



November 20, 2015

BEHAVIORAL HEALTH CARE  
BLADEN COUNTY HOSPITAL  
CAPE FEAR VALLEY MEDICAL CENTER  
CAPE FEAR VALLEY REHABILITATION CENTER  
HEALTH PAVILION HOKE  
HEALTH PAVILION NORTH  
HIGHSMITH-RAINEY SPECIALTY HOSPITAL

Nadine Pfeiffer, Rule Review Manager  
Division of Health Service Regulation  
Certificate of Need Section  
2704 Mail Service Center  
Raleigh, NC 27699-2704

**SUBJECT: CON Rules Review – Appeal of CON Rules**

BLOOD DONOR CENTER  
CANCER CENTER  
CARELINK  
CAPE FEAR VALLEY HOMECARE & HOSPICE, LLC  
CUMBERLAND COUNTY EMS  
FAMILY BIRTH CENTER  
HEART & VASCULAR CENTER  
HEALTHPLEX  
LIFELINK  
CRITICAL CARE TRANSPORT  
PRIMARY CARE PRACTICES  
SLEEP CENTER

Dear Ms. Pfeiffer:

Cape Fear Valley Health System supports the changes proposed to the CON rules in your Memo dated September 30, 2015.

The rules proposed to be repealed are not needed in order for the agency to determine whether or not an application is conforming to the statutory review criteria. In addition, many of the proposed rules are vague, outdated and do not reflect the best, most current practices. The proposed rules also place an unnecessary burden and cost on applicants.

We agree that the rules proposed to be repealed are unnecessary.

Finally, the CON application forms authorized by G.S. 131E-182(b) request information from the applicants which is designed to address the review criteria found in G.S. 131E-183(a). The repeal of unnecessary and duplicative rules will improve the CON process.

If you have any questions regarding our support for these changes, please do not hesitate to call me.

Sincerely,

Sandy T. Godwin  
Executive Director of Planning  
Cape Fear Valley Health System



**North Carolina Department of Health and Human Services  
Division of Health Service Regulation  
Office of the Director**

Pat McCrory  
Governor

Richard O. Brajer  
Secretary DHHS

Drexdal Pratt  
Division Director

**MEMORANDUM**

**DATE:** September 30, 2015  
**TO:** Interested Parties  
**FROM:** Nadine Pfeiffer, Rule Review Manager *NP*  
**RE:** Proposed Repeal of Certificate of Need Rules  
 10A NCAC 14C Certificate of Need Regulations

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a permanent rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal note that has been prepared in connection with the proposed rule.

The CON application forms authorized by G.S. 131E-182(b) request information from the applicants which is designed to address the review criteria found in G.S. 131E-183(a). The rules proposed to be repealed are not needed in order for the agency to determine whether or not an application is conforming to the statutory review criteria. In addition, some of the proposed rules are vague, many are outdated and they do not reflect the best, most current practices. The proposed rules also place an unnecessary burden and cost on applicants and to the Department. The rules are proposed to be repealed because they are unnecessary. In accordance with G.S. 150B-21.4(d), a fiscal note is not required for a repeal of a rule. The North Carolina Department of Health and Human Services/Director, DHSR has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the repeal of 86 Certificate of Need rules in Subchapter 10A NCAC 14C.

The proposed rule text is attached to this memo and will be published in the October 15, 2015 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <http://www.ncoah.com/rules/register>.

A public hearing is scheduled for November 20, 2015 at 1:00 p.m. in Room 131, Wright Building, 1201 Umstead Drive, Raleigh, NC 27603. The building is located on the Dorothea Dix Hospital campus. The Division is accepting public comments on these rules from October 15, 2015 – December 14, 2015. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is February 1, 2016.

A copy of the proposed rules, and instructions for submitting comment can be found at the Division of



<http://www.ncdhhs.gov/dhsr/>

Phone: 919-855-3750 / Fax: 919-733-2757

Location: 809 Ruggles Drive v Dorothea Dix Hospital Campus v Raleigh, N.C. 27603

Mailing Address: 2701 Mail Service Center • Raleigh, North Carolina 27699-2701

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Health Service Regulation web site at [www2.ncdhhs.gov/dhsr/ruleactions.html](http://www2.ncdhhs.gov/dhsr/ruleactions.html). If you have questions related to the proposed rule and fiscal note please contact the Healthcare Planning and Certificate of Need Section at (919) 855-3873

Should you have any questions regarding this memorandum please feel free to contact me at 855-3811.

Enclosures

cc: Drexdal Pratt, Director, DHSR  
Joel Johnson, Assistant General Counsel, DHHS  
Shelley Carraway, Chief, HC Planning and CON  
Martha Frisone, Assistant Chief, CON