

1 10A NCAC 13B .3502 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13B .3502 REQUIRED FACILITY BYLAWS, POLICIES, RULES, AND REGULATIONS**

4 (a) The governing body shall adopt written bylaws, policies, rules, and regulations in accordance with all requirements
5 contained in this Subchapter and in accordance with the community responsibility of the facility. The written bylaws,
6 policies, rules, and regulations shall:

- 7 (1) state the purpose of the facility;
- 8 (2) describe the powers and duties of the governing body officers and committees and the
9 responsibilities of the chief executive officer;
- 10 (3) state the qualifications for governing body membership, the procedures for selecting members, and
11 the terms of service for members, officers and committee chairmen;
- 12 (4) describe the authority delegated to the chief executive officer and to the medical staff. No
13 assignment, referral, or delegation of authority by the governing body shall relieve the governing
14 body of its responsibility for the conduct of the facility. The governing body shall retain the right
15 to rescind any such delegation;
- 16 (5) require ~~Board~~ governing body approval of the bylaws of any auxiliary organizations established by
17 the ~~hospital;~~ facility;
- 18 (6) require the governing body to review and approve the bylaws of the medical ~~staff organization;~~ staff;
- 19 (7) establish a ~~procedure~~ procedures for processing and evaluating the applications for medical staff
20 membership and for the granting of clinical privileges;
- 21 (8) establish a procedure for implementing, disseminating, and enforcing a Patient's Bill of Rights as
22 set forth in Rule .3302 of this Subchapter and in compliance with G.S. 131E-117; and
- 23 (9) require the governing body to institute procedures to provide for:
- 24 (A) orientation of newly elected ~~board~~ governing body members to ~~specific~~ board functions
25 and procedures;
- 26 (B) the development of procedures for periodic reexamination of the relationship of the ~~board~~
27 governing body to the total facility community; and
- 28 (C) the recording of minutes of all governing body and executive committee meetings and the
29 dissemination of those minutes, or summaries thereof, on a regular basis to all members of
30 the governing body.

31 (b) The governing body shall ~~assure~~ provide written policies and procedures to assure billing and collection practices
32 in accordance with G.S. 131E-91. These policies and procedures shall include:

- 33 (1) a financial assistance policy as defined in G.S. 131E-214.14(b)(3);
- 34 (2) how a patient may obtain an estimate of the charges for the statewide 100 most frequently reported
35 Diagnostic Related Groups (DRGs), where applicable, 20 most common outpatient imaging
36 procedures, and 20 most common outpatient surgical procedures. The policy shall require that the

1 information be provided to the patient in writing, either electronically or by mail, within three
2 business days;

- 3 (3) how a patient or patient's representative may dispute a bill;
- 4 (4) issuance of a refund within 45 days of the patient receiving notice of the overpayment when a patient
5 has overpaid the amount due to the ~~hospital~~; facility;
- 6 (5) providing written notification to the patient or patient's representative at least 30 days prior to
7 submitting a delinquent bill to a collections agency;
- 8 (6) providing the patient or patient's representative with the facility's charity care and financial
9 assistance policies, if the facility is required to file a Schedule H, federal form 990;
- 10 (7) the requirement that a collections agency, entity, or other assignee obtain written consent from the
11 facility prior to initiating litigation against the patient or patient's representative;
- 12 (8) a policy for handling debts arising from the provision of care by the ~~hospital~~ facility involving the
13 doctrine of necessities, in accordance with G.S. 131E-91(d)(5); and
- 14 (9) a policy for handling debts arising from the provision of care by the ~~hospital~~ facility to a minor, in
15 accordance with G.S. 131E-91(d)(6).

16 (c) The governing body shall ensure that the bylaws, rules, and regulations of the medical staff and the bylaws, rules,
17 policies, and regulations of the facility shall not be in conflict.

18 ~~(d)~~ The written policies, rules, and regulations shall be reviewed every three years, revised as necessary, and dated
19 to indicate when last reviewed or revised.

20 ~~(e)~~ To qualify for licensure or license renewal, each facility must provide to the Division, upon application, an
21 attestation statement in a form provided by the Division verifying compliance with the requirements of this Rule.

22 ~~(f)~~ On an annual basis, on the license renewal application provided by the Division, the facility shall provide to the
23 Division the direct website address to the facility's financial assistance policy. This ~~Rule~~ requirement applies only to
24 facilities required to file a Schedule H, federal form 990.

26 *History Note: Authority G.S. 131E-79; 131E-91; 131E-214.8; 131E-214.13(f); 131E-214.14; ~~S.L. 2013-382, s.~~*
27 *~~10.1~~; S.L. 2013-382, s. 13.1;*

28 *Eff. January 1, 1996;*

29 *Temporary Amendment Eff. May 1, 2014;*

30 *Amended Eff. November 1, ~~2014~~. 2014;*

31 *Readopted Eff. July 1, 2020.*