

1 10A NCAC 13S .0318 is proposed for adoption as follows:

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3 **10A NCAC 13S .0318 GOVERNING AUTHORITY**

4 (a) The governing authority, as defined in Rule .0101(6) of this Subchapter, shall appoint a chief executive officer or  
5 a designee of the clinic to represent the governing authority and shall define his or her authority and duties in writing.  
6 This person shall be responsible for the management of the clinic, implementation of the policies of the governing  
7 authority and authorized and empowered to carry out the provisions of these Rules.

8 (b) The chief executive officer or designee shall designate, in writing, a person to act on his or her behalf during his  
9 or her absence. In the absence of the chief executive officer or designee, the person on the grounds of the clinic who  
10 is designated by the chief executive officer or designee to be in charge of the clinic shall have access to all areas in  
11 the clinic related to patient care and to the operation of the physical plant.

12 (c) When there is a planned change in ownership or in the chief executive officer, the governing authority of the clinic  
13 shall notify the Division in writing of the change.

14 (d) The clinic's governing authority shall adopt operating policies and procedures that shall:

15 (1) specify the individual to whom responsibility for operation and maintenance of the clinic is  
16 delegated and methods established by the governing authority for holding such individuals  
17 responsible;

18 (2) provide for at least annual meetings of the governing authority, for which minutes shall be  
19 maintained; and

20 (3) maintain a policies and procedures manual designed to ensure safe and adequate care for the patients  
21 which shall be reviewed, and revised when necessary, at least annually, and shall include provisions  
22 for administration and use of the clinic, compliance, personnel quality assurance, procurement of  
23 outside services and consultations, patient care policies, and services offered.

24 (e) When the clinic contracts with outside vendors to provide services such as laundry or therapy services, the  
25 governing authority shall be responsible to assure the supplier meets the same local and State standards the clinic  
26 would have to meet if it were providing those services itself using its own staff.

27 (f) The governing authority shall provide for the selection and appointment of the professional staff and the granting  
28 of clinical privileges and shall be responsible for the professional conduct of these persons.

29 (g) The governing authority shall be responsible for ensuring the availability of supporting personnel to meet patient  
30 needs and to provide safe and adequate treatment.

31 (h) The governing authority shall certify that the physical facilities to be used are adequate to safeguard the health  
32 and safety of patients; of note one area may accommodate various aspects of the patient's visits.

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34 *History Note: Authority G.S. 131E-153; 131E-153.5; 143B-165.*

35 *Codifier determined that findings of need did not meet criteria for emergency rule on October 30,*  
36 *2023;*

37 *Emergency Rule Eff. November 14, 2023;*

1 Temporary Adoption Eff. February 8, 2024:

2 Adopted Eff. October 1, 2024.

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