

1 10A NCAC 14C .2103 is proposed for amendment as follows:

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3 **10A NCAC 14C .2103 PERFORMANCE STANDARDS**

4 ~~(a) In projecting utilization, the operating rooms shall be considered to be available for use five days per week and~~
5 ~~52 weeks a year. An applicant proposing to increase the number of operating rooms (excluding dedicated C-section~~
6 ~~operating rooms) in a service area shall demonstrate the need for the number of proposed operating rooms in addition~~
7 ~~to the existing and approved operating rooms in the applicant's health system in the applicant's third full fiscal year~~
8 ~~following completion of the proposed project based on the Operating Room Need Methodology set forth in the 2018~~
9 ~~State Medical Facilities Plan. The applicant is not required to use the population growth factor.~~

10 ~~(b) A proposal to establish a new ambulatory surgical facility, to establish a new campus of an existing facility, to~~
11 ~~establish a new hospital, to increase the number of operating rooms in an existing facility (excluding dedicated C-~~
12 ~~section operating rooms), to convert a specialty ambulatory surgical program to a multispecialty ambulatory surgical~~
13 ~~program or to add a specialty to a specialty ambulatory surgical program shall:~~

14 (1) ~~— demonstrate the need for the number of proposed operating rooms in the facility which is proposed~~
15 ~~to be developed or expanded in the third operating year of the project based on the following~~
16 ~~formula: {[(Number of facility's projected inpatient cases, excluding trauma cases reported by Level~~
17 ~~I or II trauma centers, cases reported by designated burn intensive care units and cases performed in~~
18 ~~dedicated open heart and C section rooms, times 3.0 hours) plus (Number of facility's projected~~
19 ~~outpatient cases times 1.5 hours)] divided by 1872 hours} minus the facility's total number of~~
20 ~~existing and approved operating rooms and operating rooms proposed in another pending~~
21 ~~application, excluding one operating room for Level I or II trauma centers, one operating room for~~
22 ~~facilities with designated burn intensive care units, and all dedicated open heart and C section~~
23 ~~operating rooms or demonstrate conformance of the proposed project to Policy AC 3 in the State~~
24 ~~Medical Facilities Plan titled "Exemption From Plan Provisions for Certain Academic Medical~~
25 ~~Center Teaching Hospital Projects;" and~~

26 (2) ~~— The number of rooms needed is determined as follows:~~

27 (A) ~~— in a service area which has more than 10 operating rooms, if the difference is a positive~~
28 ~~number greater than or equal to 0.5, then the need is the next highest whole number for~~
29 ~~fractions of 0.5 or greater and the next lowest whole number for fractions less than 0.5; and~~
30 ~~if the difference is a negative number or a positive number less than 0.5, then the need is~~
31 ~~zero;~~

32 (B) ~~— in a service area which has 6 to 10 operating rooms, if the difference is a positive number~~
33 ~~greater than or equal to 0.3, then the need is the next highest whole number for fractions of~~
34 ~~0.3 or greater and the next lowest whole number for fractions less than 0.3, and if the~~
35 ~~difference is a negative number or a positive number less than 0.3, then the need is zero;~~
36 ~~and~~

1 ~~(C) — in a service area which has five or fewer operating rooms, if the difference is a positive~~
 2 ~~number greater than or equal to 0.2, then the need is the next highest whole number for~~
 3 ~~fractions of 0.2 or greater and the next lowest whole number for fractions less than 0.2; and~~
 4 ~~if the difference is a negative number or a positive number less than 0.2, then the need is~~
 5 ~~zero.~~

6 ~~(e) A proposal to increase the number of operating rooms (excluding dedicated C section operating rooms) in a service~~
 7 ~~area shall:~~

8 ~~(1) — demonstrate the need for the number of proposed operating rooms in addition to the rooms in all of~~
 9 ~~the licensed facilities identified in response to 10A NCAC 14C .2102(b)(2) in the third operating~~
 10 ~~year of the proposed project based on the following formula: [{"(Number of projected inpatient cases~~
 11 ~~for all the applicant's or related entities' facilities, excluding trauma cases reported by Level I or II~~
 12 ~~trauma centers, cases reported by designated burn intensive care units and cases performed in~~
 13 ~~dedicated open heart and C section rooms, times 3.0 hours) plus (Number of projected outpatient~~
 14 ~~cases for all the applicant's or related entities' facilities times 1.5 hours)] divided by 1872 hours}~~
 15 ~~minus the total number of existing and approved operating rooms and operating rooms proposed in~~
 16 ~~another pending application, excluding one operating room for Level I or II trauma centers, one~~
 17 ~~operating room for facilities with designated burn intensive care units, and all dedicated open heart~~
 18 ~~and C Section operating rooms in all of the applicant's or related entities' licensed facilities in the~~
 19 ~~service area; and~~

20 ~~(2) — The number of rooms needed is determined as follows:~~

21 ~~(A) — in a service area which has more than 10 operating rooms, if the difference is a positive~~
 22 ~~number greater than or equal to 0.5, then the need is the next highest whole number for~~
 23 ~~fractions of 0.5 or greater and the next lowest whole number for fractions less than 0.5; and~~
 24 ~~if the difference is a negative number or a positive number less than 0.5, then the need is~~
 25 ~~zero;~~

26 ~~(B) — in a service area which has 6 to 10 operating rooms, if the difference is a positive number~~
 27 ~~greater than or equal to 0.3, then the need is the next highest whole number for fractions of~~
 28 ~~0.3 or greater and the next lowest whole number for fractions less than 0.3, and if the~~
 29 ~~difference is a negative number or a positive number less than 0.3, then the need is zero;~~
 30 ~~and~~

31 ~~(C) — in a service area which has five or fewer operating rooms, if the difference is a positive~~
 32 ~~number greater than or equal to 0.2, then the need is the next highest whole number for~~
 33 ~~fractions of 0.2 or greater and the next lowest whole number for fractions less than 0.2; and~~
 34 ~~if the difference is a negative number or a positive number less than 0.2, then the need is~~
 35 ~~zero.~~

36 ~~(d) An applicant that has one or more existing or approved dedicated C section operating rooms and is proposing to~~
 37 ~~develop an additional dedicated C section operating room in the same facility shall demonstrate that an average of at~~

1 ~~least 365 C sections per room were performed in the facility's existing dedicated C section operating rooms in the~~
 2 ~~previous 12 months and are projected to be performed in the facility's existing, approved and proposed dedicated C-~~
 3 ~~section rooms during the third year of operation following completion of the project.~~

4 ~~(e) An applicant proposing to convert a specialty ambulatory surgical program to a multispecialty ambulatory surgical~~
 5 ~~program or to add a specialty to a specialty ambulatory surgical program shall:~~

6 (1) ~~provide documentation to show that each existing ambulatory surgery program in the service area~~
 7 ~~that performs ambulatory surgery in the same specialty area as proposed in the application is~~
 8 ~~currently utilized an average of at least 1,872 hours per operating room per year, excluding dedicated~~
 9 ~~open heart and C Section operating rooms. The hours utilized per operating room shall be calculated~~
 10 ~~as follows: [(Number of projected inpatient cases, excluding open heart and C sections performed~~
 11 ~~in dedicated rooms, times 3.0 hours) plus (Number of projected outpatient cases times 1.5 hours)]~~
 12 ~~divided by the number of operating rooms, excluding dedicated open heart and C Section operating~~
 13 ~~rooms; and~~

14 (2) ~~demonstrate the need in the third operating year of the project based on the following formula:~~
 15 ~~[(Total number of projected outpatient cases for all ambulatory surgery programs in the service area~~
 16 ~~times 1.5 hours) divided by 1872 hours] minus the total number of existing, approved and proposed~~
 17 ~~outpatient or ambulatory surgical operating rooms and shared operating rooms in the service area.~~
 18 ~~The need is demonstrated if the difference is a positive number greater than or equal to one, after~~
 19 ~~the number is rounded to the next highest number for fractions of 0.50 or greater.~~

20 ~~(f)(b) The applicant shall document the assumptions and provide data supporting the methodology used for each~~
 21 ~~projection in this Rule.~~

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 23 *History Note: Authority G.S. 131E-177; 131E-183(b);*
 24 *Eff. November 1, 1990;*
 25 *Amended Eff. March 1, 1993;*
 26 *Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule*
 27 *becomes effective, whichever is sooner;*
 28 *Amended Eff. January 4, 1994;*
 29 *Temporary Amendment Eff. January 1, 2002; July 1, 2001;*
 30 *Amended Eff. August 1, 2002;*
 31 *Temporary Amendment effective January 1, 2002 amends and replaces the permanent rule effective*
 32 *August 1, 2002;*
 33 *Amended Eff. April 1, 2003;*
 34 *Temporary Amendment Eff. January 1, 2005;*
 35 *Amended Eff. November 1, 2005;*
 36 *Temporary Rule Eff. February 1, 2006;*
 37 *Amended Eff. November 1, 2006;*

1 *Temporary Amendment Eff. February 1, 2008;*
2 *Amended Eff. November 1, 2008;*
3 *Temporary Amendment Eff. February 1, 2009;*
4 *Amended Eff. November 1, 2009;*
5 *Temporary Amendment Eff. February 1, 2010;*
6 *Amended Eff. November 1, 2010;*
7 *Temporary Amendment Eff. February 1, ~~2018-2018~~;*
8 *Amended Eff. December 1, 2018.*