MEMORANDUM

DATE: July 15, 2021

TO: Interested Parties

FROM: Nadine Pfeiffer, Rule Review Manager

RE: Proposed Readoption of Certificate of Need Regulations – 10A NCAC 14C

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. As a result of the periodic review of rules in Subchapter 10A NCAC 14C, 39 rules determined as “Necessary With Substantive Public Interest” are required to be readopted. At this time, 18 rules are being proposed for readoption for Certificate of Need Regulations.

The North Carolina Department of Health and Human Services/Director, DHSR has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rules:

10A NCAC 14C Certificate of Need Regulations
10A NCAC 14C .1601 Definitions (Readopt)
10A NCAC 14C .1603 Performance Standards (Readopt)
10A NCAC 14C .1701 Definitions (Readopt)
10A NCAC 14C .1703 Performance Standards (Readopt)
10A NCAC 14C .1901 Definitions (Readopt)
10A NCAC 14C .1903 Performance Standards (Readopt)
10A NCAC 14C .2301 Definitions (Readopt as a Repeal)
10A NCAC 14C .2303 Performance Standards (Readopt as a Repeal)
10A NCAC 14C .2401 Definitions (Readopt)
10A NCAC 14C .2403 Performance Standards (Readopt)
10A NCAC 14C .2501 Definitions (Readopt as a Repeal)
10A NCAC 14C .2503 Performance Standards (Readopt as a Repeal)
10A NCAC 14C .2601 Definitions (Readopt as a Repeal)
10A NCAC 14C .2603 Performance Standards (Readopt as a Repeal)
10A NCAC 14C .2701 Definitions (Readopt)
10A NCAC 14C .2703 Performance Standards (Readopt)
10A NCAC 14C .3701 Definitions (Readopt)
10A NCAC 14C .3703 Performance Standards (Readopt)
In accordance with G.S. 150B-21.3A(d)(2), a fiscal analysis was prepared for rules with substantive change. Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on June 17, 2021 in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules were published in today’s July 15, 2021 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 August 31, 2021 at 10:00 a.m. via Webex. Participants may log in 15 minutes prior to the start of the meeting.

- To join the meeting by audio only or by audio and video:
  - Copy this link to your browser (preferably Google Chrome): https://ncgov.webex.com/ncgov/onstage/g.php?MTID=ee186691c2ee542255615a59edf2f4214
  - Meeting password (case sensitive): rules
  - Your name and email address may be needed to be entered to register for the event
  - Access code: 161 511 9699
- To join the meeting by telephone audio only:
  - Call telephone number: 415-655-0003; Access code: 161 511 9699

Ms. Nadine Pfeiffer, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from July 15, 2021 – September 13, 2021. Comments will also be accepted at the public hearing. The proposed effective date of these rules is January 1, 2022.

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://info.ncdhhs.gov/dhsr/ruleactions.html.

Please feel free to contact the Healthcare Planning and Certificate of Need Section at (919) 855-3873, should you have questions related to this memorandum or the proposed rule and fiscal note.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
    Emery Milliken, Deputy Director, DHSR
    Joel Johnson, Assistant General Counsel, DHHS
    Micheala Mitchell, Chief, Healthcare Planning and Certificate of Need
    Lisa Pittman, Assistant Chief, Certificate of Need