

1 10A NCAC 13C .0202 is readopted with changes as published in 34:24 NCR 2375-2377 as follows:

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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, or establishment ~~for which a license that~~ has been issued a  
6 license 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"), Commission, AAAHC AAAHC,~~ or AAAASF. Accreditation ~~does shall~~ not exempt  
9 a facility from statutory or rule requirements for licensure nor ~~does shall~~ it prohibit the Department from conducting  
10 inspections as 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 rules found  
12 in this 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;  
15 (2) any change of location;  
16 (3) any change as to a lease; and  
17 (4) any transfer, assignment, or other disposition or change of ownership or control of 20 percent or  
18 more of the capital stock or voting rights thereunder of a corporation that is the operator or owner  
19 of an ambulatory surgical facility, or any transfer, assignment, or other disposition of the stock or  
20 voting rights thereunder of such corporation that results in the ownership or control of more than 20  
21 percent of the stock or voting rights thereunder of such corporation by any person.

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

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

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

28 (f) Submission of Plans.

- 29 (1) ~~Before construction is begun, schematic plans and specifications and final plans and specifications~~  
30 ~~covering construction of the new buildings, alterations, renovations, or additions to existing~~  
31 ~~buildings shall be submitted to the Division for approval. When construction or remodeling of a~~  
32 ~~facility is planned, one copy of construction documents and specifications shall be submitted by the~~  
33 ~~owner or owner's appointed representative to the Department for review and approval. [As a~~  
34 ~~preliminary step to avoid last minute difficulty with construction documents approval, schematic~~  
35 ~~Schematic design drawings and design development drawings may be submitted for approval prior~~  
36 ~~to the required submission of construction documents.~~

1           (2) ~~The Division shall review the plans and notify the licensee that said buildings, alterations, additions,~~  
 2 ~~or changes are approved or disapproved. If plans are disapproved the Division shall give the~~  
 3 ~~applicant notice of deficiencies identified by the Division. Approval of construction documents and~~  
 4 ~~specifications shall be obtained from the Department prior to licensure. Approval of construction~~  
 5 ~~documents and specifications shall expire one year after the date of approval unless a building permit~~  
 6 ~~for the construction has been obtained prior to the expiration date of the approval of construction~~  
 7 ~~documents and specifications.~~

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

10          (4) ~~Plans shall be submitted in duplicate. The Division shall distribute a copy to the Department of~~  
 11 ~~Insurance for review of the North Carolina State Building Code requirements if required by the~~  
 12 ~~North Carolina State Building Code which is hereby incorporated by reference, including all~~  
 13 ~~subsequent amendments. Copies of the Code may be accessed electronically free of charge at:~~  
 14 ~~[http://www.ecodes.biz/ecodes\\_support/Free\\_Resources/2012NorthCarolina/12NorthCarolina\\_mai](http://www.ecodes.biz/ecodes_support/Free_Resources/2012NorthCarolina/12NorthCarolina_main.html)~~  
 15 ~~n.html.~~

16 (g) To qualify for licensure or license renewal, each facility shall provide to the Division, with its application, an  
 17 attestation statement in a form provided by the Division verifying compliance with the requirements defined in Rule  
 18 .0301(d) of this Subchapter.

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 20 *History Note:*     ~~Authority G.S. 131E-91; 131E-147; 131E-149; S.L. 2013-382, s. 13.1;~~  
 21                         ~~Eff. October 14, 1978;~~  
 22                         ~~Amended Eff. April 1, 2003;~~  
 23                         ~~Temporary Amendment Eff. May 1, 2014;~~  
 24                         ~~Amended Eff. November 1, 2014. 2014;~~  
 25                         ~~Readopted Eff. January 1, 2021.~~