

10A NCAC 27G .0810 STATE MH/DD/SA APPEALS PANEL ADMINISTRATIVE REVIEW PROCEDURES

- (a) Appellants, as identified in G.S. 122C-151.4(c), shall file written notice of appeal of the final decision of the Local Management Entity (LME), with the Director of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (Division) within 15 calendar days of the date of the final LME decision.
- (b) "File or Filing" means personal delivery, delivery by certified mail, or delivery by overnight express mail to the current Director of the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services. A document or paper is deemed filed as of the date it is delivered to the Director. Filings addressed to a person other than the Division Director, or which fail to be filed within the time periods established by this Rule, or which otherwise fail to be filed in conformity with the rules in this Section shall be considered as improper filings and denied.
- (c) The Division Director shall notify the LME that an appeal has been filed. Upon notification of the appeal filed pursuant to G.S. 122C-151.4(c)(1), (c)(2) and (c)(3), an LME shall forward a copy of its final decision, the signed contract between the LME and the contractor or former contractor, where applicable a copy of the endorsement application, and all supplementary documentation considered during the local appeals process, to the Division Director, with a copy to the appellant, within five business days of the date of the notification.
- (d) Upon notification of the appeal filed under G.S. 122C-151.4(c)(4) and (5), an LME shall forward notification of its final decision and all supplementary documentation considered during the local appeals process to the Division Director, with a copy to the appellant, within five business days of the date of the notification.
- (e) The Division Director shall appoint an impartial Panel, consisting of a Chairman, an LME representative and a provider representative, and shall forward all information to the Chairman of the Panel within 10 business days of receipt of the appeal record from the appellant and LME.
- (f) The Panel shall deliberate in open session on each specific item being appealed; however, the panel may deliberate in closed session to prevent the disclosure of confidential information, pursuant to G.S. 143-318.11(a)(1).
- (g) The Panel shall vote on each specific item being appealed.
- (h) Findings and decisions of the Panel shall be by majority vote.
- (i) The Panel may obtain any form of technical assistance or consultation relevant to the appeal in conducting the administrative review.
- (j) The Panel shall complete an administrative review and notify the appealing party and the LME of its decision, in writing, within 20 business days of the Panel's receipt of the appeal record.
- (k) Any decision may be delayed until a subsequent meeting if the Panel determines that it lacks sufficient information to render a decision at the initial administrative review.
- (l) In all cases the administrative review decision shall be distributed within 10 business days of the decision being rendered.
- (m) The appellant or the LME may appeal the administrative review decision by requesting an informal hearing before the Panel by submitting a written request to the Chairman of the Panel within 15 business days of the date of the administrative review decision.
- (n) Unless the appellant or the LME requests a hearing before the Panel within 15 business days of the date of the administrative review decision, the administrative review decision shall be considered final.
- (o) This Rule does not apply to contracts for personal services provided by a professional individual which include those of a doctor, dentist, attorney, architect, professional engineer, scientist or performer of the fine arts or similar professionals, or consultative service on a temporary or occasional basis.

*History Note: Authority G.S. 122C-151.4;
Eff. May 1, 1996;
Amended Eff. December 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*