



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

MARK PAYNE  
DIRECTOR

**MEMORANDUM**

**DATE:** March 15, 2018  
**TO:** Interested Parties  
**FROM:** Nadine Pfeiffer, Rule Review Manager *NP*  
**RE:** Proposed Adoption of Hospital Facilities Construction Rules  
10A NCAC 13B

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. Session Law 2017-174, known as "An Act Directing the Medical Care Commission to Adopt the Recommendations of the American Society of Healthcare Engineering's Facility Guidelines Institute" that became effective on July 21, 2017 requires the N.C. Medical Care Commission to adopt rules to implement the provisions of the Act. Preparation of a fiscal note for these rules is exempted pursuant to this Act.

Accordingly, the Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions:

Hospital Rules

10A NCAC 13B .6003	Definitions	(Adopt)
10A NCAC 13B .6105	Incorporation by Reference and Application of the Requirements of the FGI Guidelines	(Adopt)
10A NCAC 13B .6228	Neonatal Level I, II, III, and IV Nurseries	(Adopt)

The proposed rule text is attached to this memo and were published in today's March 15, 2018 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>.

**OFFICE OF THE DIRECTOR**

WWW.NCDHHS.GOV

TEL 919-855-3750 • FAX 919-733-2757

LOCATION: 809 RUGGLES DRIVE • EDGERTON BUILDING • RALEIGH, NC 27603

MAILING ADDRESS: 2701 MAIL SERVICE CENTER • RALEIGH, NC 27699-2701

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



A public hearing is scheduled for April 26, 2018 at 10:00 a.m. in Room 123B, Williams Building, 1800 Umstead Drive, Raleigh, NC 27603. The building is located in the Dorothea Dix Park. Ms. Nadine Pfeiffer, DHSR Rule Review Manager, is accepting public comments on these rules and fiscal note from March 15, 2018 – May 14, 2018. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is pending legislative review in accordance with Session Law 2017-174.

A copy of the proposed rules and instructions for submitting comment can be found at the Division of Health Service Regulation web site at [www2.ncdhhs.gov/dhsr/ruleactions.html](http://www2.ncdhhs.gov/dhsr/ruleactions.html).

Should you have questions related to this memorandum or the proposed rules please feel free to contact the Construction Section at (919) 855-3893.

#### Enclosures

cc: Dr. John Fagg, MD, Chair, N.C. MCC  
Mark Payne, Director, Health Service Regulation  
Emery Milliken, Deputy Director, Health Service Regulation  
Joel Johnson, Assistant General Counsel, DHHS  
Steven Lewis, Chief, Construction Section  
Carey Gurlitz, Engineering Supervisor, Construction Section  
Marjorie Acker, Assistant Chief, Construction Section  
Azzie Conley, Chief, Acute and Home Care Licensure & Certification Section  
Clarence Ervin, Assistant Chief, Acute and Home Care Licensure & Certification Section