

1 10A NCAC 13C .0301 proposed for amendment as follows:

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3 **10A NCAC 13C .0301 GOVERNING AUTHORITY**

4 (a) The facility's governing authority shall adopt bylaws or other appropriate operating policies and procedures which
5 ~~shall:~~ to assure that:

6 (1) ~~specify by name the person to whom responsibility for operation and maintenance of the facility is~~
7 ~~delegated and methods established by the governing authority for holding such individuals~~
8 ~~responsible;~~

9 a named individual is identified who is responsible for the overall operation and maintenance of the
10 facility. The governing authority shall have methods in place for the oversight of the individual's
11 performance.

12 (2) ~~provide for~~ at least annual meetings of the governing authority are conducted if the governing
13 authority consists of two or more individuals. Minutes shall be maintained of such meetings;

14 (3) ~~maintain a policies and procedures manual which is designed to ensure professional and safe care~~
15 ~~for the patients. The manual shall be reviewed, and revised when necessary, at least annually.~~ a

16 policy and procedure manual is created which is designed to ensure professional and safe care for
17 the patients. The manual shall be reviewed annually and revised when necessary. The manual shall
18 include provisions for administration and use of the facility, compliance, personnel quality
19 assurance, procurement of outside services and consultations, patient care policies and services
20 offered; and

21 (4) ~~provide for annual reviews and evaluations of the facility's policies, management, and operation.~~
22 annual reviews and evaluations of the facility's policies, management, and operation are conducted.

23 (b) When services such as dietary, laundry, or therapy services are purchased from others, the governing authority
24 shall be responsible to assure the supplier meets the same local and state standards the facility would have to meet if
25 it were providing those services itself using its own staff.

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

28 (d) The governing authority shall establish written policies and procedures to assure billing and collection practices
29 in accordance with G. S. 131E-91. These policies and procedures shall include:

30 (1) a financial assistance policy as defined in Rule .0103 of the Subchapter;

31 (2) how a patient may obtain an estimate of the charges for the statewide 20 most common outpatient
32 imaging procedures and 20 most common outpatient surgical procedures based on the primary CPT
33 code. The policy shall require that the information be provided to the patient in writing, either
34 electronically or by mail, within three business days;

35 (3) how a patient or patient's representative may dispute a bill;

36 (4) issuance of a refund within 45 days of the patient receiving notice of the overpayment when a patient
37 has overpaid the amount due to the facility;

- 1 (5) providing written notification to the patient or patient’s representative, at least 30 days prior to
2 submitting a delinquent bill to a collections agency;
3 (6) providing the patient or patient’s representative with the facility’s charity care and financial
4 assistance policies, if the facility is required to file a Schedule H, federal form 990;
5 (7) the requirement that a collections agency, entity, or other assignee obtain written consent from the
6 facility prior to initiating litigation against the patient or patient’s representative;
7 (8) a policy for handling debts arising from the provision of care by the ambulatory surgical facility
8 involving the doctrine of necessities, in accordance with G.S. 131E-91(d)(5); and
9 (9) a policy for handling debts arising from the provision of care by the ambulatory surgical facility to
10 a minor, in accordance with G.S. 131E-91(d)(6).

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13 *History Note:* Authority G.S. 131E-91; G.S. 131E-149; S.L. 2013-382(s.10.1), S.L. 2013-382 (s.13.1);
14 Eff. October 14, 1978;
15 Amended Eff. November 1, 1989; November 1, 1985; December 24, 1979, 1979;
16 Temporary Amendment Eff. May 1, 2014;
17 Amended Eff; Nov. 1, 2014.