

**STATE OF NORTH CAROLINA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

---

**MEDICAL CARE COMMISSION QUARTERLY MEETING  
DIVISION OF HEALTH SERVICE REGULATION  
809 RUGGLES DRIVE, RALEIGH NC 27603  
EDGERTON BUILDING  
CONFERENCE ROOM – 026A**

**OR**

**TEAMS Video Conference:** [Click here to join the meeting](#)

**OR**

**Dial-IN:** 1-984-204-1487 / Passcode: 675 543 670#

**December 18, 2023 (Monday)  
11:30 a.m.**

**Agenda**

**I. Meeting Opens – Roll Call**

**II. Chairman’s Comments** ..... Dr. John Meier

**III. Public Meeting Statement** ..... Dr. John Meier

This meeting of the Medical Care Commission is open to the public but is not a public hearing. Therefore, any discussion will be limited to members of the Commission and staff unless questions are specifically directed by the Commission to someone in the audience.

**IV. Ethics Statement** ..... Dr. John Meier

The State Government Ethics Act requires members to act in the best interest of the public and adhere to the ethical standards and rules of conduct in the State Government Ethics Act, including the duty to continually monitor, evaluate, and manage personal, financial, and professional affairs to ensure the absence of conflicts of interest.

**V. New Business**

**A. Rules for Adoption (Discuss rules)**

**1. Acute & Home Care Licensure Rules**..... Taylor Corpening & A. Conley

Emergency rulemaking to withdraw three emergency abortion rules, which are rendered unnecessary. (Withdrawal of 3 rules) (For comparison we have attached the Department’s Rules 14E).

- **Rules:** 10A NCAC 13S .0106, .0107, & .0109.  
**See Exhibit A)**

## **VI. Meeting Adjournment**

1 10A NCAC 13S .0106 is proposed for adoption under temporary procedures as follows:

2

3 **10A NCAC 13S .0106 APPLICATION**

4 (a) Prior to the admission of patients, an applicant for a new clinic shall submit an application for licensure and receive  
5 approval from the Division.

6 (b) Application forms may be obtained by contacting the Division at 2712 Mail Service Center Raleigh, NC 27699-  
7 2712.

8 (c) The application form shall set forth:

9 (1) Name of applicant;

10 (2) Name of facility;

11 (3) Ownership disclosure;

12 (4) Building owner;

13 (5) Building owner;

14 (6) Building management;

15 (7) Sanitation services;

16 (8) Medical director;

17 (9) Other medical staff;

18 (10) Director of nursing;

19 (11) Other nursing staff; and

20 (12) Consulting pathologist.

21 (d) After construction requirements in Section .0200 of this Subchapter have been met and the application for licensure  
22 has been received and approved, the Division shall conduct an on-site, licensure survey.

23

24 History Note: Authority G.S. 131E-153;1313E-153.2; 131E-153.5; 143B-165.

1 10A NCAC 13S .0107 is proposed for adoption under temporary procedures as follows:

2  
3 **10A NCAC 13S .0107 ISSUANCE OF LICENSE**

4 (a) The Division shall issue a license if it finds the facility can:

5 (1) Comply with all requirements described in this Subchapter; and

6 (2) Have a board certified OB-GYN or board eligible physician by the American Board of Obstetrics  
7 and Gynecology shall be available in the event that complications arise from an abortion procedure.

8 (b) Each license shall be issued only for the premises and persons or organizations named in the application and shall  
9 not be transferable.

10 (c) The governing authority shall notify the Division in writing, within 10 working days, of any change in the name  
11 of the facility or change in the name of the administrator.

12 (d) The facility shall report to the Division all incidents, within 10 working days, of vandalism to the facility such as  
13 fires, explosions, or other action that prevents services from providing abortion services.

14  
15 History Note: Authority G.S. 131E-153; 131E-153.2; 131E-153.5; 143B-165.

16

1 10A NCAC 13S .0109 is proposed for adoption under temporary procedures as follows:

2

3 **10A NCAC 13S .0109 RENEWAL**

4 (a) Each license, renewed at the beginning of each calendar year.

5 (b) The renewal application form shall set forth:

6 (1) Name of applicant;

7 (2) Name of facility;

8 (3) Ownership disclosure;

9 (4) Building owner;

10 (5) Building owner;

11 (6) Building management;

12 (7) Sanitation services;

13 (8) Medical director;

14 (9) Other medical staff;

15 (10) Director of nursing;

16 (11) Other nursing staff;

17 (12) Consulting pathologist;

18 (13) The number of procedures performed during the reporting period; and

19 (14) The number of patients that were transferred to a hospital during a reporting period.

20 (c) Upon the filing of a renewal application, the clinic must pay a non-refundable renewal fee as defined in G.S. 131E-  
21 153.2.

22 (d) An application for renewal of licensure must be filed with the Division at least 30 days prior to the date of  
23 expiration. Renewal application forms shall be furnished by the Division.

24 (e) Failure to file a renewal application shall result in expiration of the license to operate.

25

26 History Note: Authority G.S. 131E-153; 131E-153.2; 131E-153.5; 143B-165.

27

1 **10A NCAC 14E .0106 APPLICATION**

2 (a) Prior to the admission of patients, an applicant for a new clinic shall submit an application for licensure and receive  
3 approval from the Division.

4 (b) Application forms may be obtained by contacting the Division at 2712 Mail Service Center Raleigh, NC 27699-  
5 2712.

6 (c) The application form shall set forth:

- 7 (1) Legal identity of the applicant;
- 8 (2) The name or names under which the facility or services are advertised or presented to the public;
- 9 (3) The facility's mailing address;
- 10 (4) The facility's physical address;
- 11 (5) The ownership of the facility, including a description of the legal character of the operating  
12 ownership;
- 13 (6) The owner of the premises from which services are offered including the name and address of the  
14 owner of the premises if different from the owner of the facility;
- 15 (7) If the facility is operated under a management contract, the name and address of the building's  
16 management company;
- 17 (8) A description of the arrangements that have been made for the disposal of pathological waste,  
18 products of conception, and sharps, and the name and address of the provider of such services if not  
19 performed by the facility;
- 20 (9) The name, specialty, board certifications, and medical license number of the Medical Director;
- 21 (10) The name, specialty, board certifications, and medical license number of each member of the  
22 medical staff;
- 23 (11) The name, nursing certificate number, and renewal number of the Director of Nursing;
- 24 (12) The name, nursing certificate number, and renewal number of each nursing staff member; and
- 25 (13) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the  
26 address of the laboratory.

27

28 (d) After construction requirements in Section .0200 of Subchapter 13S of Title 10A of the North Carolina  
29 Administrative Code have been met and the application for licensure has been received and approved, the Division  
30 shall conduct an on-site, licensure survey.

31

32 *History Note: Authority G.S. ~~14-45.1(a)~~; 131E-153;131E-153.2; S.L. 2023-14, s 2.4;*  
33 *Eff. February 1, 1976;*  
34 *Readopted Eff. December 19, 1977;*  
35 *Amended Eff. July 1, 1994;*  
36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,*  
37 *2019;*

1 *Codifier determined that agency's findings of need did not meet criteria for emergency rule on June*  
2 *22, 2023;*

3 *Emergency Rule Eff. June 30, 2023;*

4 *Repealed Eff. July 1, 2023 pursuant to G.S. ~~150B-21.7~~. 150B-21.7;*

5 *Temporary Amendment Eff. December 22, 2023.*

6

1 **10A NCAC 14E .0107 ISSUANCE OF LICENSE**

2 (a) The Division shall issue a license if it finds the facility can comply with all requirements described in this  
3 Subchapter and Subchapter 13S of Title 10A of the North Carolina Administrative Code.

4 (b) Each license shall be issued only for the premises and persons or organizations named in the application and shall  
5 not be transferable.

6 (c) The governing authority shall notify the Division in writing, within 10 working days, of any change in the name  
7 of the facility or change in the name of the administrator.

8 (d) The facility shall report to the Division all incidents, within 10 working days, of vandalism to the facility such as  
9 fires, explosions, or other action that prevents services from providing abortion services.

10

11 *History Note: Authority G.S. 131E-153; 131E-153.2; S.L. 2023-14, s-2.4;*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. December 19, 1977;*

14 *Amended Eff. July 1, 1994;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,*  
16 *2019;*

17 *Codifier determined that agency's findings of need did not meet criteria for emergency rule on June*  
18 *22, 2023;*

19 *Emergency Rule Eff. June 30, 2023;*

20 *Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;*

21 *Temporary Amendment Eff. December 22, 2023.*

22

23

1 **10A NCAC 14E .0109 RENEWAL**

2 (a) Each license, shall be renewed at the beginning of each calendar year.

3 (b) The renewal application form shall set forth:

4 (1) Legal identity of the applicant;

5 (2) The name or names under which the facility or services are advertised or presented to the public;

6 (3) The facility's mailing address;

7 (4) The facility's physical address;

8 (5) The ownership of the facility, including a description of the legal character of the operating  
9 ownership;

10 (6) The owner of the premises from which services are offered including the name and address of the  
11 owner of the premises if different from the owner of the facility;

12 (7) If the facility is operated under a management contract, the name and address of the building's  
13 management company;

14 (8) A description of the arrangements that have been made for the disposal of pathological waste,  
15 products of conception, and sharps, and the name and address of the provider of such services if not  
16 performed by the facility;

17 (9) The name, specialty, board certifications, and medical license number of the Medical Director;

18 (10) The name, specialty, board certifications, and medical license number of each member of the  
19 medical staff;

20 (11) The name, nursing certificate number, and renewal number of the Director of Nursing;

21 (12) The name, nursing certificate number, and renewal number of each nursing staff member; and

22 (13) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the  
23 address of the laboratory.

24 (14) The number of [abortion] procedures performed since initial licensure or the most recent licensure  
25 renewal, whichever is later; and

26 (15) The number of patients that were transferred to a hospital since initial licensure or the most recent  
27 licensure renewal, whichever is later.

28 (c) Upon the filing of a renewal application, the clinic must pay a non-refundable renewal fee as defined in G.S. 131E-  
29 153.2.

30 (d) An application for renewal of licensure must be filed with the Division at least 30 days prior to the date of  
31 expiration. Renewal application forms shall be furnished by the Division.

32 (e) Failure to file a renewal application shall result in expiration of the license to operate.

33

34 *History Note:* Authority G.S. 131E-153; 131E-153.2; 143B-10; S.L. 2023-14, s . 2.4;

35 *Eff. February 1, 1976;*

36 *Readopted Eff. December 19, 1977;*

37 *Amended Eff. October 1, 2015;*

1                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,*  
2                    *2019;*  
3                    *Codifier determined that agency's findings of need did not meet criteria for emergency rule on June*  
4                    *22, 2023;*  
5                    *Emergency Rule Eff. June 30, 2023;*  
6                    *Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;*  
7                    *Temporary Amendment Eff. December 22, 2023.*

8  
9