

1 10A NCAC 14C .2703 is proposed for amendment under temporary procedures as follows:

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3 **10A NCAC 14C .2703 PERFORMANCE STANDARDS**

4 (a) An applicant proposing to acquire a fixed MRI scanner pursuant to a need determination in the annual State
5 Medical Facilities Plan in effect as of the first day of the review period shall:

- 6 (1) identify the existing fixed MRI scanners owned or operated by the applicant or a related entity and
7 located in the proposed fixed MRI scanner service area;
- 8 (2) identify the approved fixed MRI scanners owned or operated by the applicant or a related entity and
9 located in the proposed fixed MRI scanner service area;
- 10 (3) identify the existing mobile MRI scanners owned or operated by the applicant or a related entity
11 that provided mobile MRI services at host sites located in the proposed fixed MRI scanner service
12 area during the 12 months before the application deadline for the review period;
- 13 (4) identify the approved mobile MRI scanners owned or operated by the applicant or a related entity
14 that will provide mobile MRI services at host sites located in the proposed fixed MRI scanner service
15 area;
- 16 (5) provide projected utilization of the MRI scanners identified in Subparagraphs (1) through (4) of this
17 Paragraph and the proposed fixed MRI scanner during each of the first three full fiscal years of
18 operation following completion of the project;
- 19 (6) provide the assumptions and methodology used to project the utilization required by Subparagraph
20 (5) of this Paragraph;
- 21 (7) project that the fixed MRI scanners identified in Subparagraphs (1) and (2) of this Paragraph and
22 the proposed fixed MRI scanner shall perform during the third full fiscal year of operation following
23 completion of the project as follows:
- 24 ~~(A) — 3,364 or more adjusted MRI procedures per fixed MRI scanner if there are four or more~~
25 ~~fixed MRI scanners in the fixed MRI scanner service area;~~
- 26 ~~(B) — 3,123 or more adjusted MRI procedures per fixed MRI scanner if there are three fixed MRI~~
27 ~~scanners in the fixed MRI scanner service area;~~
- 28 ~~(C)(A) 2,883 3,494~~ or more adjusted MRI procedures per fixed MRI scanner if there are two or
29 more fixed MRI scanners in the fixed MRI scanner service area;
- 30 ~~(D)(B) 2,643 3,058~~ or more adjusted MRI procedures per fixed MRI scanner if there is one fixed
31 MRI scanner in the fixed MRI scanner service area; or
- 32 ~~(E)(C) 1,204 1,310~~ or more adjusted MRI procedures per MRI scanner if there are no existing
33 fixed MRI scanners in the fixed MRI scanner service area; and
- 34 (8) project that the mobile MRI scanners identified in Subparagraphs (3) and (4) of this Paragraph shall
35 perform ~~3,328 3,120~~ or more adjusted MRI procedures per mobile MRI scanner during the third full
36 fiscal year of ~~operation~~ operations following completion of the project.

1 (b) An applicant proposing to acquire a mobile MRI scanner pursuant to a need determination in the annual State
2 Medical Facilities Plan in effect as of the first day of the review period shall:

- 3 (1) identify the existing mobile MRI scanners owned or operated by the applicant or a related entity
4 that provided mobile MRI services at host sites located in the proposed mobile MRI scanner service
5 area during the 12 months before the application deadline for the review period;
- 6 (2) identify the approved mobile MRI scanners owned or operated by the applicant or a related entity
7 that will provide mobile MRI services at host sites located in the proposed mobile MRI scanner
8 service area;
- 9 (3) identify the existing fixed MRI scanners owned or operated by the applicant or a related entity that
10 are located in the proposed mobile MRI scanner service area;
- 11 (4) identify the approved fixed MRI scanners owned or operated by the applicant or a related entity that
12 will be located in the proposed mobile MRI scanner service area;
- 13 (5) identify the existing and proposed host sites for each mobile MRI scanner identified in
14 Subparagraphs (1) and (2) of this Paragraph and the proposed mobile MRI scanner;
- 15 (6) provide projected utilization of the MRI scanners identified in Subparagraphs (1) through (4) of this
16 Paragraph and the proposed mobile MRI scanner during each of the first three full fiscal years of
17 operation following completion of the project;
- 18 (7) provide the assumptions and methodology used to project the utilization required by Subparagraph
19 (6) of this Paragraph;
- 20 (8) project that the mobile MRI scanners identified in Subparagraphs (1) and (2) of this Paragraph and
21 the proposed mobile MRI scanner shall perform ~~3,328~~ 3,120 or more adjusted MRI procedures per
22 MRI scanner during the third full fiscal year of ~~operation~~ operations following completion of the
23 project; and
- 24 (9) project that the fixed MRI scanners identified in Subparagraphs (3) and (4) of this Paragraph shall
25 perform during the third full fiscal year of ~~operation~~ operations following completion of the project
26 as follows:
- 27 (A) ~~3,364 or more adjusted MRI procedures per fixed MRI scanner if there are four or more~~
28 ~~fixed MRI scanners in the fixed MRI scanner service area;~~
- 29 (B) ~~3,123 or more adjusted MRI procedures per fixed MRI scanner if there are three fixed MRI~~
30 ~~scanners in the fixed MRI scanner service area;~~
- 31 (C)(A) ~~2,883~~ 3,494 or more adjusted MRI procedures per fixed MRI scanner if there are two or
32 more fixed MRI scanners in the fixed MRI scanner service area;
- 33 (D)(B) ~~2,643~~ 3,058 or more adjusted MRI procedures per fixed MRI scanner if there is one fixed
34 MRI scanner in the fixed MRI scanner service area; or
- 35 (E)(C) ~~1,204~~ 1,310 or more adjusted MRI procedures per MRI scanner if there are no fixed MRI
36 scanners in the fixed MRI scanner service area.

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1 *History Note: Authority G.S. 131E-177(1); 131E-183(b);*
2 *Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule*
3 *becomes effective, whichever is sooner;*
4 *Eff. February 1, 1994;*
5 *Temporary Amendment Eff. January 1, 1999;*
6 *Temporary Amendment Eff. January 1, 1999 Expired on October 12, 1999;*
7 *Temporary Amendment Eff. January 1, 2000;*
8 *Temporary Amendment effective January 1, 2000 amends and replaces a permanent rulemaking*
9 *originally proposed to be effective August 2000;*
10 *Temporary Amendment Eff. January 1, 2001;*
11 *Temporary Amendment effective January 1, 2001 amends and replaces a permanent rulemaking*
12 *originally proposed to be effective April 1, 2001;*
13 *Temporary Amendment Eff. January 1, 2002;*
14 *Temporary Amendment Eff. January 1, 2002 amends and replaces the permanent rule effective,*
15 *August 1, 2002;*
16 *Temporary Amendment Eff. January 1, 2003;*
17 *Amended Eff. August 1, 2004; April 1, 2003;*
18 *Temporary Amendment Eff. January 1, 2005;*
19 *Amended Eff. November 1, 2005;*
20 *Temporary Amendment Eff. February 1, 2006;*
21 *Amended Eff. November 1, 2006;*
22 *Temporary Amendment Eff. February 1, 2008;*
23 *Amended Eff. November 1, 2008;*
24 *Readopted Eff. January 1, ~~2022~~ 2022;*
25 *Temporary Amendment Eff. January 27, 2023.*