

1 10A NCAC 13B .3705 is proposed for reoption with substantive changes as follows:

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3 **10A NCAC 13B .3705 MEDICAL STAFF BYLAWS, ~~RULES~~ RULES, OR AND REGULATIONS**

4 (a) The active medical staff shall develop and adopt, subject to the approval of the governing body, a set of bylaws,  
5 ~~rules or rules, and regulations, regulations~~ regulations to establish a framework for ~~self-governance~~ self-governance of medical  
6 staff activities and accountability to the governing body.

7 (b) The medical staff bylaws, ~~rules~~ rules, and regulations shall provide for ~~at least~~ the following:

- 8 (1) organizational structure;
- 9 (2) qualifications for medical staff membership;
- 10 (3) procedures for ~~admission, retention, assignment, and reduction or withdrawal of~~ granting or  
11 renewing, denying, modifying, suspending, and revoking clinical privileges;
- 12 (4) procedures for disciplinary or corrective actions;
- 13 (4) (5) procedures for fair hearing and appellate review mechanisms for ~~denial of staff appointments,~~  
14 ~~reappointments, suspension, or revocation of~~ denying, modifying, suspending, and revoking clinical  
15 privileges;
- 16 (5) (6) composition, functions and attendance of standing committees;
- 17 (6) (7) policies for completion of medical ~~records and procedures for disciplinary actions;~~ records;
- 18 (7) (8) formal liaison between the medical staff and the governing body;
- 19 (8) (9) methods developed to formally verify that each medical staff member on appointment or  
20 reappointment agrees to abide by current medical staff ~~bylaws~~ bylaws, rules, and regulations, and  
21 the facility bylaws; and bylaws, rules, policies, and regulations;
- 22 (9) (10) procedures for ~~members of medical staff~~ participation in quality assurance ~~functions.~~ functions by  
23 medical staff members;
- 24 (11) the process for the selection and election and removal of medical staff officers; and
- 25 (12) procedures for the proposal, adoption, and amendment, and approval of medical staff bylaws, rules,  
26 and regulations.

27 (c) ~~Neither the medical staff, the governing body, nor the facility administration may unilaterally amend the medical~~  
28 ~~staff bylaws, rules, and regulations.~~

29 (d) ~~Neither the medical staff, the governing body, nor the facility administration may waive any provision of the~~  
30 ~~medical staff bylaws, rules, and regulations, except in an emergency circumstance. For purposes of this Rule, an~~  
31 ~~“emergency circumstance” means a situation of urgency that justifies immediate action and when there is not sufficient~~  
32 ~~time to follow the applicable provisions and procedures of the medical staff bylaws. Examples of an emergency~~  
33 ~~circumstance include an immediate threat to the life or health of an individual or the public, a natural disaster, or a~~  
34 ~~judicial or regulatory order. The duration of a waiver permitted by this Rule will be only so long as the emergency~~  
35 ~~circumstance exists.~~

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37 *History Note: Authority G.S. 131E-79;*

- 1 *Eff. January 1, ~~1996~~ 1996;*
- 2 *Readopted Eff. July 1, 2020.*