MEMORANDUM

DATE: June 15, 2020

TO: Interested Parties

FROM: Nadine Pfeiffer, Rule Review Manager

RE: Proposed Readoption/Amendment of Ambulatory Surgical Facility 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, four rules are being readopted as a result of the periodic review of the Subchapter 10A NCAC 13C rules, requiring rules determined as “Necessary With Substantive Public Interest” be readopted as new rules. In addition, two rules are being amended with technical change clarifications.

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 .0202 Requirements for Issuance of License (Readopt)
10A NCAC 13C .0203 Suspension or Revocation: Ambulatory Surgical Facility (Amend)
10A NCAC 13C .0301 Governing Authority (Readopt)
10A NCAC 13C .0501 Providing Anesthesia Services (Readopt)
10A NCAC 13C .0702 Regulations for Performed Services (Amend)
10A NCAC 13C .0902 Nursing Personnel (Readopt)

The Office of State Budget and Management reviewed these rules and determined on February 19, 2020 that no fiscal note was required for these rules.

The proposed rule text is attached to this memo. The rules were published in today’s June 15, 2020 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 28, 2020 at 10:00 a.m. *In the abundance of caution, to address protective measures to help prevent the spread of COVID-19, rather than in an in-person meeting, the public
hearing will be conducted by teleconference. If you would like to participate in the public hearing, please use the following conference telephone number: 1-877-848-7030, and access code: 5133201. Ms. Nadine Pfeiffer, DHSR Rule Review Manager, is accepting public comments on these rules from June 15, 2020 – August 14, 2020. *Comments will also be accepted via teleconference at the public hearing. The proposed effective date of these rules is January 1, 2021.

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

Please feel free to contact the Acute and Home Care Licensure and Certification Section at (919) 855-4620, should you have questions related to this memorandum or the proposed rules.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
    Emery Milliken, Deputy Director, DHSR
    Joel Johnson, Assistant General Counsel, DHHS
    Azzie Conley, Chief, Acute and Home Care Licensure & Certification Section