

1 10A NCAC 13C .0301 is temporarily adopted, with changes as published on the OAH website, as follows:

3 **10A NCAC 13C .0301 GOVERNING AUTHORITY**

4 (a) The facility's governing authority shall adopt bylaws or other appropriate operating policies and procedures
5 which shall:

- 6 (1) specify by name the person to whom responsibility for operation and maintenance of the facility is
7 delegated and methods established by the governing authority for holding such individuals
8 responsible;
- 9 (2) provide for at least annual meetings of the governing authority if the governing authority consists
10 of two or more individuals. Minutes shall be maintained of such meetings;
- 11 (3) maintain a policies and procedures manual which is designed to ensure professional and safe care
12 for the patients. The manual shall be reviewed, and revised when necessary, at least annually.
13 The manual shall include provisions for administration and use of the facility, compliance,
14 personnel quality assurance, procurement of outside services and consultations, patient care
15 policies and services offered; and
- 16 (4) provide for annual reviews and evaluations of the facility's policies, management, and operation.

17 (b) When services such as dietary, laundry, or therapy services are purchased from others, the governing authority
18 shall be responsible to assure the supplier meets the same local and state standards the facility would have to meet if
19 it were providing those services itself using its own staff.

20 (c) The governing authority shall provide for the selection and appointment of the professional staff and the
21 granting of clinical privileges and shall be responsible for the professional conduct of these persons.

22 (d) The governing {board} authority shall assure written policies and procedures to assure billing and collection
23 practices in accordance with G. S. 131E-91. These policies and procedures shall include:

- 24 (1) how a patient or patient's representative may dispute a bill;
- 25 (2) how a patient or patient's representative may appeal a decision made by the facility regarding a
26 bill;
- 27 (3) issuance of a refund resulting from overpayment of a bill;
- 28 (4) providing written notification to the patient or patient's responsible party prior to submitting a
29 delinquent bill to a collection agency;
- 30 (5) providing the patient or patient's responsible party with the facility's charity care and financial
31 assistance policies, if the facility is required to file a Schedule H, federal form 990; and
- 32 (6) the requirement that a collections agency, entity, or other assignee obtain written consent from the
33 facility prior to initiating litigation against the patient or responsible party.

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36 *History Note:* Authority G.S. 131E-149; S.L. 2013-382(s.10.1),(s.13.1); G.S. 131E-91;
37 Eff. October 14, 1978;

Proposed Temporary Rule: Fair Billing & Collections Practices
AMBULATORY SURGICAL FACILITY RULE

3/14/2014
FINAL

- 1 *Amended Eff. November 1, 1989; November 1, 1985; December 24, ~~1979~~ 1979;*
- 2 *Temporary Amendment Eff. May 1, 2014.*