporated by reference with subsequent changes or amendments and available free of charge at https://www.ecfr.gov/.

(5) "Request for Hearing" means a written request by the resident, family member, or legal representative of the resident that the resident wants to appeal the facility's decision to transfer or discharge.

(6) The "Nursing Home Hearing Request Form " means the form developed by the Division containing:

(a) the resident's name;

(b) the facility's name;

(c) the date of the Notice of Transfer or Discharge form;

(d) the date of the scheduled transfer or discharge;

(e) the requestor's preference for a telephone hearing or in-person hearing in Raleigh, North Carolina;

(f) the requestor's name, address, telephone number, and signature; and

(g) the telephone number, fax number, mailing address, and email address of the Division's Hearing Unit.

History Note: *Authority G.S. 108A-25(b); 42 USCS 1396r(e)(3), (f)(3); 42 C.F.R. Part 483;*
Eff. April 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
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