

1 10A NCAC 14C .3903 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 14C .3903 PERFORMANCE STANDARDS**

4 ~~(a) In providing projections for operating rooms, as required in this rule, the operating rooms shall be considered to~~  
5 ~~be available for use 250 days per year, which is five days per week, 52 weeks per year, excluding ten days for holidays.~~

6 ~~(b) An applicant proposing to establish a new licensed ambulatory surgical facility for performance of GI endoscopy~~  
7 ~~procedures or develop a GI endoscopy room in an existing licensed health service facility shall reasonably project to~~  
8 ~~perform an average of at least 1,500 GI endoscopy procedures only per GI endoscopy room in each licensed facility~~  
9 ~~the applicant or a related entity owns in the proposed service area, during the second year of operation following~~  
10 ~~completion of the project.~~

11 ~~(c) An applicant proposing to establish a new licensed ambulatory surgical facility for performance of GI endoscopy~~  
12 ~~procedures or develop a GI endoscopy room in an existing licensed health service facility shall demonstrate that at~~  
13 ~~least the following types of GI endoscopy procedures will be provided in the proposed facility or GI endoscopy room:~~  
14 ~~upper endoscopy procedures, esophagoscopy procedures, and colonoscopy procedures.~~

15 ~~(d) If an applicant, which proposes to establish a new licensed ambulatory surgical facility for performance of GI~~  
16 ~~endoscopy procedures or develop a GI endoscopy room in an existing licensed health service facility, or a related~~  
17 ~~entity to the applicant owns operating rooms located in the proposed service area, the applicant shall meet one of the~~  
18 ~~following criteria:~~

19 (1) ~~if the applicant or a related entity performs GI endoscopy procedures in any of its surgical operating~~  
20 ~~rooms in the proposed service area, reasonably project that during the second operating year of the~~  
21 ~~project the average number of surgical and GI endoscopy cases per operating room, for each~~  
22 ~~category of operating room in which these cases will be performed, shall be at least: 4.8 cases per~~  
23 ~~day for each facility for the outpatient or ambulatory surgical operating rooms and 3.2 cases per day~~  
24 ~~for each facility for the shared operating rooms; or~~

25 (2) ~~demonstrate that GI endoscopy procedures were not performed in the applicant's or related entity's~~  
26 ~~inpatient operating rooms, outpatient operating rooms, or shared operating rooms in the last 12~~  
27 ~~months and will not be performed in those rooms in the future.~~

28 ~~(e) An applicant proposing to establish a new licensed ambulatory surgical facility for performance of GI endoscopy~~  
29 ~~procedures or develop an additional GI endoscopy room in an existing licensed health service facility shall describe~~  
30 ~~all assumptions and the methodology used for each projection in this Rule.~~

31 An applicant proposing to develop a new GI endoscopy room in a licensed health service facility shall:

32 (1) identify the proposed service area;

33 (2) identify all existing and approved GI endoscopy rooms owned or operated by the applicant or a  
34 related entity located in the proposed service area;

35 (3) provide projected utilization for each of the first three full fiscal years of operation following  
36 completion of the project for all GI endoscopy rooms identified in Item (2) of this Rule;

1           (4)     project to perform an average of at least 1,500 GI endoscopy procedures per GI endoscopy room  
2                   during the third full fiscal year of operation following completion of the project in the GI endoscopy  
3                   rooms identified in Item (2) of this Rule; and

4           (5)     provide the assumptions and methodology used to project the utilization required by this Rule.

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6     *History Note:*     *Authority G.S. 131E-177; 131E-183(b);*  
7                   *Temporary Adoption Eff. February 1, 2006;*  
8                   *Eff. November 1, ~~2006~~ 2006;*  
9                   *Readopted Eff. January 1, 2021.*