

**SUBCHAPTER 13S - LICENSURE OF SUITABLE FACILITIES FOR THE PERFORMANCE OF
SURGICAL ABORTIONS**

SECTION .0100 – LICENSURE PROCEDURE

10A NCAC 13S .0101 DEFINITIONS

The following definitions will apply throughout this Subchapter:

- (1) "Abortion" means the termination of a pregnancy as defined in G.S 90-21.81(1c).
- (2) "Clinic" means a freestanding facility neither physically attached nor operated by a licensed hospital for the performance of abortions completed during the first 12 weeks of pregnancy.
- (3) "Division" means the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.
- (4) "Emergency Case" is defined as a condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in placing the individual's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of bodily organs.
- (5) "Gestational age" means the length of pregnancy as indicated by the date of the first day of the last normal monthly menstrual period, if known, or as determined by ultrasound.
- (6) "Governing authority" means the individual, agency, group, or corporation appointed, elected or otherwise designated, in which the ultimate responsibility and authority for the conduct of the abortion clinic is vested pursuant to Rule .0318 of this Subchapter.
- (7) "Health Care Practitioner" means a physician, nurse practitioner, or physician's assistant licensed and authorized to practice in the state of North Carolina.
- (8) "Health Screening" means an evaluation of an employee or contractual employee, including at a minimum tuberculosis testing or screening, to identify underlying health conditions that may affect the person's ability to work in the clinic.
- (9) "New clinic" means one that is not certified as an abortion clinic by the Division as of July 1, 2023, and has not been certified or licensed within the previous six months of the application for licensure.
- (10) "Pre-procedure activities" are activities performed prior to the procedure to ensure that the patient is stable, and that the procedure can be safely performed.
- (11) "Post-procedure" activities are activities performed after the procedure to ensure that the patient is stable for discharge.
- (12) "Registered Nurse" means a person who holds a valid license issued by the North Carolina Board of Nursing to practice professional nursing in accordance with the Nursing Practice Act, G.S. 90, Article 9A.
- (13) "Safe and adequate care" means care that meets the clinical needs of the patient while preventing harm from occurring to the patient.

*History Note: Authority G.S. 131E-153.5; 143B-165;
Codifier determined that findings of need did not meet criteria for emergency rule on October 30, 2023;
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