

1 10A NCAC 13C .0301 is amended with changes as published in the NCR, Volume 29:01, pps. 3-17, as follow

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3 **10A NCAC 13C .0301 GOVERNING AUTHORITY**

4 (a) The facility's governing authority shall adopt bylaws or other ~~appropriate~~ operating policies and procedures ~~which~~  
5 ~~shall:~~ to assure that:

6 (1) ~~specify by name the person to whom responsibility for operation and maintenance of the facility is~~  
7 ~~delegated and methods established by the governing authority for holding such individuals~~  
8 ~~responsible;~~

9 a named individual is identified who is responsible for the overall operation and maintenance of the  
10 facility. The governing authority shall have methods in place for the oversight of the individual's  
11 performance.

12 (2) ~~provide for~~ at least annual meetings of the governing authority are conducted if the governing  
13 authority consists of two or more individuals. Minutes shall be maintained of such meetings;

14 (3) ~~maintain a policies and procedures manual which is designed to ensure professional and safe care~~  
15 ~~for the patients. The manual shall be reviewed, and revised when necessary, at least annually.~~ a

16 policy and procedure manual is created {which} that is designed to ensure professional and safe care  
17 for the patients. The manual shall be reviewed annually and revised when necessary. The manual  
18 shall include provisions for administration and use of the facility, compliance, personnel quality  
19 assurance, procurement of outside services and consultations, patient care policies and services  
20 offered; and

21 (4) ~~provide for annual reviews and evaluations of the facility's policies, management, and operation.~~  
22 annual reviews and evaluations of the facility's policies, management, and operation are conducted.

23 (b) When services such as dietary, laundry, or therapy services are purchased from others, the governing authority  
24 shall be responsible to assure the supplier meets the same local and state standards the facility would have to meet if  
25 it were providing those services itself using its own staff.

26 (c) The governing authority shall provide for the selection and appointment of the professional staff and the granting  
27 of clinical privileges and shall be responsible for the professional conduct of these persons.

28 (d) The governing authority shall establish written policies and procedures to assure billing and collection practices  
29 in accordance with G. S. 131E-91. These policies and procedures shall include:

30 (1) a financial assistance policy as defined in {Rule .0103 of the Subchapter;} G.S. 131E-214.14(b)(3);

31 (2) how a patient may obtain an estimate of the charges for the statewide 20 most common outpatient  
32 imaging procedures and 20 most common outpatient surgical procedures based on the primary {CPT  
33 code;} Current Procedure Code (CPT). The policy shall require that the information be provided to  
34 the patient in writing, either electronically or by mail, within three business days;

35 (3) how a patient or patient's representative may dispute a bill;

36 (4) issuance of a refund within 45 days of the patient receiving notice of the overpayment when a patient  
37 has overpaid the amount due to the facility;

- 1       (5) providing written notification to the patient or patient’s representative, at least 30 days prior to  
2       submitting a delinquent bill to a collections agency;
- 3       (6) providing the patient or patient’s representative with the facility’s charity care and financial  
4       assistance policies, if the facility is required to file a Schedule H, federal form 990;
- 5       (7) the requirement that a collections agency, entity, or other assignee obtain written consent from the  
6       facility prior to initiating litigation against the patient or patient’s representative;
- 7       (8) a policy for handling debts arising from the provision of care by the ambulatory surgical facility  
8       involving the doctrine of necessities, in accordance with G.S. 131E-91(d)(5); and
- 9       (9) a policy for handling debts arising from the provision of care by the ambulatory surgical facility to  
10      a minor, in accordance with G.S. 131E-91(d)(6).

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13   *History Note:*    Authority G.S. 131E-91; G.S. 131E-147.1; G.S. 131E-149; S.L. 2013-382(s.10.1), S.L. 2013-382  
14                    (s.13.1); G.S. 131E 214.13(f); G.S. 131E 214.14;  
15                    Eff. October 14, 1978;  
16                    Amended Eff. November 1, 1989; November 1, 1985; December 24, ~~1979~~, 1979;  
17                    Temporary Amendment Eff. May 1, 2014;  
18                    Amended Eff; Nov. 1, 2014.