1 10A NCAC 13C .0202 is temporarily adopted, with changes as published on the OAH website, as follows:

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3 **10A NCAC 13C .0202   REQUIREMENTS FOR ISSUANCE OF LICENSE**

4 (a) Upon application for a license from a facility never before licensed, a representative of the Department shall

5 make an inspection of that facility. Every building, institution or establishment for which a license has been issued

6 shall be inspected for compliance with the rules found in this Subchapter. An ambulatory surgery facility shall be

7 deemed to meet licensure requirements if the ambulatory surgery facility is accredited by JCAHO, AAAHC or

8 AAAASF. Accreditation does not exempt a facility from statutory or rule requirements for licensure nor does it

9 prohibit the Department from conducting inspections as provided in this Rule to determine compliance with all

10 requirements.

11 (b) If the applicant has been issued a Certificate of Need and is found to be in compliance with the Rules found in

12 this Subchapter then the Department shall issue a license to expire on December 31 of each year.

13 (c) The Department shall be notified at the time of:

14   (1)   any change as to the person who is the operator or owner of an ambulatory surgical facility;

15   (2)   any change of location;

16   (3)   any change as to a lease; and

17   (4)   any transfer, assignment or other disposition or change of ownership or control of 20 percent or

18   more of the capital stock or voting rights thereunder of a corporation which is the operator or

19   owner of an ambulatory surgical facility, or any transfer, assignment, or other disposition of the

20   stock or voting rights thereunder of such corporation which results in the ownership or control of

21   more than 20 percent of the stock or voting rights thereunder of such corporation by any person.

22 A new application shall be submitted to the Department in the event of such a change or changes.

23 (d) The Department shall not grant a license until plans and specifications, which are stated in Section .1400 of this

24 Subchapter, covering the construction of new buildings, additions, or material alterations to existing buildings are

25 approved by the Department.

26 (e) The facility design and construction shall be in accordance with the licensure rules for ambulatory surgical

27 facilities found in this Subchapter, the North Carolina State Building Code, and local municipal codes.

28 (f) Submission of Plans

29   (1)   Before construction is begun, plans and specifications covering construction of the new buildings,

30   alterations, renovations or additions to existing buildings, shall be submitted to the Division for

31   approval.

32   (2)   The Division shall review the plans and notify the licensee that said buildings, alterations,

33   additions, or changes are approved or disapproved. If plans are disapproved the Division shall

34   give the applicant notice of deficiencies identified by the Division.

35   (3)   In order to avoid unnecessary expense in changing final plans, as a preliminary step, proposed

36   plans in schematic form shall be reviewed by the Division.

1   (4)   The plans shall include a plot plan showing the size and shape of the entire site and the location of
2   all existing and proposed facilities.
3   (5)   Plans shall be submitted in duplicate in order that the Division may distribute a copy to the
4   Department of Insurance for review of the North Carolina State Building Code requirements.
5   (g) To qualify for licensure or license renewal, each facility must provide to the Division, {~~within six months of~~
6   ~~application,~~} upon application, an attestation statement in a format approved by the Department verifying
7   compliance with the requirements defined in Rule .0301(d) of this Subchapter.
8
9   *History Note:*   *Authority G.S. 131E-147; 131E-149; S.L. 2013-382; G.S. 131E-91;*
10   *Eff. October 14, 1978;*
11   *Amended Eff. April 1, ~~2003.~~ 2003;*
12   *Temporary Amendment Eff. May 1, 2014.*