

CHAPTER 39 - ADULT HEALTH
SUBCHAPTER 39A - CHRONIC DISEASE
SECTION .0100 - MIGRANT HEALTH

10A NCAC 39A .0101	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .0102	DEFINITIONS
10A NCAC 39A .0103	MIGRANT HEALTH PROGRAM SERVICES
10A NCAC 39A .0104	CO-PAYMENTS
10A NCAC 39A .0105	FEE-FOR-SERVICE REIMBURSEMENT
10A NCAC 39A .0106	ELIGIBLE MIGRANTS
10A NCAC 39A .0107	ELIGIBLE PROVIDERS

History Note: Authority G.S. 130A-223; Sec. 329, Public Health Services Act, 95 Stat. 569(42 U.S.C. 259b); (42 U.S.C. 254b); 42 C.F.R. 56.302(f);
Eff. January 1, 1983;
Amended Eff. June 1, 2004; April 1, 1999; April 1, 1995; October 1, 1990; September 1, 1990; January 1, 1986;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 39A .0108	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .0109	COVERED SERVICES
10A NCAC 39A .0110	CLAIMS FOR PAYMENT
10A NCAC 39A .0111	PAYMENT LIMITATIONS

History Note: Authority G.S. 130A-223; Sec. 329, 95 Stat 569;
Eff. January 1, 1983;
Temporary Amendment Eff. July 6, 1992 for a period of 180 days to Expire on January 2, 1993;
Amended Eff. October 1, 2006; June 1, 2004; April 1, 1995; October 1, 1992; October 1, 1990; January 1, 1986;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0200 - HOME HEALTH SERVICES

10A NCAC 39A .0201	GENERAL
10A NCAC 39A .0202	DEFINITIONS
10A NCAC 39A .0203	REIMBURSEMENT FUNDS
10A NCAC 39A .0204	PATIENT FINANCIAL ELIGIBILITY
10A NCAC 39A .0205	COVERED SERVICES
10A NCAC 39A .0206	BILLING THE PROGRAM
10A NCAC 39A .0207	RATES OF REIMBURSEMENT
10A NCAC 39A .0208	REIMBURSEMENT FUNDS: THIRD PARTY PAYORS
10A NCAC 39A .0209	MONITORING
10A NCAC 39A .0210	AUDITS

History Note: Authority G.S. 130A-5(3); 130A-223;
Eff. July 1, 1983;
Amended Eff. October 1, 1990; September 1, 1990; January 1, 1986; July 1, 1985;
Repealed Eff. July 1, 2014.

10A NCAC 39A .0211	SPECIAL PROVISION
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History Note: Authority G.S. 130A-5(3); 130A-223;
Eff. August 1, 1991;
Repealed Eff. July 1, 2014.

SECTION .0300 - CHRONIC RENAL DISEASE CONTROL PROGRAM

10A NCAC 39A .0301 GENERAL
10A NCAC 39A .0302 MEDICAL ELIGIBILITY
10A NCAC 39A .0303 FINANCIAL ELIGIBILITY
10A NCAC 39A .0304 APPLICATION PROCESS
10A NCAC 39A .0305 CLAIMS FOR REIMBURSEMENT
10A NCAC 39A .0306 COVERED SERVICES
10A NCAC 39A .0307 CONSULTATIVE SERVICES
10A NCAC 39A .0308 ASSISTANCE AGREEMENTS

History Note: Authority G.S. 130A-220;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; January 1, 1986; July 1, 1985; July 1, 1984; July 1, 1983; April 1, 1982; July 1, 1981; March 31, 1980;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 39A .0309 VENDOR REQUIREMENTS

History Note: Authority G.S. 130A-220;
Eff. March 31, 1980;
Amended Eff. September 1, 1990;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 39A .0310 RESERVED FOR FUTURE CODIFICATION

10A NCAC 39A .0311 APPEALS PROCEDURE

History Note: Authority G.S. 130A-220;
Eff. March 31, 1980;
Amended Eff. September 1, 1990; February 1, 1987; July 1, 1984;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0400 - RESERVED FOR FUTURE CODIFICATION

SECTION .0500 - ADULT HEALTH PROMOTION AND DISEASE PREVENTION PROGRAM

10A NCAC 39A .0501 GENERAL
10A NCAC 39A .0502 DEFINITIONS
10A NCAC 39A .0503 ROLE OF THE PROGRAM
10A NCAC 39A .0504 PROVIDER ELIGIBILITY
10A NCAC 39A .0505 APPLICATIONS FOR PROGRAM FUNDS
10A NCAC 39A .0506 MONITORING AND REPORTING PROGRAM PERFORMANCE
10A NCAC 39A .0507 USE OF PROGRAM FUNDS
10A NCAC 39A .0508 CLIENT AND THIRD PARTY FEES

History Note: Authority G.S. 130A-223;
Eff. January 1, 1985;
Amended Eff. September 1, 1990;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0600 - MEDICATION ASSISTANCE PROGRAM FOR THE DISABLED

10A NCAC 39A .0601	GENERAL
10A NCAC 39A .0602	CLIENT ELIGIBILITY
10A NCAC 39A .0603	FINANCIAL ASSISTANCE PAYMENTS

History Note: Authority S.L. 1985, c. 791, s. 19(a);
Temporary Rule Eff. October 29, 1985 for a Period of 120 Days to Expire on February 26, 1986;
Eff. February 26, 1986;
Temporary Amendment Eff. October 21, 1987, for a Period of 180 Days to Expire on April 17, 1988;
Amended Eff. September 1, 1990; May 1, 1988;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0700 - HEALTH CARE SERVICES IN THE HOME DEMONSTRATION PROGRAM

10A NCAC 39A .0701	GENERAL
10A NCAC 39A .0702	DEFINITIONS
10A NCAC 39A .0703	ELIGIBLE PROVIDERS
10A NCAC 39A .0704	FINANCIAL ELIGIBILITY
10A NCAC 39A .0705	MEDICAL ELIGIBILITY
10A NCAC 39A .0706	BILLING THE DEMONSTRATION PROGRAM
10A NCAC 39A .0707	RATES OF REIMBURSEMENT
10A NCAC 39A .0708	REIMBURSEMENT FUNDS: THIRD PARTY PAYORS
10A NCAC 39A .0709	MONITORING
10A NCAC 39A .0710	AUDITS
10A NCAC 39A .0711	SPECIAL PROVISIONS

History Note: Authority G.S. 130A-223; Sec. 395, 101 STAT. 979 (42 U.S.C. 280c);
Temporary Rule Eff. March 20, 1989 for a Period of 180 Days to Expire on September 16, 1989;
Eff. August 1, 1989;
Amended Eff. August 1, 1991; September 1, 1990; February 1, 1990;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0800 - HOME AND COMMUNITY-BASED HIV HEALTH SERVICES PROGRAM

10A NCAC 39A .0801	GENERAL
10A NCAC 39A .0802	DEFINITIONS
10A NCAC 39A .0803	ELIGIBLE PROVIDERS
10A NCAC 39A .0804	FINANCIAL ELIGIBILITY
10A NCAC 39A .0805	MEDICAL ELIGIBILITY
10A NCAC 39A .0806	BILLING THE HIV HEALTH SERVICES PROGRAM
10A NCAC 39A .0807	RATES OF REIMBURSEMENT
10A NCAC 39A .0808	REIMBURSEMENT FUNDS: THIRD PARTY PAYORS
10A NCAC 39A .0809	MONITORING
10A NCAC 39A .0810	AUDITS

History Note: Authority G.S. 130A-223;
Temporary Adoption Eff. January 7, 1991 for a period of 180 Days to Expire on July 6, 1991;
ARRC Objection Lodged January 18, 1991;
Eff. May 1, 1991;
Repealed Eff. July 1, 2014.

SECTION .0900 - RYAN WHITE HIV CARE PROGRAM

10A NCAC 39A .0901	GENERAL
10A NCAC 39A .0902	DEFINITIONS
10A NCAC 39A .0903	ELIGIBLE PROVIDERS
10A NCAC 39A .0904	APPLICATIONS FOR RWCP CARE CONSORTIUM FUNDS
10A NCAC 39A .0905	FINANCIAL ELIGIBILITY
10A NCAC 39A .0906	MEDICAL ELIGIBILITY
10A NCAC 39A .0907	BILLING THE RYAN WHITE HIV CARE PROGRAM
10A NCAC 39A .0908	LIMITATIONS ON FEE CHARGES
10A NCAC 39A .0909	RATES OF REIMBURSEMENT
10A NCAC 39A .0910	REIMBURSEMENT FUNDS: THIRD PARTY PAYORS
10A NCAC 39A .0911	MONITORING
10A NCAC 39A .0912	AUDITS

History Note: Authority G.S. 130A-223;
 Eff. December 1, 1991;
 Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .1000 - HIV MEDICATIONS PROGRAM

10A NCAC 39A .1001 GENERAL

Persons diagnosed by a medical provider to have HIV disease or HIV seropositivity, and who qualify financially pursuant to 15A NCAC 245 .0202, shall be eligible to have medications paid for through the HIV Medications Program in accordance with the rules of this Section.

History Note: Authority G.S. 130A-5(3);
 Eff. October 1, 1990;
 Transferred and Recodified from 15A NCAC 19A .0701 Eff. August 10, 1992;
 Temporary Amendment Eff. July 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Amended Eff. January 1, 1996;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

10A NCAC 39A .1002 COVERED MEDICATIONS

(a) Medications covered by the HIV Medication Program shall be specified on a formulary established by the Program based upon the following factors: the medical needs of persons living with HIV disease, the cost effectiveness of the drugs, the availability of generic or other less costly alternatives, and the need to maximize the benefits to patients using finite Program dollars. The covered medications include: antiretroviral medications used to treat HIV infection in accordance with FDA approved indications included in the official product labeling and other FDA approved medications as approved by the program, used for the prevention and treatment of the side effects of and opportunistic infections related to a diagnosis of HIV disease, or to treat the side effects and toxicities of the other covered medications.

(b) Other medications shall be approved by the program based on:

- (1) the expert input and recommendations received from a panel of physicians in North Carolina working directly with the HIV infected community, including physicians at the tertiary care centers, in community practice, in research, and represented on the AIDS Care Advisory Committee; and
- (2) an evaluation of the availability of adequate financial resources.

(c) A list of medications on the HIV Medications Program formulary shall be made available upon request by the Purchase of Medical Care Services or the Division of Public Health – AIDS Drug Assistance Program, 1902 Mail Service Center, Raleigh, NC 27699-1902. Additionally, as medications are added to the program, announcements shall be made through the monthly newsletter distributed by the Purchase of Medical Care Services to participating pharmacies and through announcements mailed to HIV care consortia, tertiary care centers and other agencies serving HIV infected individuals by the Division of Public Health.

History Note: Authority G.S. 130A-5(3);
 Eff. January 1, 1996;

Temporary Amendment Eff. July 1, 2005;
Amended Eff. November 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

10A NCAC 39A .1003 MEDICAL ELIGIBILITY

A person who is determined by a physician to be infected with the human immunodeficiency virus is medically eligible.

History Note: Authority G.S. 130A-5(3);
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

10A NCAC 39A .1004 FINANCIAL ELIGIBILITY

Financial eligibility shall be determined in accordance with 15A NCAC 45A .0200.

History Note: Authority G.S. 130A-5(3);
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

10A NCAC 39A .1005 APPLICATION PROCESS

(a) Applications for assistance must be submitted and shall be processed in accordance with 10A NCAC 45A. All necessary forms may be obtained from the Purchase of Medical Care Services, Office of the Controller, Department of Health and Human Services, 1904 Mail Service Center, Raleigh, N.C. 27699-1904.

(b) Applications must be renewed at least annually for the fiscal year beginning July 1, and ending June 30.

History Note: Authority G.S. 130A-5(3);
Eff. January 1, 1996;
Temporary amendment Eff. July 1, 2005;
Amended Eff. April 1, 2006; January 1, 2006; October 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

10A NCAC 39A .1006 PROGRAM OPERATIONS

Medications provided to eligible clients through this HIV Medication Program shall be dispensed and provided by a pharmacy (or pharmacies) under contract with the Program.

History Note: Authority G.S. 130A-5(3);
Temporary Adoption Eff. July 1, 2005;
Eff. November 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

SECTION .1100 - CANCER DIAGNOSTIC AND TREATMENT PROGRAM

10A NCAC 39A .1101	GENERAL
10A NCAC 39A .1102	DEFINITIONS
10A NCAC 39A .1103	LIMITATIONS ON DAYS OF SERVICE
10A NCAC 39A .1104	COVERED SERVICES
10A NCAC 39A .1105	FINANCIAL ELIGIBILITY
10A NCAC 39A .1106	MEDICAL ELIGIBILITY
10A NCAC 39A .1107	PATIENT APPLICATION PROCESS
10A NCAC 39A .1108	REIMBURSEMENT PROCESS

History Note: Authority G.S. 130A-205; 130A-220; Sec. 301 & 317, Public Health Services Act, as amended;
Temporary Adoption Eff. December 1, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1993;
Amended Eff. August 1, 2000; August 1, 1995; January 1, 1995;

Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 39A .1109	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1110	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1111	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1112	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1113	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1114	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1115	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1116	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1117	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1118	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1119	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1120	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1121	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1122	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1123	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1124	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1125	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1126	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1127	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1128	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1129	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1130	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1131	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1132	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1133	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1134	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1135	RESERVED FOR FUTURE CODIFICATION

10A NCAC 39A .1136	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1137	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1138	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1139	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1140	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1141	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1142	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1143	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1144	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1145	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1146	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1147	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1148	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1149	RESERVED FOR FUTURE CODIFICATION
10A NCAC 39A .1150	REPORTING OF CANCER
10A NCAC 39A .1151	CANCER REGISTRY

History Note: Authority G.S. 130A-205; 130A-209;
Temporary Adoption Eff. December 1, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1993;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .1200 - BREAST AND CERVICAL CANCER SCREENING AND FOLLOW-UP PROGRAM

10A NCAC 39A .1201	GENERAL
10A NCAC 39A .1202	DEFINITIONS
10A NCAC 39A .1203	FINANCIAL ELIGIBILITY
10A NCAC 39A .1204	MEDICAL ELIGIBILITY
10A NCAC 39A .1205	PARTICIPATING PROVIDERS
10A NCAC 39A .1206	PATIENT APPLICATION PROCESS
10A NCAC 39A .1207	APPLICATIONS FOR PROGRAM FUNDS
10A NCAC 39A .1208	USE OF PROGRAM FUNDS
10A NCAC 39A .1209	QUALITY ASSURANCE

History Note: Authority G.S. 130A-205; Sec. 301 & 317, Public Health Services Act, as amended;
Temporary Adoption Eff. December 1, 1992 for a Period of 180 Days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1993;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .1300 - PRESCRIPTION DRUG ASSISTANCE PROGRAM

10A NCAC 39A .1301	GENERAL
10A NCAC 39A .1302	DEFINITIONS
10A NCAC 39A .1303	FINANCIAL ELIGIBILITY
10A NCAC 39A .1304	LIMITATIONS
10A NCAC 39A .1305	APPLICATION PROCESS
10A NCAC 39A .1306	COVERED SERVICES
10A NCAC 39A .1307	REIMBURSEMENT

History Note: Authority S.L. 1999, c. 237, s. 11.1.(a);
Temporary Adoption Eff. February 10, 2000;
Eff. April 1, 2001;
Expired Eff. January 1, 2017 pursuant to G.S. 150B-21.3A.