



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

DATE: August 1, 2018

TO: Interested Parties

FROM: Nadine Pfeiffer, Rule Review Manager *NP*

RE: Proposed Amendment of Certificate of Need Rules
10A NCAC 14C .2101, .2103

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 operating room need methodology was changed in the 2018 State Medical Facilities Plan (SMFP). Permanent amendments are now proposed to existing Certificate of Need rules to complement or be made consistent with the 2018 SMFP. Accordingly, the DHHS/Director, DHSR 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:

Certificate of Need:

10A NCAC 14C .2101 Definitions (Amend)

10A NCAC 14C .2103 Performance Standards (Amend)

In accordance with G.S. 150B-21.4, certification and approval of the fiscal note was received for these rules from the Office of State Budget and Management on May 25, 2018.

The proposed rule text is attached to this memo and was published in today's August 1, 2018 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>.

A public hearing is scheduled for September 27, 2018 at 10:00 a.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is located in the Dorothea Dix Park. Ms. Nadine Pfeiffer, DHSR Rule Review Manager, is accepting public comments on these rules and fiscal note from August 1, 2018 – October 1, 2018. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is December 1, 2018.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

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A copy of the proposed rules, fiscal note, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at www2.ncdhhs.gov/dhsr/ruleactions.html.

Should you have questions related to this memorandum or the proposed rule and fiscal note, please feel free to contact the Certificate of Need Section at (919) 855-3873.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
Emery Milliken, Deputy Director, Health Service Regulation
Joel Johnson, Assistant General Counsel, DHHS
Martha Frisone, Chief, Healthcare Planning and CON
Lisa Pittman, Assistant Chief, CON