

To: N.C. Medical Care Commission
From: DHSR Acute and Home Care Licensure and Certification Section

Re: Adoption of Amendment to Hospital Rule

The Division is recommending the Medical Care Commission revise hospital rule 10A NCAC 13B .3106 which concerns licensure inspections. The Commission granted approval to initiate rule-making at the 2/12/10 meeting. The rule amendment has been published in the N.C. Register, the public hearing has been held and no comments have been received.

Currently, if a hospital is accredited by the Joint Commission, the rule allows the hospital not to be subjected to routine licensure surveys by DHSR, since accreditation standards and licensure standards are similar and accreditation should achieve compliance with those standards; therefore, not requiring routine surveys by DHSR. However, it should be noted that complaint investigations can and are conducted by DHSR when complaints are received.

The rationale for the rule change is when the current rule was adopted, the only accreditation body used by North Carolina hospitals was the Joint Commission; however, there are two other hospital accrediting bodies that accredit hospitals in the United States and a North Carolina hospital received accreditation from one of them (an organization known as DNV) last year. The United States Department of Health and Human Services (US DHHS) currently approves accrediting bodies whose standards are sufficient to meeting Medicare hospital regulations (Medicare Conditions of Participation). There is much similarity and overlap between the Medicare Conditions of Participation and North Carolina Hospital Licensing Rules; therefore, we are requesting the above rule be changed to reflect those accrediting bodies approved by the US DHHS as sufficient to meet Medicare requirements and therefore, exempt hospitals from routine Medicare inspections and also North Carolina hospital licensure rules.

We are asking for adoption from the N.C. Medical Care Commission in order to proceed forward to the Rules Review Commission with this rule for amendment.

10A NCAC 13B .3106 is amended as published in NCR 24:22, pp. 1959-1960, as follows:

10A NCAC 13B .3106 LICENSURE SURVEYS

- (a) Prior to the initial issuance of a license to operate a facility, the Division shall conduct a survey to determine compliance with rules promulgated pursuant to G.S. 131E-79.
- (b) The Division may conduct an investigation of a ~~specific~~ complaint in any facility.
- (c) ~~Facilities that are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) shall choose one of the following options:~~
 - (1) ~~Accredited hospitals may agree to provide the Division with:~~
 - (A) ~~JCAHO Accreditation Certificate;~~
 - (B) ~~JCAHO Statement of Construction;~~
 - (C) ~~JCAHO Reports and Recommendations;~~
 - (D) ~~JCAHO Interim Self-Survey Reports; and~~
 - (E) ~~permission to participate in any regular survey conducted by the JCAHO.~~

~~If a review of the information listed in Parts (c)(1)(A) — (c)(1)(D) of this Rule indicates non-compliance with licensure rules contained in this Subchapter, then the Division may conduct surveys or partial surveys with special emphasis on deficiencies noted. If a review indicates compliance with licensure regulations contained in this Subchapter, the Division will not conduct a licensure survey except as provided in Paragraphs (b), (c)(1)(E), and (d) of this Rule.~~

- (2) ~~Accredited hospitals which do not agree to provide the Division with JCAHO reports found in Subparagraph (c)(1) of this Rule shall be surveyed at least once every three years.~~

~~through an accrediting body approved pursuant to section 1865(a) of the Social Security Act shall not be subject to routine inspections.~~

~~(d) The Division reserves the right to conduct any validation survey in facilities that choose the option under Subparagraph (c)(1) of this Rule.~~

(e) (d) The Division shall survey non-accredited facilities at least once every three years.

*History Note: Authority G.S. 131E-79; G.S. 131E-80
Eff. January 1, 1996;
Amended Eff. October 1, 2010.*