



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

***Revised July 13, 2020**

DATE: June 15, 2020
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager *NP*
RE: Proposed Readoption of Hospice Licensing Rules – 10A NCAC 13K

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, five rules are being readopted as a result of the periodic review of the Subchapter 10A NCAC 13K rules, thereby requiring rules determined as “Necessary With Substantive Public Interest” be readopted as new rules.

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 13K Hospice Licensing Rules

10A NCAC 13K .0102	Definitions (Readopt)
10A NCAC 13K .0401	Personnel (Readopt)
10A NCAC 13K .0604	Patient’s Rights and Responsibilities (Readopt)
10A NCAC 13K .0701	Care Plan (Readopt)
10A NCAC 13K .1104	Dietary Services (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 January 31, 2020 in accordance with G.S. 150B-21.4.

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 29, 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

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

OFFICE OF THE DIRECTOR

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Pfeiffer, DHSR Rule Review Manager, is accepting public comments on these rules and the fiscal analysis 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, 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 Acute and Home Care Licensure and Certification Section at (919) 855-4620.

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
Cindy Deporter, Assistant Chief, Acute and Home Care Licensure & Certification Section