

1 10A NCAC 14C .1703 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 14C .1703 PERFORMANCE STANDARDS**

4 ~~(a) An applicant that proposes to develop open heart surgery services shall:~~

5 ~~(1) demonstrate that the projected utilization and proposed staffing patterns are such that each open~~  
6 ~~heart surgical team shall perform at least 150 open heart surgical procedures in the third year~~  
7 ~~following completion of the project; and~~

8 ~~(2) document the assumptions and provide data supporting the methodology used to make these~~  
9 ~~projections.~~

10 ~~(b) An applicant that proposes to acquire a heart lung bypass machine shall demonstrate either:~~

11 ~~(1) that the applicant's projected annual utilization of its existing, approved, and proposed heart lung~~  
12 ~~bypass machines (other than a machine acquired pursuant to 10A NCAC 14C .1703(b)(3)) will be~~  
13 ~~at least 200 open heart surgical procedures per machine during the third year following completion~~  
14 ~~of the project;~~

15 ~~(2) that the projected annual utilization of its existing, approved, and proposed heart lung bypass~~  
16 ~~machines (other than a machine acquired pursuant to 10A NCAC 14C .1703(b)(3)), will be at least~~  
17 ~~900 hours per year during the third year following completion of the project, as measured in minutes~~  
18 ~~used or staffed on standby for all procedures; or~~

19 ~~(3) that the proposed machine is needed to provide coverage for open heart surgery emergencies and~~  
20 ~~will not be scheduled for use at the same time as the applicant's equipment used to support scheduled~~  
21 ~~open heart surgical procedures.~~

22 (a) A health service facility that proposes to develop a new open-heart surgery service shall:

23 (1) provide the projected number of open-heart surgical procedures to be performed during each of the  
24 first three full fiscal years of operation following completion of the project;

25 (2) provide the assumptions and methodology used to project the utilization required by Subparagraph  
26 (a)(1) of this Paragraph; and

27 (3) project to perform 150 or more open-heart surgical procedures in the third full fiscal year of  
28 operation following completion of the project.

29 (b) A health service facility that proposes to acquire a heart-lung bypass machine, excluding a heart-lung bypass  
30 machine proposed to be acquired pursuant to Policy AC-6 in the annual State Medical Facilities Plan in effect as of  
31 the first day of the review period, shall:

32 (1) provide the number of existing heart-lung bypass machines owned or operated by the health service  
33 facility;

34 (2) provide the number of approved heart-lung bypass machines that will be owned or operated by the  
35 health service facility;

- 1       (3) provide projected utilization of the existing and approved heart-lung bypass machines identified in  
 2       Subparagraphs (b)(1) and (b)(2) of this Paragraph and the proposed heart-lung bypass machine  
 3       during each of the first three full fiscal years of operation following completion of the project;  
 4       (4) provide the assumptions and methodology used to project the utilization required by Subparagraph  
 5       (b)(3) of this Paragraph; and  
 6       (5) project that the existing and approved heart-lung bypass machines identified in Subparagraphs (b)(1)  
 7       and (b)(2) of this Paragraph and the proposed heart-lung bypass machine will be used during the  
 8       third full fiscal year of operation following completion of the project:  
 9       (A) to perform 200 or more open-heart surgical procedures per heart-lung bypass machine; or  
 10       (B) for 900 hours or more per heart-lung bypass machine, including time in use and time spent  
 11       on standby, for all types of procedures.

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 13 *History Note: Authority G.S. 131E-177(1); 131E-183(b);*  
 14 *Eff. January 1, 1987;*  
 15 *Amended Eff. November 1, 1989;*  
 16 *Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule*  
 17 *becomes effective, whichever is sooner;*  
 18 *Amended Eff. January 4, 1994;*  
 19 *Temporary Amendment January 1, 1999;*  
 20 *Temporary Eff. January 1, 1999 expired October 12, 1999;*  
 21 *Temporary Amendment Eff. January 1, 2000 and shall expire on the date the permanent amendment*  
 22 *to this rule, approved by the Rules Review Commission on November 17, 1999, becomes effective;*  
 23 *Amended Eff. July 1, 2000;*  
 24 *Temporary Amendment Eff. January 1, 2002;*  
 25 *Amended Eff. April 1, 2003;*  
 26 *Temporary Amendment Eff. February 1, 2010;*  
 27 *Amended Eff. January 1, 2013; November 1, ~~2010~~. 2010;*  
 28 *Readopted Eff. January 1, 2022.*