



North Carolina Department of Health and Human Services
Division of Health Service Regulation
Office of the Director

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Drexal Pratt
Division Director

MEMORANDUM

DATE: September 30, 2015
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager *NP*
RE: Proposed Repeal of Certificate of Need Rules
10A NCAC 14C Certificate of Need Regulations

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a permanent rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal note that has been prepared in connection with the proposed rule.

The CON application forms authorized by G.S. 131E-182(b) request information from the applicants which is designed to address the review criteria found in G.S. 131E-183(a). The rules proposed to be repealed are not needed in order for the agency to determine whether or not an application is conforming to the statutory review criteria. In addition, some of the proposed rules are vague, many are outdated and they do not reflect the best, most current practices. The proposed rules also place an unnecessary burden and cost on applicants and to the Department. The rules are proposed to be repealed because they are unnecessary. In accordance with G.S. 150B-21.4(d), a fiscal note is not required for a repeal of a rule. The North Carolina Department of Health and Human Services/Director, DHHS has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the repeal of 86 Certificate of Need rules in Subchapter 10A NCAC 14C.

The proposed rule text is attached to this memo and will be published in the October 15, 2015 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <http://www.ncoah.com/rules/register>.

A public hearing is scheduled for November 20, 2015 at 1:00 p.m. in Room 131, Wright Building, 1201 Umstead Drive, Raleigh, NC 27603. The building is located on the Dorothea Dix Hospital campus. The Division is accepting public comments on these rules from October 15, 2015 – December 14, 2015. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is February 1, 2016.

A copy of the proposed rules, and instructions for submitting comment can be found at the Division of



<http://www.ncdhhs.gov/dhsr/>

Phone: 919-855-3750 / Fax: 919-733-2757

Location: 809 Ruggles Drive v Dorothea Dix Hospital Campus v Raleigh, N.C. 27603

Mailing Address: 2701 Mail Service Center • Raleigh, North Carolina 27699-2701

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Health Service Regulation web site at www2.ncdhhs.gov/dhsr/ruleactions.html. If you have questions related to the proposed rule and fiscal note please contact the Healthcare Planning and Certificate of Need Section at (919) 855-3873

Should you have any questions regarding this memorandum please feel free to contact me at 855-3811.

Enclosures

cc: Drexdal Pratt, Director, DHSR
Joel Johnson, Assistant General Counsel, DHHS
Shelley Carraway, Chief, HC Planning and CON
Martha Frisone, Assistant Chief, CON