

§ 108D-46. Consideration of county requests.

(a) For purposes of this section, the term "applicable RFP" means any RFP for a BH IDD tailored plan for a contract term subsequent to the initial BH IDD tailored plan contract term.

(b) A county may request to realign with another LME/MCO in accordance with all of the following:

- (1) No earlier than six months prior to the issuance of an applicable RFP, the Secretary shall provide a period of at least 60 days for counties to submit a written request, in the format required by the Secretary, to disengage from the LME/MCO with which they are aligned and to realign with another LME/MCO. The Secretary shall notify counties of the time period for submitting a request.
- (2) A county submitting a request must attach a written statement from the local Consumer and Family Advisory Committee under G.S. 122C-170 and any Provider Advisory Council of the LME/MCO with which the county is requesting to disengage, indicating whether the entity providing the statement supports the request.
- (3) In making a decision on the county's request, the Secretary shall consider all factors in G.S. 122C-115.5(f).
- (4) The Secretary shall have 30 days to approve or disapprove the county's request and notify the county of the Secretary's decision.
- (5) If the request is approved by the Secretary, then the realignment shall be effective with the next BH IDD tailored plan contract term and shall be reflected in the applicable RFP.
- (6) If the request is approved by the Secretary, then the Secretary shall ensure, at a minimum, that the provision of services is not disrupted by the realignment.
- (7) The Secretary's decision under this subsection to approve or disapprove a county request for realignment is final, and there is no right to appeal the decision to the Office of Administrative Hearings, in accordance with G.S. 150B-1(e)(21), or any other forum.

(c) To ensure Medicaid service predictability, minimize administrative burden for providers, and promote fiscal and operational stability, the county request process is limited to the time period provided in subdivision (b)(1) of this section.

(d) The Department shall establish a process for consulting with counties annually regarding PHP performance under the BH IDD tailored plan contracts or the standard benefit plan contracts. (2023-134, s. 9G.7A(b3).)