



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

TO: Office of State Budget & Management

FROM: Nadine Pfeiffer, DHSR Rule-making Coordinator

DATE: January 8, 2019

RE: Federal Certification for Ambulatory Surgical Facilities Rule Amendments and Readoptions

Rule-making Coordinator's Certificate

As Required by GS 150B-19.1(g)
For Proposed Permanent and Temporary Rules Adopted to
Implement a Federal Law or which upon Receipt of Federal Funds is Conditioned

In order to be compatible with federal regulations for the Conditions of Participation for Ambulatory Surgical Services in Title 42, Part 416, the following rules are proposed for amendment or readoption:

- Rules 10A NCAC 13C .1401, .1402 and .1403 are proposed for amendment; and
- Rule 10A NCAC 13C .1404 is proposed for readoption.

These rules conform to 42 CFR §416.40 Condition for coverage - Compliance with State licensure law; 42 CFR §416.44 Condition for coverage - Environment; and 42 CFR §416.54 Condition for coverage - Emergency preparedness, that apply to licensed ambulatory surgical facilities physical plant construction standards.

The amendment and readoption of these rules are necessary for licensed ambulatory surgical facility compliance with federal regulations for the receipt of Medicare reimbursement from the Centers for Medicare & Medicaid Services.

Rules 10A NCAC 13C .1405 - .1407 are proposed for readoption as a repeal and Rule 10A NCAC 13C .1408 is proposed for repeal although they are compatible with federal regulations for the Conditions of Participation for Ambulatory Surgical Services in 42 CFR Part 416. However, during the revision of rules in Section .1400 of Subchapter 10A NCAC 13C it was determined these rules duplicate standards and guidelines in proposed Rule 10A NCAC 13C .1403; therefore, these rules are proposed for repeal.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

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