

1 10A NCAC 14C .0202 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 14C .0202 DETERMINATION OF REVIEW DEFINITIONS**

4 ~~(a) After receipt of a letter of intent, the agency shall determine whether the proposed project requires a certificate of~~
5 ~~need.~~

6 ~~(b) When any of the equipment listed in G.S. 131E-176(16)(f1) or (p) is acquired in parts or piecemeal fashion, the~~
7 ~~acquisition shall be determined to require a certificate of need on the date that the components are assembled.~~

8 ~~(c) If the agency determines that the project requires a certificate of need, the agency shall determine the appropriate~~
9 ~~review category or categories for the proposed project, the type or types of application forms to be submitted, the~~
10 ~~number of separate applications to be submitted, the applicable review period for each application, and the deadline~~
11 ~~date for submitting each application, as contained in this Subchapter.~~

12 ~~(d) Copies of the application forms may be obtained from the agency.~~

13 ~~(e) Proposals requiring review shall be reviewed according to the categories and schedule set forth in the duly adopted~~
14 ~~State Medical Facilities Plan in effect at the time the scheduled review period commences, as contained in this~~
15 ~~Subchapter.~~

16 ~~(f) Applications are competitive if they, in whole or in part, are for the same or similar services and the agency~~
17 ~~determines that the approval of one or more of the applications may result in the denial of another application reviewed~~
18 ~~in the same review period.~~

19 The following definitions shall apply throughout this Subchapter:

20 (1) “Applicant” means each person identified in Section A of the application forms listed in 10A NCAC
21 14C .0203(a).

22 (2) “Application deadline” means no later than 5:00 p.m. on the 15th day of the month preceding the
23 month that the review period begins. If the 15th day of the month falls on a weekend or a State
24 holiday as set forth in 25 NCAC 01E .0901, which is hereby incorporated by reference including
25 subsequent amendments and editions, the application deadline is the next business day.

26 (3) “Competitive review” means two or more applications submitted to begin review in the same review
27 period proposing the same new institutional health service in the same service area and the CON
28 Section determines that approval of one application may require denial of another application
29 included in the same review period.

30 (4) “CON Section” means the Healthcare Planning and Certificate of Need Section of the Division of
31 Health Service Regulation.

32 (5) “Full fiscal year” means the 12-month period used by the applicant to track and report revenues and
33 operating expenses for the services proposed in the application.

34 (6) “Health service” shall have the same meaning as defined in G.S. 131E-176(9a).

35 (7) “New institutional health service” shall have same meaning as defined in G.S. 131E-176(16).

36 (8) “Person” shall have the same meaning as defined in G.S. 131E-176(19).

37 (9) “Proposal” means a new institutional health service that requires a certificate of need.

- 1 (10) “Related entity” means a person that:
- 2 (a) shares the same parent corporation or holding company with the applicant;
- 3 (b) is a subsidiary of the same parent corporation or holding company as the applicant; or
- 4 (c) participates with the applicant in a joint venture that provides the same type of health
- 5 services proposed in the application.
- 6 (11) “Review category” means the categories described in Chapter 3 of the annual State Medical
- 7 Facilities Plan.
- 8 (12) “Review period” means the 90 to 150 days that the CON Section has to review a certificate of need
- 9 application and issue a decision pursuant to G.S. 131E-185 and G.S. 131E-186. There are eleven
- 10 review periods each calendar year. Each review period starts on the first day of the month and the
- 11 first review period starts on February 1. There is no review period beginning January 1.
- 12 (13) “State Medical Facilities Plan” shall have the same meaning as defined in G.S. 131E-176(25). For
- 13 purposes of this Subchapter, the annual State Medical Facilities Plan is hereby incorporated by
- 14 reference including subsequent amendments and editions. This document is available at no cost at
- 15 <https://info.ncdhhs.gov/dhsr/ncsmfp/index.html>.
- 16 (14) “USB flash drive” means a device used for data storage that includes a flash memory and an
- 17 integrated universal serial bus interface.

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19 *History Note: Filed as a Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the*

20 *permanent rule becomes effective, whichever is sooner;*

21 *Authority G.S. 131E-177;*

22 *Eff. October 1, 1981;*

23 *Amended Eff. November 1, 1996; January 4, 1994; January 1, 1990; January 1, 1987;*

24 *Temporary Amendment Eff. January 1, 2000;*

25 *Amended Eff. April 1, ~~2001~~ 2001;*

26 *Readopted Eff. January 1, 2021.*