

1 10A NCAC 13C .0301 is proposed for readoption without substantive changes as follows:

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3 **SECTION .0300 – GOVERNING AUTHORITY MANAGEMENT**

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5 **10A NCAC 13C .0301 GOVERNING AUTHORITY**

6 (a) The facility's governing authority shall adopt bylaws or other operating policies and procedures to assure that:

- 7 (1) a named individual is identified who is responsible for the overall operation and maintenance of the  
8 facility. The governing authority shall have methods in place for the oversight of the individual's  
9 performance;
- 10 (2) ~~at least~~ annual meetings of the governing authority ~~are~~ shall be conducted if the governing authority  
11 consists of two or more individuals. Minutes shall be maintained of such meetings;
- 12 (3) a policy and procedure manual is created that is designed to ensure professional and safe care for  
13 the patients. The manual shall be reviewed annually and revised ~~when necessary~~, in accordance  
14 with facility policy. The manual shall include provisions for administration and use of the facility,  
15 compliance, personnel quality assurance, procurement of outside services and consultations, patient  
16 care ~~policies~~ policies, and services offered; and
- 17 (4) annual reviews and evaluations of the facility's policies, management, and operation are conducted.

18 (b) When services such as dietary, laundry, or therapy services are purchased from others, the governing authority  
19 shall be responsible ~~to assure~~ for assuring the supplier meets the same local and ~~state~~ State standards the facility would  
20 have to meet if it were providing those services ~~itself~~ using its own staff.

21 (c) The governing authority shall provide for the selection and appointment of the professional staff and the granting  
22 of clinical privileges and shall be responsible for the professional conduct of these persons.

23 (d) The governing authority shall establish written policies and procedures to assure billing and collection practices  
24 in accordance with G.S. 131E-91. These policies and procedures shall include:

- 25 (1) a financial assistance policy as defined in G.S. 131E-214.14(b)(3);
- 26 (2) how a patient may obtain an estimate of the charges for the statewide 20 most common outpatient  
27 imaging procedures and 20 most common outpatient surgical procedures based on the primary  
28 Current Procedure Terminology Code (CPT). The policy shall require that the information be  
29 provided to the patient in writing, either electronically or by mail, within three business days;
- 30 (3) how a patient or patient's representative may dispute a bill;
- 31 (4) issuance of a refund within 45 days of the patient receiving notice of the overpayment when a patient  
32 has overpaid the amount due to the facility;
- 33 (5) providing written notification to the patient or patient's representative, ~~at least~~ 30 days prior to  
34 submitting a delinquent bill to a collections agency;
- 35 (6) providing the patient or patient's representative with the facility's charity care and financial  
36 assistance policies, if the facility is required to file a Schedule H, federal form 990;

- 1 (7) the requirement that a collections agency, entity, or other assignee obtain written consent from the  
2 facility prior to initiating litigation against the patient or patient's representative;
- 3 (8) a policy for handling debts arising from the provision of care by the ambulatory surgical facility  
4 involving the doctrine of necessities, in accordance with G.S. 131E-91(d)(5); and
- 5 (9) a policy for handling debts arising from the provision of care by the ambulatory surgical facility to  
6 a minor, in accordance with G.S. 131E-91(d)(6).

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8 *History Note: Authority G.S. 131E-91; 131E-147.1; 131E-149; 131E-214.13(f); 131E-214.14; ~~S.L. 2013-382, s.~~*  
9 *~~10.1; S.L. 2013-382, s. 13.1;~~*

10 *Eff. October 14, 1978;*

11 *Amended Eff. November 1, 1989; November 1, 1985; December 24, 1979;*

12 *Temporary Amendment Eff. May 1, 2014;*

13 *Amended Eff. November 1, ~~2014.~~ 2014.*

14 *Readopted Eff. January 1, 2021.*