

1 10A NCAC 13C .0103 is amended with changes under temporary procedures as follows:

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3 **10A NCAC 13C .0103 DEFINITIONS**

4 In addition to the terms defined in G.S. 131E-214.13, the following terms shall apply throughout ~~As used in this~~
5 Subchapter, unless the context clearly requires otherwise, the following terms have the meanings specified: ~~otherwise:~~

- 6 (1) "Adequate" means, when applied to various areas of services, that the services are ~~at least~~
7 satisfactory in meeting a referred to need when measured against ~~contemporary~~ professional
8 standards of practice.
- 9 (2) "AAAASF" means American Association for Accreditation of Ambulatory Surgery Facilities.
- 10 (3) "AAAHHC" means Accreditation Association for Ambulatory Health Care.
- 11 (4) "Ancillary nursing personnel" means persons employed to assist registered nurses or licensed
12 practical nurses in the care of patients.
- 13 (5) "Anesthesiologist" means a physician whose specialized training and experience qualify him or her
14 to administer anesthetic agents and to monitor the patient under the influence of these agents. For
15 the purpose of ~~these Rules~~ this Subchapter, the term "anesthesiologist" shall not include podiatrists.
- 16 (6) "Anesthetist" means a physician or dentist qualified, as defined in ~~Item~~ Items (10) and (22) ~~{(26)}~~
17 (24) of this Rule, to administer anesthetic agents or a registered nurse qualified, as defined in ~~Item~~
18 Items (22) ~~{(26)}~~ (25) and (27) of this Rule, to administer anesthesia.
- 19 (7) "Authority ~~Having Jurisdiction~~" having jurisdiction" means the Division of Health Service
20 Regulation.
- 21 (8) "Chief executive officer" or "administrator" means a qualified person appointed by the governing
22 authority to act in its behalf in the overall management of the facility and whose office is located in
23 the facility.
- 24 ~~{(9)} "Commission" means the North Carolina Medical Care Commission.~~
- 25 ~~{(10)}~~ (9) "Current Procedural Terminology (CPT)" means a medical code set developed by the American
26 Medical Association.
- 27 ~~(9) {(11)}~~ (10) "Dentist" means a person who holds a valid license issued by the North Carolina Board of
28 Dental Examiners to practice dentistry.
- 29 ~~(10) {(12)}~~ (11) "Department" means the North Carolina Department of Health and Human Services.
- 30 ~~(11) {(13)}~~ (12) "Director of nursing" means a registered nurse who is responsible to the chief executive
31 officer or administrator and has the authority and direct responsibility for all nursing services and
32 nursing care for the entire facility at all times.
- 33 ~~{(14)}~~ (13) "Financial {Assistance}" assistance" means a policy, including charity care, describing how the
34 organization will provide assistance at its {facility,} facility. Financial assistance includes free or
35 discounted health services provided to persons who meet the organization's criteria for financial
36 assistance and are unable to pay for all or a portion of the services. Financial assistance does not
37 include:

- 1 (a) bad debt;
- 2 (b) uncollectable charges that the organization recorded as revenue but wrote off due
- 3 to a patient's failure to pay;
- 4 (c) the cost of providing such care to {such patients;} the patients in Sub-Item (13)(b);
- 5 or
- 6 (d) the difference between the cost of care provided under Medicare or other
- 7 government programs, and the revenue derived therefrom.
- 8 ~~(12)~~ ~~{(15)}~~ (14) "Governing authority" means the individual, ~~agency or group~~ agency, group, or corporation
- 9 appointed, elected or otherwise designated, in which the ultimate responsibility and authority for
- 10 the conduct of the ambulatory surgical facility is vested.
- 11 ~~{(16) "Health Insurer" means an entity that writes a health benefit plan as defined in G.S. 131E-214.13.}~~
- 12 ~~{(17)}~~ (15) "Healthcare Common Procedure Coding System (HCPCS)" means a three tiered medical code
- 13 set consisting of Level I, II and III services and contains the CPT code set in Level I.
- 14 ~~(13)~~ ~~{(18)}~~ (16) "JCAHO" or "Joint Commission" means Joint Commission on Accreditation of Healthcare
- 15 Organizations.
- 16 ~~(14)~~ ~~{(19)}~~ (17) "Licensing agency" means the Department of Health and Human Services, Division of
- 17 Health Service Regulation.
- 18 ~~(15)~~ ~~{(20)}~~ (18) "Licensed practical ~~nurse" (L.P.N.)~~ nurse (L.P.N.)" means any person licensed as such under
- 19 the provisions of ~~G.S. 90-171.~~ G.S. 90-171.20(8).
- 20 ~~(16)~~ ~~{(21)}~~ (19) "Nursing personnel" means registered nurses, licensed practical ~~nurses~~ nurses, and ancillary
- 21 nursing personnel.
- 22 ~~(17)~~ ~~{(22)}~~ (20) "Operating room" means a room in which surgical procedures are performed.
- 23 ~~(18)~~ ~~{(23)}~~ (21) "Patient" means a person admitted to and receiving care in a facility.
- 24 ~~(19)~~ ~~{(24)}~~ (22) "Person" means an individual, a trust or estate, a partnership or corporation, including
- 25 associations, joint stock companies and insurance companies; the ~~state,~~ State, or a political
- 26 subdivision or instrumentality of the state.
- 27 ~~(20)~~ ~~{(25)}~~ (23) "Pharmacist" means a person who holds a valid license issued by the North Carolina Board
- 28 of Pharmacy to practice pharmacy in accordance with ~~G.S. 90-85.~~ G.S. 90-85.3A.
- 29 ~~(21)~~ ~~{(26)}~~ (24) "Physician" means a person who holds a valid license issued by the North Carolina Medical
- 30 Board to practice medicine. For the purpose of carrying out these Rules, a "physician" may also
- 31 mean a person holding a valid license issued by the North Carolina Board of Podiatry Examiners to
- 32 practice podiatry.
- 33 ~~{(27) "Public or Private Third Party" means the State, federal government employers, health insurers,~~
- 34 ~~third-party administrators and managed care organizations.}~~
- 35 ~~(22)~~ ~~{(28)}~~ (25) "Qualified ~~person" person,~~" when used in connection with an occupation or ~~position~~ position,
- 36 means a person:

1 (a) who has demonstrated through ~~relevant~~ experience the ability to perform the required
2 functions; or

3 (b) who has certification, ~~registration~~ registration, or other professional recognition.

4 ~~(23)~~ ~~{(29)}~~ (26) "Recovery area" means a room used for the ~~post anesthesia~~ post-anesthesia recovery of
5 surgical patients.

6 ~~(24)~~ ~~{(30)}~~ (27) "Registered nurse" means a person who holds a valid license issued by the North Carolina
7 Board of Nursing to practice nursing as defined in ~~G.S. 90-171~~, G.S. 90-171.20(7).

8 ~~(25)~~ ~~{(31)}~~ (28) "Surgical suite" means an area ~~which~~ that includes one or more operating rooms and one or
9 more recovery rooms.

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11 *History Note:* Authority G.S. 131E-149; 131E-214.13; S.L. 2013-382(s.10.1), S.L. 2013-382(s.13.1);S.L. {2014-
12 100;} 2014-100(s. 12G.2);

13 *Eff. October 14, 1978;*

14 *Amended Eff. April 1, 2003; ~~November 1, 1989.~~ November 1, 1989;*

15 *Temporary Amendment Eff. December 31, 2014.*