

Key:
 * Rulemaking will result
 * Δ Rulemaking will result, change from initial determination

Final Category Determination Evaluation Report

Exhibit C/1

| G.S. 150B-21.3A Report for 10A NCAC 13C, LICENSING OF AMBULATORY SURGICAL FACILITIES | | | | | | | | | | | | |
|--|--|--------------------|--|---|---|--|--|--|--|---|--|----------------|
| Agency - Medical Care Commission | | | | | | | | | | | | |
| Comment Period - 2/24/17 - 4/25/17 | | | | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
| | SECTION .0100 - GENERAL | 10A NCAC 13C .0103 | DEFINITIONS | Amended Eff. September 30, 2015 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.2 Subpart A | Yes | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .0200 - LICENSING PROCEDURES | 10A NCAC 13C .0201 | APPLICATION | Amended Eff. November 1, 1989 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.2 Subpart A | No | Necessary without substantive public interest | Select One | Select One | Select One |
| * | | 10A NCAC 13C .0202 | REQUIREMENTS FOR ISSUANCE OF LICENSE | Amended Eff. November 1, 2014 | Necessary with substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.2 Subpart A | No | Necessary with substantive public interest | Select One | Select One | Select One |
| | | 10A NCAC 13C .0203 | SUSPENSION OR REVOCATION- AMBULATORY SURGICAL FACILITY | Amended Eff. November 1, 1989 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest | Select One | Select One | Select One |
| | | 10A NCAC 13C .0204 | TYPE OF FACILITY DEEMED TO BE LICENSED | Amended Eff. November 1, 1989 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0205 | ITEMIZED CHARGES | Amended Eff. November 1, 2014 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.50 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| * | SECTION .0300 - GOVERNING AUTHORITY MANAGEMENT | 10A NCAC 13C .0301 | GOVERNING AUTHORITY | Amended Eff. November 1, 2014 | Necessary with substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.41 | No | Necessary with substantive public interest | Select One | Necessary with substantive public interest and must be readopted | Select One |
| | | 10A NCAC 13C .0302 | CHIEF EXECUTIVE OFFICER OR ADMINISTRATOR | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.41 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0303 | ADMINISTRATIVE RECORDS | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.41 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0304 | SURGICAL PROCEDURES PERFORMED | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.41 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0305 | PERSONNEL | Amended Eff. November 1, 1989 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.41 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0306 | QUALITY ASSURANCE | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.41 42 CFR Part §416.43 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .0400 - MEDICAL AND SURGICAL SERVICES | 10A NCAC 13C .0401 | MEDICAL SERVICES | Amended Eff. November 1, 1985 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.42 42 CFR Part §416.45 42 CFR Part §416.52 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0402 | SURGICAL SERVICES | Amended Eff. April 1, 2003 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.42 42 CFR Part §416.45 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0403 | EMERGENCY CASES | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.41(b) | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| * Δ | SECTION .0500 - ANESTHESIA SERVICES | 10A NCAC 13C .0501 | PROVIDING ANESTHESIA SERVICES | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.42 | Yes | Necessary with substantive public interest | Select One | Necessary with substantive public interest and must be readopted | Select One |
| | | 10A NCAC 13C .0502 | EQUIPMENT | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.42 42 CFR Part §416.51 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0503 | POST ANESTHESIA NOTE | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.42 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0504 | REQUIREMENT OF PERSON TRAINED IN CPR | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.44(d) | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .0600 - PATHOLOGY SERVICES | 10A NCAC 13C .0601 | PROVISION FOR LABORATORY TESTS | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.49 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0602 | DISPOSAL OF WASTE | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.44 42 CFR Part §416.51 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |

Initial Category Determination Evaluation Report

G.S. 150B-21.3A Report for 10A NCAC 13C, LICENSING OF AMBULATORY SURGICAL FACILITIES

Agency - Medical Care Commission
 Comment Period - 2/24/17 - 4/25/17

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|------------|---|--------------------|------------------------------------|---|---|--|--|--|--|---|--|----------------|
| | SECTION .0700 - RADIOLOGY SERVICES | 10A NCAC 13C .0701 | PROVISION FOR RADIOLOGY SERVICES | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.49 42 CFR Part §482.26(b) | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0702 | REGULATIONS FOR PERFORMED SERVICES | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.49 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .0800 - PHARMACEUTICAL SERVICES | 10A NCAC 13C .0801 | DRUG DISPENSING | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.48 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0802 | REGULATIONS FOR DISPENSING | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.48 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .0900 - NURSING SERVICES | 10A NCAC 13C .0901 | NURSING ADMINISTRATION | Amended Eff. December 24, 1979 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.46 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .0902 | NURSING PERSONNEL | Eff. October 14, 1978 | Necessary with substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.46 | No | Necessary with substantive public interest | Select One | Necessary with substantive public interest and must be readopted | Select One |
| | SECTION .1000 - MEDICAL RECORDS SERVICES | 10A NCAC 13C .1001 | MEDICAL RECORD SYSTEM | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.47 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1002 | INDIVIDUAL PATIENT RECORDS | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.47 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .1100 - SURGICAL FACILITIES AND EQUIPMENT | 10A NCAC 13C .1101 | OPERATING SUITE | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.44 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1102 | CARE OF OPERATING SUITE | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.44 42 CFR Part §416.51 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .1200 - FUNCTIONAL SAFETY | 10A NCAC 13C .1201 | GENERAL | Amended Eff. December 24, 1979 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.41 42 CFR Part §416.44 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1202 | PREVENTIVE MAINTENANCE | Amended Eff. April 1, 2003 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.43 42 CFR Part §416.44 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .1300 - CONTROL AND SANITATION | 10A NCAC 13C .1301 | GENERAL | Amended Eff. November 1, 1989 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.43 42 CFR Part §416.51 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1302 | STERILIZATION PROCEDURES | Amended Eff. November 1, 1989 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.44 42 CFR Part §416.51 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1303 | HOUSEKEEPING | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.44 42 CFR Part §416.51 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1304 | LINEN AND LAUNDRY | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.44 42 CFR Part §416.51 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1305 | SANITATION | Eff. October 14, 1978 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.44 42 CFR Part §416.51 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | SECTION .1400 - PHYSICAL PLANT CONSTRUCTION | 10A NCAC 13C .1401 | OPERATING SUITE | Amended Eff. December 24, 1979 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.44 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1402 | RECOVERY AREA | Amended Eff. December 24, 1979 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.44 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1403 | SUPPORTING ELEMENTS | Amended Eff. April 1, 2003 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.44 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1404 | DETAILS AND FINISHES | Amended Eff. November 1, 1989 | Necessary with substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.44 | No | Necessary with substantive public interest | Select One | Necessary with substantive public interest and must be readopted | Select One |

G.S. 150B-21.3A Report for 10A NCAC 13C, LICENSING OF AMBULATORY SURGICAL FACILITIES

Agency - Medical Care Commission

Comment Period - 2/24/17 - 4/25/17

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|------------|--------------|--------------------|--|---|---|--|--|--|--|---|--|----------------|
| * | | 10A NCAC 13C .1405 | MECHANICAL REQUIREMENTS | Amended Eff. April 1, 2003 | Necessary with substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.44 | No | Necessary with substantive public interest | Select One | Necessary with substantive public interest and must be readopted | Select One |
| * | | 10A NCAC 13C .1406 | PLUMBING AND OTHER PIPING SYSTEMS | Amended Eff. April 1, 2003 | Necessary with substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.44 | No | Necessary with substantive public interest | Select One | Necessary with substantive public interest and must be readopted | Select One |
| * | | 10A NCAC 13C .1407 | ELECTRICAL REQUIREMENTS | Amended Eff. April 1, 2003 | Necessary with substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.44 | No | Necessary with substantive public interest | Select One | Necessary with substantive public interest and must be readopted | Select One |
| | | 10A NCAC 13C .1408 | GENERAL | Eff. April 1, 2003 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 42 CFR Part §416.40 42 CFR Part §416.44 | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| | | 10A NCAC 13C .1409 | LIST OF REFERENCED CODES AND STANDARDS | Eff. April 1, 2003 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |
| * | | 10A NCAC 13C .1410 | APPLICATION OF PHYSICAL PLANT REQUIREMENTS | Eff. April 1, 2003 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | Select One | Necessary with substantive public interest and must be readopted | Select One |
| | | 10A NCAC 13C .1411 | ACCESS AND SAFETY | Eff. April 1, 2003 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest | Select One | Necessary without substantive public interest and should remain in effect without further action | Select One |