



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

DATE: June 17, 2019

TO: Interested Parties

FROM: Nadine Pfeiffer, Rule Review Manager *NP*

RE: Proposed Readoption/Amendment/Repeal of Ambulatory Surgical Facility Construction Rules - 10A NCAC 13C

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal analysis that has been prepared in connection with the proposed rule. At this time, five rules are being readopted as a result of the periodic review of the Subchapter 10A NCAC 13C rules, thereby requiring rules determined as "Necessary With Substantive Public Interest" be readopted as new rules. In addition, as part of the reorganization of the rules in the Physical Plant Construction Section to conform to the national construction FGI standards, three rules are being amended and two rules are being repealed.

The North Carolina Medical Care 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:

10A NCAC 13C Licensing of Ambulatory Surgical Facilities

10A NCAC 13C .1401	Operating Suite <u>Definitions</u> (Amend)
10A NCAC 13C .1402	Recovery Area <u>List of Referenced Guidelines, Codes, Standards, and Regulation</u> (Amend)
10A NCAC 13C .1403	Supporting Elements <u>General and Emergency Preparedness</u> (Amend)
10A NCAC 13C .1404	Details and Finishes <u>Equivalency and Conflicts with Requirements</u> (Readopt)
10A NCAC 13C .1405	Mechanical Requirements (Readopt as a Repeal)
10A NCAC 13C .1406	Plumbing and Other Piping Systems (Readopt as a Repeal)
10A NCAC 13C .1407	Electrical Requirements (Readopt as a Repeal)
10A NCAC 13C .1408	General (Repeal)
10A NCAC 13C .1409	List of Referenced Codes and Standards (Repeal)
10A NCAC 13C .1410	Application of Physical Plant Requirements (Readopt as a Repeal)

Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on April 4, 2019 in accordance with G.S. 150B-21.4 and 150B-21.3A(d)(2). Pursuant to G.S. 150B-21.4(d), a fiscal note is not required for a repeal of a rule.

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

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

The proposed rule text is attached to this memo. The rules were published in today's December 16, 2019 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <https://www.oah.nc.gov/documents/nc-register>.

A public hearing is scheduled for July 25, 2019 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 the fiscal analysis from June 17, 2019 – August 16, 2019. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is January 1, 2020.

A copy of the proposed rules, fiscal analysis, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at <https://www2.ncdhhs.gov/dhsr/ruleactions.html>.

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

Enclosures

cc: Mark Payne, Director, Health Service Regulation
Emery Milliken, Deputy Director, DHSR
Joel Johnson, Assistant General Counsel, DHHS
Steve Lewis, Chief, Construction Section
Marjorie Acker, Assistant Chief, Construction Section