



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER** • Governor

**MANDY COHEN, MD, MPH** • Secretary

**MARK PAYNE** • Director, Division of Health Service Regulation

**MEMORANDUM**

**DATE:** June 15, 2020

**TO:** Interested Parties

**FROM:** Nadine Pfeiffer, Rule Review Manager *NP*

**RE:** Proposed Readoption/Amendment of Ambulatory Surgical Facility Rules  
10A NCAC 13C

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal analysis that has been prepared in connection with the proposed rule. At this time, four rules are being readopted as a result of the periodic review of the Subchapter 10A NCAC 13C rules, requiring rules determined as “Necessary With Substantive Public Interest” be readopted as new rules. In addition, two rules are being amended with technical change clarifications.

The North Carolina Medical Care Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions:

10A NCAC 13C Licensing of Ambulatory Surgical Facilities

10A NCAC 13C .0202	Requirements for Issuance of License (Readopt)
10A NCAC 13C .0203	Suspension or Revocation: Ambulatory Surgical Facility (Amend)
10A NCAC 13C .0301	Governing Authority (Readopt)
10A NCAC 13C .0501	Providing Anesthesia Services (Readopt)
10A NCAC 13C .0702	Regulations for Performed Services (Amend)
10A NCAC 13C .0902	Nursing Personnel (Readopt)

The Office of State Budget and Management reviewed these rules and determined on February 19, 2020 that no fiscal note was required for these rules.

The proposed rule text is attached to this memo. The rules were published in today’s June 15, 2020 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <https://www.oah.nc.gov/documents/nc-register>.

A public hearing is scheduled for July 28, 2020 at 10:00 a.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is in the Dorothea Dix Park. Ms. Nadine Pfeiffer, DHSR Rule

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

**OFFICE OF THE DIRECTOR**

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Review Manager, is accepting public comments on these rules from June 15, 2020 – August 14, 2020. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is January 1, 2021.

A copy of the proposed rules and instructions for submitting comment can be found at the Division of Health Service Regulation web site at <https://info.ncdhhs.gov/dhsr/ruleactions.html>.

Please feel free to contact the Acute and Home Care Licensure and Certification Section at (919) 855-4620, should you have questions related to this memorandum or the proposed rules.

#### Enclosures

cc: Mark Payne, Director, Health Service Regulation  
Emery Milliken, Deputy Director, DHSR  
Joel Johnson, Assistant General Counsel, DHHS  
Azzie Conley, Chief, Acute and Home Care Licensure & Certification Section