



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

REPORT OF PUBLIC HEARING

July 29, 2020

10:00 A.M.

VIA CONFERENCE CALL

Division Staff Present:

Nadine Pfeiffer, Rule-review Manager

Diana Barbry, Rule-making Assistant

Cindy Deporter, Acute & Home Care Licensure and Certification Section

Others Present:

Alicia Sterritt, The Carolinas Center for Hospice and End of Life Care

Kristy Jarrett, Atrium Health

Annette Kiser, Teleios Collaborative Network

Ashley Rodriguez, N.C. Medical Society

Purpose of Hearing

This was the public hearing for the proposed readoption of rules and fiscal note for the Hospice Licensing Rules, specifically: 10A NCAC 13K .0102, .0401, .0604, .0701, and .1104. The purpose of this meeting was not to discuss or debate these rules but rather, to accept comments from the public on these proposed rules and fiscal note that was prepared for these rules.

The Division will receive public comments through August 14, 2020. All comments, including those from this public hearing, will be considered prior to the Medical Care Commission adopting the proposed rules and submitting them to the Rule Review Commission for approval.

Hearing Summary

The public hearing was opened via conference call by Nadine Pfeiffer at 10:00 a.m. Attending via conference call were four members of the public as listed above. Two oral comments were recorded for the rules as follows:

1) **Annette Kiser, Teleios Collaborative Network** stated she just wanted to thank the Department. Ms. Kiser stated Cindy Deporter and her team worked very closely with the stakeholders to address quite a few of the questions we had early on; therefore, Ms. Kiser stated she wanted to acknowledge the appreciation for Cindy, all of her team and all the work they did. Ms. Kiser stated she was aware quite a few people were involved with the process.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Ms. Kiser stated she asked for a couple of things when she submitted comments [for rules] way back when, maybe two years ago, and those were not addressed in these comments [rules]. She wanted to confirm she had to opportunity to submit comments. Ms. Kiser stated she was aware we were commenting on these proposed changes; however, in regard to a couple things she mentioned previously, Ms. Kiser asked if there was a way to handle those, or if it was not in what is in here [these rules] presented today, then was it off the table until the next round.

To clarify, Ms. Pfeiffer, DHSR Rule Review Manager, spoke and reminded Ms. Kiser that this was the comment period for the aforementioned rules [for readoption]. Ms. Kiser questioned if it was then assumed that if there were other rules changes that were asked for, then the Department felt no need to change them and they will be brought up with the next round in 10 years or so. Ms. Pfeiffer clarified that rulemaking can always be done on rules; however, we were bound to readopt rules at this time and this was the comment period for these particular rules.

2) Alicia Sterritt, The Carolinas Center for Hospice and End of Life Care stated she had a question; however, upon being reminded by Ms. Pfeiffer that the purpose of the meeting was to only accept comments, Ms. Sterritt stated we worked on these rules for some time and she knew we had a lot of challenges. She said DHSR was very understanding and cooperative in working on removal of the social work definition and obstacles. Ms. Sterritt stated she wanted to make sure she understood correctly that with the social work definition removal, the Hospice industry in N.C. will defer to the Medicare Hospice Rules in ensuring the appropriate staff is in that roll.


Following the two speakers, no other participant requested to speak when asked by Ms. Pfeiffer.

Ms. Kiser then spoke by asking a question regarding the rule process, not related to the rules the public hearing was being held for, because Ms. Pfeiffer had said rulemaking could be done any time. Ms. Kiser asked what the process was if there was an additional rule they would like considered, such as submit it to Ms. Deporter, her team, and Ms. Pfeiffer, to ask if there is there is an opportunity for an exception to be added or granted to one of the rules. Ms. Pfeiffer stated according to G.S. 150B, a request for rulemaking petition can be submitted to the Medical Care Commission along with the text of the rule, and the reason for the rule change. Ms. Pfeiffer offered to send Ms. Kiser the criteria needed for submission of a rulemaking petition; however, Ms. Kiser stated she would find it. Ms. Pfeiffer stated the Medical Care Commission would decide on granting the rulemaking petition.

Adjournment

These comments on the readoption rules will be taken into consideration by the Agency. The hearing was adjourned at 10:10 a.m.

Respectfully Submitted,



Nadine Pfeiffer, Rule-review Manager
July 31, 2020

Attachment

Public Hearing Attendance
Hospice Licensing Rules
10A NCAC 13K .0102, .0401, .0604, .0701, and .1104
July 29, 2020 10:00 a.m.

Please print information below:

Name	Representing	Speaking Yes(Y)No(N)
Alicia Sterritt	The Carolinas Center for Hospice and End of Life Care	Y
Kristy Jarrett	Atrium Health	N
Annette Kiser	Teleios Collaborative Network	Y
Ashley Rodriguez	N.C. Medical Society	N