

Hospital Facilities Temporary Rules Public Comments
 10A NCAC 13B .6003, .6105, and .6228
 Comment Period 9/28/17 – 10/19/17

Introduction:

There was one comment received during the public comment period on the Hospital Facilities Temporary Rules, 10A NCAC 13B .6003, .6105, and .6228. The comment was submitted by a representative of the N.C. Hospital Association. This comment is summarized below:

Comment Received and Agency’s Consideration of Comment for 10A NCAC 13B .6105 – Incorporation by Reference and Application of the Requirements of the Guidelines:

Commenter	Comment Summary
North Carolina Hospital Association	<p>Requests the deletion of Rule .6105 Paragraphs (c) and (d) that requires a facility’s construction documents to comply with the temporary rules on or after January 1, 2018 and the existing physical plant rules prior to January 1, 2018. This request is being made because the rule is confusing and inconsistent with Session Law 2017-174 Section 2, which states that the law applies to any licensee who seeks to construct a new hospital facility and who submits plans on or after January 1, 2016, and does not include a January 1, 2018 deadline. The request also proposes new rule language that allows construction documents submitted to the Construction Section on or after January 1, 2016 to comply with either the existing physical plant rules or the proposed temporary rules.</p> <p><u>Suggest:</u> “A new facility or any additions or alterations to an existing facility whose construction documents were submitted to the Construction Section on or after January 1, 2016 shall choose to comply with either the 2017 standards established in Sections 10A NCAC 13B .6000 of the Hospital Licensure Regulations or the Temporary Regulations 10A NCAC 13B .6003, .6105(a) and .6228, as scheduled to become effective December 1, 2017 and inclusive of the edition of the Facility Guidelines Institute in effect at that time.”</p>

Agency Response to Comment Above:

There will be no change made to Rule .6105. The effective date of Rule .6105 is December 1, 2017, which is after January 1, 2016. The Agency cannot adopt a rule with requirements that must be complied with prior to the effective date of the rule. In compliance with Session Law 2017-174 and prior to January 1, 2018, if a licensee submits hospital construction documents that comply with the applicable FGI guidelines set forth in Rule .6105, rather than with the existing physical plant rules, the Construction Section will grant an equivalency as set forth in existing Rule .6103(5).