



North Carolina Department of Health and Human Services  
Division of Health Service Regulation  
Office of the Director

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Division Director

**MEMORANDUM**

**DATE:** December 1, 2014  
**TO:** Interested Parties  
**FROM:** Nadine Pfeiffer, Rule-making Coordinator *NP*  
**RE:** Proposed Amendment and Adoption of Abortion Clinic Rules  
10A NCAC 14E Certification of Clinics for Abortion

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to amend a permanent rule and adopt new rules. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal note that has been prepared in connection with the proposed rule.

Session Law 2013-366 s.4(c), under Part IV, requires the Department of Health and Human Services amend its rules pertaining to clinics certified by the Department to be suitable facilities for the performance of abortions under G.S. 14-45.1. Additionally, the rules shall ensure that standards for clinics certified by the Department address the on-site recovery phase of patient care at the clinic, protect patient privacy, provide quality assurance, and ensure that patients with complications receive the necessary medical attention, while not unduly restricting access.

Accordingly, the Department has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions for the Certification of Clinics for Abortion rules:

Amend 19 Rules:

10A NCAC 13E .0101 Definitions  
10A NCAC 13E .0104 Plans  
10A NCAC 13E .0109 Renewal  
10A NCAC 13E .0111 Inspections  
10A NCAC 13E .0201 Building Code Requirements  
10A NCAC 13E .0202 Sanitation  
10A NCAC 13E .0206 Elements and Equipment  
10A NCAC 13E .0207 Area Requirement  
10A NCAC 13E .0302 Governing Authority  
10A NCAC 13E .0303 Policies and Procedures and Administrative Records



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Amend 19 Rules continued:

10A NCAC 13E .0304 Admission and Discharge  
10A NCAC 13E .0305 Medical Records  
10A NCAC 13E .0306 Personnel Records  
10A NCAC 13E .0307 Nursing Service  
10A NCAC 13E .0309 Laboratory Services  
10A NCAC 13E .0310 Emergency Back-up Services  
10A NCAC 13E .0311 Surgical Services  
10A NCAC 13E .0313 Post-operative Care  
10A NCAC 13E .0315 Housekeeping.

Adopt 1 Rule:

10A NCAC 14E .0308 Quality Assurance

The proposed rule text will be published in the December 1, 2014 edition of the N.C. Register which can be found at the Office of Administrative Hearings website at <http://www.ncoah.com/rules/register>.

A public hearing is scheduled for December 19, 2014 at 9:00 a.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is located on the Dorothea Dix Hospital campus. The Department is accepting public comments on these rules and fiscal note from December 1, 2014 – January 30, 2015. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is April 1, 2015.

A copy of the proposed rules, fiscal note, and instructions for submitting comment can be found at the Division of Health Service Regulation website at [www.ncdhhs.gov/dhsr/ruleactions.html](http://www.ncdhhs.gov/dhsr/ruleactions.html). If you have questions related to the proposed rules and fiscal note please contact the Acute and Home Care Licensure and Certification Section at (919) 855-4620.

Should you have any questions regarding this memorandum please feel free to contact me at (919) 855-3811.

cc: Drexdal Pratt, Director, Division of Health Service Regulation  
Emery Milliken, General Counsel, N.C. Department of Health & Human Services  
Azzie Conley, Chief, Acute and Home Care Licensure and Certification Section