

1 10A NCAC 14C .2101 is amended under temporary procedures with changes as follows:

2
3 **SECTION .2100 – CRITERIA AND STANDARDS FOR SURGICAL SERVICES AND OPERATING**
4 **ROOMS**

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6 **10A NCAC 14C .2101 DEFINITIONS**

7 The following definitions apply to all rules in this Section:

- 8 (1) "Ambulatory surgical facility" means a facility as defined in G.S. 131E-176(1b).
- 9 (2) ~~"Operating room" means a room as defined in G.S. 131E-176(18c), which includes an inpatient~~
10 ~~operating room, an outpatient or ambulatory surgical operating room, or a shared operating room.~~
11 "Ambulatory surgical program" means a program as defined in G.S. 131E-176(1c).
- 12 (3) ~~"Ambulatory surgical program" means a program as defined in G.S. 131E-176(1c). "Approved~~
13 ~~operating rooms" means those operating rooms that were approved for a certificate of need prior to~~
14 ~~the date on which the applicant's proposed project was submitted to the [Agency] Agency, but that~~
15 ~~have not been licensed.~~
- 16 (4) "Dedicated cesarean section operating room" or "Dedicated C-section operating room" means an
17 operating room as defined in ~~the applicable~~ Chapter 6 in the 2018 State Medical Facilities Plan. For
18 purposes of this Section, Chapter 6 in the 2018 State Medical Facilities Plan is hereby incorporated
19 by reference including subsequent amendments and editions. This document is available at no cost
20 at <https://www2.ncdhhs.gov/dhsr/ncsmfp/index.html>.
- 21 (5) "Existing operating rooms" means those operating rooms in ambulatory surgical facilities and
22 hospitals ~~which that~~ that were reported in the ~~License Application for Ambulatory Surgical Facilities~~
23 ~~and Programs~~ Facility License Renewal Application Form ~~and or~~ and or in ~~Part III of the Hospital~~
24 ~~Licensure~~ License Renewal Application Form submitted to the Acute and Home Care Licensure and
25 Certification Section of the Division of Health Service ~~Regulation~~ Regulation, and ~~which that~~ that were
26 licensed and certified prior to the beginning of the review period.
- 27 (6) ~~"Approved operating rooms" means those operating rooms that were approved for a certificate of~~
28 ~~need by the Certificate of Need Section prior to the date on which the applicant's proposed project~~
29 ~~was submitted to the Agency but that have not been licensed.~~ "Health system" shall have the same
30 meaning as defined in Chapter 6 in the 2018 State Medical Facilities Plan.
- 31 (7) ~~"Multispecialty ambulatory surgical program" means a program as defined in G.S. 131E-176(15a).~~
32 "Inpatient operating room" means an operating room in a hospital as defined in G.S. 131E-176(13)
33 used ~~solely~~ for the performance of surgical procedures on inpatients.
- 34 (8) ~~"Outpatient or ambulatory surgical operating room" means an operating room used solely for the~~
35 ~~performance of surgical procedures which require local, regional or general anesthesia and a period~~
36 ~~of post-operative observation of less than 24 hours.~~ "Multispecialty ambulatory surgical program"
37 means a program as defined in G.S. 131E-176(15a).

- 1 (9) ~~"Related entity" means the parent company of the applicant, a subsidiary company of the applicant~~
2 ~~(i.e., the applicant owns 50 percent or more of another company), a joint venture in which the~~
3 ~~applicant is a member, or a company that shares common ownership with the applicant (i.e., the~~
4 ~~applicant and another company are owned by some of the same persons). "Operating room" means~~
5 ~~a room as defined in G.S. 131E-176(18c), and includes an inpatient operating room, an outpatient~~
6 ~~or ambulatory surgical operating room, or a shared operating room.~~
- 7 (10) ~~"Service area" means the Operating Room Service Area as defined in the applicable State Medical~~
8 ~~Facilities Plan. "Operating Room Need Methodology" means the Methodology for Projecting~~
9 ~~Operating Room Need in Chapter 6 in the 2018 State Medical Facilities Plan.~~
- 10 (11) ~~"Shared operating room" means an operating room that is used for the performance of both~~
11 ~~ambulatory and inpatient surgical procedures. "Outpatient or ambulatory surgical operating room"~~
12 ~~means an operating room used [solely] for the performance of surgical procedures that require local,~~
13 ~~regional, or general anesthesia, and a period of post-operative observation of less than 24 hours.~~
- 14 (12) ~~"Specialty area" means an area of medical practice in which there is an approved medical specialty~~
15 ~~certificate issued by a member board of the American Board of Medical Specialties and includes~~
16 ~~the following: gynecology, otolaryngology, plastic surgery, general surgery, ophthalmology,~~
17 ~~urology, orthopedics, and oral surgery. "Service area" means the Operating Room Service Area as~~
18 ~~defined in Chapter 6 in the 2018 State Medical Facilities Plan.~~
- 19 (13) ~~"Specialty ambulatory surgical program" means a program as defined in G.S. 131E-176(24e).~~
20 ~~"Shared operating room" means an operating room that is used for the performance of both~~
21 ~~ambulatory and inpatient surgical procedures.~~
- 22 (14) ~~"Surgical case" means an individual who receives one or more surgical procedures in an operating~~
23 ~~room during a single operative encounter. "Specialty ambulatory surgical program" means a~~
24 ~~program as defined in G.S. 131E-176(24f).~~
- 25 (15) ~~"Specialty area" means an area of medical practice in which there is an approved medical specialty~~
26 ~~certificate issued by a member board of the American Board of Medical Specialties and includes~~
27 ~~the following: gynecology, otolaryngology, plastic surgery, general surgery, ophthalmology,~~
28 ~~urology, orthopedics, and oral surgery.~~

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30 *History Note: Authority G.S. 131E-177(1); 131E-183(b);*
31 *Eff. November 1, 1990;*
32 *Amended Eff. March 1, 1993;*
33 *Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule*
34 *becomes effective, whichever is sooner;*
35 *Amended Eff. January 4, 1994;*
36 *Temporary Amendment Eff. January 1, 1999;*
37 *Temporary Eff. January 1, 1999 Expired on October 12, 1999;*

1 *Temporary Amendment Eff. January 1, 2000;*
2 *Temporary Amendment effective January 1, 2000 amends and replaces a permanent rulemaking*
3 *originally proposed to be effective August 2000;*
4 *Amended Eff. April 1, 2001;*
5 *Temporary Amendment Eff. January 1, 2002; July 1, 2001;*
6 *Amended Eff. August 1, 2002;*
7 *Temporary Amendment effective January 1, 2002 amends and replaces the permanent rule effective*
8 *August 1, 2002;*
9 *Amended Eff. April 1, 2003;*
10 *Temporary Amendment Eff. January 1, 2005;*
11 *Amended Eff. November 1, 2005;*
12 *Temporary Rule Eff. February 1, 2006;*
13 *Amended Eff. November 1, 2006;*
14 *Temporary Amendment Eff. February 1, 2008;*
15 *Amended Eff. November 1, ~~2008~~, 2008;*
16 *Temporary Amendment Eff. February 1, 2018.*