



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER** • Governor

**MANDY COHEN, MD, MPH** • Secretary

**MARK PAYNE** • Director, Division of Health Service Regulation

**MEMORANDUM**

**TO:** Office of State Budget & Management

**FROM:** Nadine Pfeiffer, DHSR Rule-making Coordinator

**DATE:** February 19, 2020

**RE:** Federal Certification for Ambulatory Surgical Facility Licensing Rules

**Rule-making Coordinator's Certificate**

As Required by GS 150B-19.1(g)  
For Proposed Permanent and Temporary Rules Adopted to  
Implement a Federal Law or which upon Receipt of Federal Funds is Conditioned

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The attached rule-making package applies to rules 10A NCAC 13C .0202, .0301, .0501, .0702, and .0902. These rules apply to the licensure of ambulatory surgical facilities. These rules are being proposed for the readoption of requirements for issuance of the license, governing body, provision of anesthesia services, and nursing personnel. The rules are also proposed for the amendment of regulations for performed services.

The readoption and amendment of these rules are necessary to come in compliance with federal regulations 42 CFR 416.2 that governs Definitions, 42 CFR 416.40 that governs Condition for coverage-Compliance with State licensure law, 42 CFR 416.41 that governs Condition for coverage-Governing body and management, 42 CFR 416.42 that governs Condition for coverage-Surgical services, 42 CFR 416.46 that governs Condition for coverage-Nursing services, and 42 CFR 416.49 that governs Condition for coverage-Laboratory and radiologic services.

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

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