

1 10A NCAC 14C .0205 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 14C .0205 EXTENSION OF REVIEW PERIOD**

4 ~~(a) The review of an application for a certificate of need shall be completed within 90 days from the beginning date~~
5 ~~of the review period for the application, except as provided in Paragraph (b) of this Rule.~~

6 ~~(b) Except in the case of an expedited review, the period for review may be extended for up to 60 days by the agency~~
7 ~~if it determines that, for one or more of the following reasons, it cannot complete the review within 90 days:~~

- 8 ~~(1) the extension is necessary to consider conflicting, contradictory, or otherwise relevant matters;~~
9 ~~(2) the total number of applications assigned to the project analyst for review, including those in other~~
10 ~~review periods, preclude the project analyst from completing the review within 90 days;~~
11 ~~(3) the complexity of the application or applications to be reviewed make it necessary to extend the~~
12 ~~review period;~~
13 ~~(4) the review of an applicant's response to the agency's request for additional information has not been~~
14 ~~completed;~~
15 ~~(5) the timing of the public hearing which was held for the application or applications under review~~
16 ~~does not allow sufficient time to consider the information presented;~~
17 ~~(6) extension of previous reviews necessitated that the project analyst delay the commencement of the~~
18 ~~review; or~~
19 ~~(7) the unavailability of the project analyst due to illness, annual leave, litigation associated with other~~
20 ~~reviews, or other duties and responsibilities.~~

21 ~~(c) In the case of an expedited review, the review period may be extended only if the Agency has requested additional~~
22 ~~substantive information from the applicant in accordance with G.S. 131E-185(c).~~

23 ~~(d) Applicants will be provided written notice of the extension of the review period after the agency determines that~~
24 ~~an extension is necessary. Failure to receive such notice prior to the last day of the scheduled review period, however,~~
25 ~~does not entitle an applicant to a certificate of need nor authorize an applicant to proceed with a project without one.~~

26 (a) If the review is not expedited, the review may be extended for the following reasons:

- 27 (1) the total number of applications, including those in other review periods, prevents the CON Section
28 from completing the review in 90 days;
29 (2) the applicant has not submitted a response to a request from the CON Section for clarifying
30 information; or
31 (3) the CON Section received clarifying information from the applicant but is not able to complete the
32 review in 90 days.

33 (b) The CON Section shall notify the contact individual identified in Section A of the application if the review period
34 is extended. Failure to receive such notice prior to the last day of the review period does not entitle the applicant to a
35 certificate of need nor authorize the applicant to proceed with the proposal in the application without a certificate of
36 need.

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1 *History Note: Filed as a Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the*
2 *permanent rule becomes effective, whichever is sooner;*
3 *Authority G.S. 131E-177; 131E-185;*
4 *Eff. October 1, 1981;*
5 *Amended Eff. January 4, 1994; January 1, 1990; January 1, ~~1982~~, 1982;*
6 *Readopted Eff. January 1, 2021.*