



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Health Service Regulation

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK PAYNE • Director

MEMORANDUM

DATE: July 15, 2022
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager *NP*
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, nine 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 .1102	Performance Standards (Readopt)
10A NCAC 14C .2001	Definitions (Readopt)
10A NCAC 14C .2003	Performance Standards (Readopt)
10A NCAC 14C .2801	Definitions (Readopt)
10A NCAC 14C .2803	Performance Standards (Readopt)
10A NCAC 14C .3801	Definitions (Readopt)
10A NCAC 14C .3803	Performance Standards (Readopt)
10A NCAC 14C .4001	Definitions (Readopt)
10A NCAC 14C .4003	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 10, 2022 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, 2022 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>.

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

OFFICE OF THE DIRECTOR

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A public hearing is scheduled for September 6, 2022 at 1:00 p.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is in the Dorothea Dix Park. Ms. Nadine Pfeiffer, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from July 15, 2022 through September 13, 2022, close of business. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is January 1, 2023.

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>.

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

Enclosures

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