

1 10A NCAC 13C .0202 is amended with changes as published in the NCR, Volume 29:01, pps. 3-17, as follows:

2
3 **10A NCAC 13C .0202 REQUIREMENTS FOR ISSUANCE OF LICENSE**

4 (a) Upon application for a license from a facility never before licensed, a representative of the Department shall make
5 an inspection of that facility. Every building, ~~institution~~ institution, or establishment for which a license has been
6 issued shall be inspected for compliance with the rules found in this Subchapter. An ambulatory surgery facility shall
7 be deemed to meet licensure requirements if the ambulatory surgery facility is accredited by The Joint Commission
8 (formerly known as "JCAHO"), ~~JCAHO~~, AAAHC or AAAASF. Accreditation does not exempt a facility from
9 statutory or rule requirements for licensure nor does it prohibit the Department from conducting inspections as
10 provided in this Rule to determine compliance with all requirements.

11 (b) If the applicant has been issued a Certificate of Need and is found to be in compliance with the Rules found in
12 this ~~Subchapter~~ Subchapter, then the Department shall issue a license to expire on December 31 of each year.

13 (c) The Department shall be notified at the time of:

- 14 (1) any change of the owner or operator; ~~as to the person who is the operator or owner of an ambulatory~~
15 ~~surgical facility~~;
- 16 (2) any change of location;
- 17 (3) any change as to a lease; and
- 18 (4) any transfer, ~~assignment~~ assignment, or other disposition or change of ownership or control of 20
19 percent or more of the capital stock or voting rights thereunder of a corporation ~~which that~~ is the
20 operator or owner of an ambulatory surgical facility, or any transfer, assignment, or other disposition
21 of the stock or voting rights thereunder of such corporation ~~which that~~ results in the ownership or
22 control of more than 20 percent of the stock or voting rights thereunder of such corporation by any
23 person.

24 A new application shall be submitted to the Department in the event of such a change or changes.

25 (d) The Department shall not grant a license until the plans and specifications, ~~specifications~~ which that are stated in
26 Section .1400 of this Subchapter, covering the construction of new buildings, additions, or material alterations to
27 existing buildings are approved by the Department.

28 (e) The facility design and construction shall be in accordance with the licensure rules for ambulatory surgical
29 facilities found in this Subchapter, the North Carolina State Building Code, and local municipal codes.

30 (f) Submission of ~~Plans~~ Plans.

- 31 (1) Before construction is begun, schematic plans and specifications and final plans and specifications
32 covering construction of the new buildings, alterations, ~~renovations~~ renovations, or additions to
33 existing ~~buildings~~, buildings shall be submitted to the Division for approval.
- 34 (2) The Division shall review the plans and notify the licensee that said buildings, alterations, additions,
35 or changes are approved or disapproved. If plans are disapproved the Division shall give the
36 applicant notice of deficiencies identified by the Division.

1 ~~(3)~~ In order to avoid unnecessary expense in changing final plans, as a preliminary step, proposed plans
2 in schematic form shall be reviewed by the Division.

3 ~~(4)~~ (3) The plans shall include a plot plan showing the size and shape of the entire site and the location of
4 all existing and proposed facilities.

5 ~~(5)~~ (4) Plans shall be submitted in duplicate. ~~duplicate in order that the~~ The Division ~~may~~ shall distribute a
6 copy to the Department of Insurance for review of the North Carolina State Building Code
7 requirements. ~~requirements if required by the North Carolina State Building Code which is hereby~~
8 ~~incorporated by reference, including all subsequent amendments. Copies of the {eode} Code may~~
9 ~~be {purchased from the International Code Council online at~~
10 ~~<http://www.icesafe.org/Store/Pages/default.aspx> at a cost of \$527.00 or}~~ accessed electronically
11 free of charge at
12 http://www.ecodes.biz/ecodes_support/Free_Resources/2012NorthCarolina/12NorthCarolina_main.html.
13

14 (g) To qualify for licensure or license renewal, each facility ~~{must}~~ shall provide to the Division, ~~{upon}~~ with its
15 application, an attestation statement in a form provided by the Division verifying compliance with the requirements
16 defined in Rule .0301(d) of this Subchapter.

17
18 *History Note:* Authority G.S. 131E-91; G.S. 131E-147; 131E-149; ~~(S.L. 2013-382;)~~ S.L. 2013-382(s.13.1);
19 Eff. October 14, 1978;
20 Amended Eff. April 1, 2003- 2003;
21 Temporary Amendment Eff. May 1, 2014;
22 Amended Eff. Nov. 1, 2014.