

10A NCAC 26C .0502 DEFINITIONS

As used in the rules in this Section, the following terms have the meanings specified:

- (1) "Authorization to receive public funding for providing services" means approval from the Department to receive funding through one or more of the following mechanisms:
 - (a) enrollment of a provider with Medicaid, as defined in 42 C.F.R. 440.90, 42 C.F.R. 440.130(D), and 42 C.F.R. 440.180 and SL 2002-164; or
 - (b) compliance with contract or funding requirements for state or federal funds, as defined in 10A NCAC 27A, Sections .0100 through .0200.
- (2) "Funding authority" means the state agency that is responsible for administering state or federal funds, or the area authority or county program that is responsible for administering local funds.
- (3) "Provider" means any person or entity authorized to provide publicly funded services.
- (4) "Services" means publicly funded mental health, developmental disabilities and substance abuse services.
- (5) "Statutes or rules" mean the North Carolina General Statutes, North Carolina Administrative Code.
- (6) "Substantial failure to comply" means evidence of one or more of the following:
 - (a) the provider has not addressed issues that endanger the health, safety or welfare of clients receiving services;
 - (b) the provider has been convicted of a crime specified in G.S. 122C-80;
 - (c) the provider has not made available and assessable all sources of information necessary to complete the monitoring processes set out in G.S. 122C-112.1;
 - (d) the provider has created or altered documents to avoid sanctions;
 - (e) the provider has not submitted, revised or implemented a plan of correction in the specified timeframes; or
 - (f) the provider has not removed the cause of a summary suspension in the specified timeframes.

*History Note: Authority G.S. 122C-112.1; 143B-139.1; 150B-21.1;
Temporary Adoption Eff. July 1, 2003;
Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*