



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Mark Payne
Assistant Secretary for Audit and
Health Service Regulation

MEMORANDUM

DATE: June 1, 2016
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager *NP*
RE: Proposed Repeal of Certificate of Need Rules
10A NCAC 14C Certificate of Need Regulations

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a permanent rule. 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.

The North Carolina Department of Health and Human Services/Director, DHSR has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to repeal the following six rules:

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| <u>10A NCAC 14C Certificate of Need Regulations</u> | |
| 10A NCAC 14C .0103 | State Medical Facilities Plan |
| 10A NCAC 14C .0201 | Letter of Intent |
| 10A NCAC 14C .0401 | Petition for a Hearing |
| 10A NCAC 14C .0403 | Contested Case Hearings |
| 10A NCAC 14C .3201 | Definitions |
| 10A NCAC 14C .3203 | Performance Standards |

The CON application forms authorized by G.S. 131E-182(b) request information from the applicants which is designed to address the review criteria found in G.S. 131E-183(a). The rules proposed to be repealed are either inconsistent with the State Medical Facilities Plan and are not needed in order for the agency to determine whether or not an application is conforming to the statutory review criteria, or they are unnecessary or outdated. The proposed rules also place an unnecessary burden and cost on applicants and to the Department. The rules are proposed to be repealed because they are unnecessary. In accordance with G.S. 150B-21.4(d), a fiscal note is not required for a repeal of a rule.

The proposed rule text is attached to this memo and will be published in the June 1, 2016 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <http://www.ncoah.com/rules/register>.



Office of the Director

<http://www.ncdhhs.gov/dhsr/>

Phone: 919-855-3750 / Fax: 919-733-2757

Location: 809 Ruggles Drive v Dorothea Dix Hospital Campus v Raleigh, N.C. 27603

Mailing Address: 2701 Mail Service Center • Raleigh, North Carolina 27699-2701

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A public hearing is scheduled for July 28, 2016 at 10:00 a.m. in Room 026, Edgerton Building, 809 Ruggles Drive, Raleigh, NC 27603. The building is located on the Dorothea Dix campus. The Division is accepting public comments on these rules from June 1, 2016 – August 1, 2016. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is October 1, 2016.

A copy of the proposed rules, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at www2.ncdhhs.gov/dhsr/ruleactions.html. If you have questions related to the proposed rules please contact the Healthcare Planning and Certificate of Need Section at (919) 855-3873

Enclosures

cc: Mark Payne, Assistant Secretary for Audit and Health Service Regulation
Joel Johnson, Assistant General Counsel, DHHS
Shelley Carraway, Chief, Health Care Planning and Certificate of Need
Martha Frisone, Assistant Chief, Certificate of Need