

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2017**

**SESSION LAW 2017-174**  
**SENATE BILL 42**

AN ACT DIRECTING THE MEDICAL CARE COMMISSION TO ADOPT THE  
RECOMMENDATIONS OF THE AMERICAN SOCIETY OF HEALTHCARE  
ENGINEERING'S FACILITY GUIDELINES INSTITUTE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Definitions. – For purposes of this section and its implementation:

- (1) Commission or Medical Care Commission. – The Medical Care Commission created by Part 10 of Article 3 of Chapter 143B of the General Statutes.
- (2) Hospital Facilities Rules. – Means all of the following:
  - a. 10A NCAC 13B .6001 – Physical Plant: Location.
  - b. 10A NCAC 13B .6002 – Physical Plant: Roads and Parking.
  - c. 10A NCAC 13B .6104 – General Requirements: Access and Safety.
  - d. 10A NCAC 13B .6201 – Construction Requirements: Medical, Surgical, and Post-Partum Care Unit.
  - e. 10A NCAC 13B .6202 – Construction Requirements: Special Care Unit.
  - f. 10A NCAC 13B .6203 – Construction Requirements: Neonatal Level I and Level II Nursery Unit.
  - g. 10A NCAC 13B .6204 – Construction Requirements: Neonatal Level III and Level IV Nursery.
  - h. 10A NCAC 13B .6205 – Construction Requirements: Psychiatric Unit.
  - i. 10A NCAC 13B .6206 – Construction Requirements: Surgical Department Requirements.
  - j. 10A NCAC 13B .6207 – Construction Requirements: Obstetrical Department Requirements.
  - k. 10A NCAC 13B .6209 – Construction Requirements: Emergency Services.
  - l. 10A NCAC 13B .6210 – Construction Requirements: Imaging Services.
  - m. 10A NCAC 13B .6211 – Construction Requirements: Laboratory Services.
  - n. 10A NCAC 13B .6212 – Construction Requirements: Morgue.
  - o. 10A NCAC 13B .6213 – Construction Requirements: Pharmacy Services.
  - p. 10A NCAC 13B .6214 – Construction Requirements: Dietary Services.
  - q. 10A NCAC 13B .6215 – Construction Requirements: Administration.
  - r. 10A NCAC 13B .6216 – Construction Requirements: Medical Records Services.



- s. 10A NCAC 13B .6217 – Construction Requirements: Central Medical and Surgical Supply Services.
  - t. 10A NCAC 13B .6218 – Construction Requirements: General Storage.
  - u. 10A NCAC 13B .6219 – Construction Requirements: Laundry Services.
  - v. 10A NCAC 13B .6220 – Construction Requirements: Physical Rehabilitation Services.
  - w. 10A NCAC 13B .6221 – Construction Requirements: Engineering Services.
  - x. 10A NCAC 13B .6222 – Construction Requirements: Waste Processing.
  - y. 10A NCAC 13B .6223 – Construction Requirements: Details and Finishes.
  - z. 10A NCAC 13B .6224 – Construction Requirements: Elevator Requirements.
  - aa. 10A NCAC 13B .6225 – Construction Requirements: Mechanical Requirements.
  - bb. 10A NCAC 13B .6226 – Construction Requirements: Plumbing and Other Piping Systems Requirements.
  - cc. 10A NCAC 13B .6227 – Construction Requirements: Electrical Requirements.
- (3) Guidelines. – The American Society for Healthcare Engineering's Facility Guidelines Institute "Guidelines for Design and Construction of Hospitals and Outpatient Facilities."

**SECTION 1.(b)** Repeal Hospital Facilities Rules. – The Secretary of Health and Human Services and the Medical Care Commission shall repeal the Hospital Facilities Rules within 120 days after this act becomes law.

**SECTION 1.(c)** Implementation and Rule-Making Authority. – Before the effective date of the repeal of the Hospital Facilities Rules required pursuant to subsection (b) of this section, the Medical Care Commission shall adopt temporary rules to replace the Hospital Facilities Rules and incorporate by reference all applicable rules, standards, and requirements of the most current edition of the Guidelines. If temporary rules are not adopted before the repeal of the Hospital Facilities Rules required pursuant to subsection (b) of this section, the Commission shall utilize the 2014 Edition of the Guidelines until such time as temporary rules are adopted. Furthermore, the Commission shall adopt permanent rules pursuant to this section.

**SECTION 1.(d)** Additional Rule-Making Authority. – The Medical Care Commission shall adopt rules to replace the Hospital Facilities Rules. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission pursuant to this section shall conform to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in subsection (b1) of G.S. 150B-21.3 as though 10 or more written objections had been received as provided by subsection (b2) of G.S. 150B-21.3. Furthermore, rules adopted pursuant to this section shall be exempt from the provisions of Chapter 150B of the General Statutes that require the preparation of fiscal notes for any rule proposed to incorporate the Guidelines by reference.

**SECTION 1.(e)** Exemption From Periodic Review. – Until such time as the Hospital Facilities Rules are repealed pursuant to subsection (b) of this section, the Hospital Facilities Rules shall be exempt from the periodic review process required pursuant to G.S. 150B-21.3A.

**SECTION 2.** This act is effective when it becomes law and applies to any licensee or prospective applicant who seeks to make specified types of alterations or additions to its hospital facilities or to construct new hospital facilities and who submits plans and specifications to the Department of Health and Human Services pursuant to Article 5 of Chapter 113E of the General Statutes on or after January 1, 2016.

In the General Assembly read three times and ratified this the 30<sup>th</sup> day of June, 2017.

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 11:48 a.m. this 21<sup>st</sup> day of July, 2017