

1 10A NCAC 14C .0203 is proposed for readoption with substantive changes as follows:

2

3 **10A NCAC 14C .0203 FILING APPLICATIONS**

4 ~~(a) A certificate of need application shall not be reviewed by the Certificate of Need Section until it is filed in~~
5 ~~accordance with this Rule.~~

6 ~~(b) An original and a copy of the application shall be file stamped as received by the agency no later than 5:30 p.m.~~
7 ~~on the 15th day of the month preceding the scheduled review period. In instances when the 15th of the month falls~~
8 ~~on a weekend or holiday, the filing deadline is 5:30 p.m. on the next business day. An application shall not be included~~
9 ~~in a scheduled review if it is not received by the agency by this deadline. Each applicant shall transmit, with the~~
10 ~~application, a fee to be determined according to the formula as stated in G.S. 131E-182(c).~~

11 ~~(c) After an application is filed, the agency shall determine whether it is complete for review. An application shall~~
12 ~~not be considered complete if:~~

13 (1) ~~the requisite fee has not been received by the agency; or~~

14 (2) ~~a signed original and copy of the application have not been submitted to the agency on the~~
15 ~~appropriate application form.~~

16 ~~(d) If the agency determines the application is not complete for review, it shall mail notice of such determination to~~
17 ~~the applicant within five business days after the application is filed and shall specify what is necessary to complete~~
18 ~~the application. If the agency determines the application is complete, it shall mail notice of such determination to the~~
19 ~~applicant prior to the beginning of the applicable review period.~~

20 ~~(e) Information requested by the agency to complete the application must be received by the agency no later than 5:30~~
21 ~~p.m. on the last working day before the first day of the scheduled review period. The review of an application shall~~
22 ~~commence in the next applicable review period that commences after the application has been determined to be~~
23 ~~complete.~~

24 (a) "Application form" refers to one of the following:

25 (1) the Certificate of Need Application form; or

26 (2) the Dialysis or End Stage Renal Disease Services Application form.

27 (b) An application form may be obtained from the CON Section by:

28 (1) sending an email to DHSR.CON.Applications@dhhs.nc.gov; or

29 (2) calling (919) 855-3873.

30 (c) An email request for an application form shall:

31 (1) describe the proposal;

32 (2) identify the city or county where the proposal would be located; and

33 (3) include the estimated capital cost for the proposal.

34 (d) For each proposal, the CON Section shall determine based on Chapter 3 of the annual State Medical Facilities
35 Plan in effect at the time the review begins the:

36 (1) review category; and

37 (2) review period.

1 (e) An application is complete for inclusion in the review period if the CON Section determines that all of the
 2 following are true:

- 3 (1) the original application is printed, placed between a front and back cover, and bound using metal
 4 paper fasteners;
 5 (2) the original and one copy of the application were received by the CON Section on or before the
 6 application deadline for the review period;
 7 (3) the entire application fee required by G.S. 131E-182(c) was received by the CON Section; and
 8 (4) each applicant identified in Section A of the application form signed the certification page that asks
 9 the applicant to certify that the information in the application is correct and they intend to develop
 10 and offer the project as described in the application.

11 (f) The copy of the application shall be printed and bound consistent with Paragraph (d)(1) of this Rule or in an
 12 electronic format saved on a USB flash drive. The files on the USB flash drive shall not be encrypted or password
 13 protected.

14 (g) No later than the fifth business day following the application deadline, the CON Section shall notify the contact
 15 individual identified in Section A of the application if the application is complete.

16 (h) If the application is not complete pursuant to Paragraph (e) of this Rule, the CON Section shall notify the contact
 17 individual identified in Section A of the application of what is missing or incorrect. The applicant shall only provide
 18 the items listed below in order to complete the application after the application deadline:

- 19 (1) a signed certification page; or
 20 (2) the copy of the application.

21 (i) Signed certification pages or the copy of the application shall be received by the CON Section no later than 5:00
 22 p.m. on the last business day of the month preceding the first day of the review period.

23 (j) The CON Section shall not include the application in the review period if it is not complete pursuant to Paragraph
 24 (e) of this Rule by 5:00 p.m. on the last business day of the month preceding the first day of the review period.

25
 26 *History Note: Authority G.S. 131E-177; 131E-182;*

27 *Eff. October 1, 1981;*

28 *Amended Eff. January 1, 1982;*

29 *Temporary Amendment Eff. July 15, 1983, for a Period of 118 Days, to Expire on November 10,*
 30 *1983;*

31 *Amended Eff. November 1, 1990; January 1, 1990; December 1, 1989; January 1, 1987; October*
 32 *1, 1984; November 10, 1983;*

33 *Temporary Amendment Eff. August 11, 1993, for a period of 180 days or until the permanent rule*
 34 *becomes effective, whichever is sooner;*

35 *Amended Eff. January 4, 1994;*

36 *Temporary Amendment Eff. August 12, 1994, for a period of 180 days or until the permanent rule*
 37 *becomes effective, whichever is sooner;*

- 1 *Amended Eff. December 1, 1994;*
- 2 *Temporary Amendment Eff. January 1, 2000;*
- 3 *Amended Eff. April 1, 2001;*
- 4 *Temporary Amendment Eff. February 16, 2004;*
- 5 *Amended Eff. August 1, 2004;*
- 6 *Temporary Amendment Eff. February 1, 2006;*
- 7 *Amended Eff. November 1, 2006;*
- 8 *Temporary Amendment Eff. January 1, 2008;*
- 9 *Amended Eff. July 1, ~~2008~~ 2008;*
- 10 *Readopted Eff. January 1, 2021.*