



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:** December 15, 2021

**TO:** Interested Parties

**FROM:** Nadine Pfeiffer, Rule Review Manager *NP*

**RE:** Proposed Readoption of Licensing of Hospitals Rules – 10A NCAC 13B

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal analysis that has been prepared in connection with the proposed rule. As a result of the periodic review of the rules in Subchapter 10A NCAC 13B, 40 rules determined as “Necessary With Substantive Public Interest” are required to be readopted. At this time, 14 rules are being proposed for readoption for licensed hospitals.

The North Carolina Medical Care Commission 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:

10A NCAC 13B Licensing of Hospitals

- 10A NCAC 13B .3801 Nurse Executive (Readopt)
- 10A NCAC 13B .3903 Preservation of Medical Records (Readopt)
- 10A NCAC 13B .4103 Provision of Emergency Services (Readopt)
- 10A NCAC 13B .4104 Medical Director (Readopt)
- 10A NCAC 13B .4106 Policies and Procedures (Readopt)
- 10A NCAC 13B .4305 Organization of Neonatal Services (Readopt)
- 10A NCAC 13B .4603 Surgical and Anesthesia Staff (Readopt)
- 10A NCAC 13B .4801 Organization (Readopt)
- 10A NCAC 13B .4805 Safety (Readopt)
- 10A NCAC 13B .5102 Policy and Procedures (Readopt)
- 10A NCAC 13B .5105 Sterile Supply Services (Readopt)
- 10A NCAC 13B .5406 Discharge Criteria for Inpatient Rehabilitation Facilities or Units (Readopt)
- 10A NCAC 13B .5408 Comprehensive Inpatient Rehabilitation Program Staffing Requirements (Readopt)
- 10A NCAC 13B .5411 Physical Facility Requirements/Inpatient Rehabilitation Facilities or Unit (Readopt as a Repeal)

In accordance with G.S. 150B-21.3A(d)(2), a fiscal analysis was prepared for rules with substantive change. Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on September 28, 2021 in accordance with G.S. 150B-21.4.

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

**OFFICE OF THE DIRECTOR**

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

The proposed rule text is attached to this memo. The rules were published in today's December 15, 2021 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <https://www.oah.nc.gov/documents/nc-register>.

A public hearing is scheduled for January 5, 2022 at 10:00 a.m. by teleconference. If you would like to participate in the public hearing, please use the following conference telephone number: 1-877-848-7030, and access code 5133201. Ms. Nadine Pfeiffer, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from December 15, 2021 through February 14, 2022 close of business. Comments will also be accepted at the public hearing via teleconference. The proposed effective date of these rules is July 1, 2022.

A copy of the proposed rules, fiscal analysis, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at <https://info.ncdhhs.gov/dhsr/ruleactions.html>.

Please feel free to contact the Acute and Home Care Licensure and Certification Section at (919) 855-4620, should you have questions related to this memorandum or the proposed rule text and fiscal note.

#### Enclosures

cc: John Meier, IV, MD, Chair, N.C. Medical Care Commission  
Mark Payne, Director, Health Service Regulation  
Emery Milliken, Deputy Director, DHSR  
Lisa Corbett, General Counsel, DHHS  
Azzie Conley, Chief, Acute and Home Care Licensure and Certification  
Greta Hill, Assistant Chief, Acute and Home Care Licensure and Certification  
Jeff Harms, Acting Chief, Construction Section  
Tammy Sylvester, Engineering Supervisor, Construction Section