



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

*Revised August 11, 2020

DATE: July 15, 2020
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager
RE: Proposed Readoption of Certificate of Need Regulations – 10A NCAC 14C

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. As a result of the periodic review of rules in Subchapter 10A NCAC 14C, 39 rules determined as "Necessary With Substantive Public Interest" are required to be readopted. At this time, 10 rules are being proposed for readoption for Certificate of Need Regulations.

The North Carolina Department of Health and Human Services/Director, DHSR has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the readoption of the following rules:

10A NCAC 14C Certificate of Need Regulations

- 10A NCAC 14C .0202 Determination of Review Definitions
10A NCAC 14C .0203 Filing Applications
10A NCAC 14C .0205 Extension of Review Period
10A NCAC 14C .0303 Replacement Equipment
10A NCAC 14C .2101 Definitions
10A NCAC 14C .2103 Performance Standards
10A NCAC 14C .2201 Definitions
10A NCAC 14C .2203 Performance Standards
10A NCAC 14C .3901 Definitions
10A NCAC 14C .3903 Performance Standards

In accordance with G.S. 150B-21.4, certification and approval of the fiscal note was received for these rules from the Office of State Budget and Management on April 24, 2020.

The proposed rule text is attached to this memo. The rules were published in today's July 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.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
OFFICE OF THE DIRECTOR

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A public hearing is scheduled for August 25, 2020 at 10:00 a.m. *In the abundance of caution, to address protective measures to help prevent the spread of COVID-19, rather than in an in-person meeting, the public hearing will be conducted by WebEx. If you would like to participate in the public hearing, please use one of the following methods:

1. Copy the following URL and enter it into your browser (preferably Google Chrome). This option allows you to choose whether to join by audio only or by audio and video.

<https://ncgov.webex.com/ncgov/j.php?MTID=m885e5129d76a92c903b34aebf84a0a84>

When prompted, enter the meeting password (case sensitive): rules

You may also need to enter your name and email address to register for the event.

2. Join by phone. This option allows you to join by audio only.
 - a. Call 415-655-0003
 - b. Enter access code: 161 813 4838

Ms. Nadine Pfeiffer, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from July 15, 2020 – September 14, 2020. *Comments will also be accepted at the public hearing. The proposed effective date of these rules is January 1, 2021.

A copy of the proposed rules, fiscal analysis, 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>.

Should you have questions related to this memorandum or the proposed rules and fiscal note, please feel free to contact the Healthcare Planning and Certificate of Need Section at (919) 855-3873.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
Emery Milliken, Deputy Director, DHSR
Joel Johnson, Assistant General Counsel, DHHS
Martha Frisone, Chief, Healthcare Planning and Certificate of Need
Lisa Pittman, Assistant Chief, Certificate of Need