



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Health Service Regulation

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director

MEMORANDUM

DATE: July 15, 2021
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager *NP*
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, 18 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 following rules:

<u>10A NCAC 14C</u>	<u>Certificate of Need Regulations</u>
10A NCAC 14C .1601	Definitions (Readopt)
10A NCAC 14C .1603	Performance Standards (Readopt)
10A NCAC 14C .1701	Definitions (Readopt)
10A NCAC 14C .1703	Performance Standards (Readopt)
10A NCAC 14C .1901	Definitions (Readopt)
10A NCAC 14C .1903	Performance Standards (Readopt)
10A NCAC 14C .2301	Definitions (Readopt as a Repeal)
10A NCAC 14C .2303	Performance Standards (Readopt as a Repeal)
10A NCAC 14C .2401	Definitions (Readopt)
10A NCAC 14C .2403	Performance Standards (Readopt)
10A NCAC 14C .2501	Definitions (Readopt as a Repeal)
10A NCAC 14C .2503	Performance Standards (Readopt as a Repeal)
10A NCAC 14C .2601	Definitions (Readopt as a Repeal)
10A NCAC 14C .2603	Performance Standards (Readopt as a Repeal)
10A NCAC 14C .2701	Definitions (Readopt)
10A NCAC 14C .2703	Performance Standards (Readopt)
10A NCAC 14C .3701	Definitions (Readopt)
10A NCAC 14C .3703	Performance Standards (Readopt)

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

OFFICE OF THE DIRECTOR

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 2701 Mail Service Center, Raleigh, NC 27699-2701
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3750 • FAX: 919-733-2757

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

In accordance with G.S. 150B-21.3A(d)(2), a fiscal analysis was prepared for rules with substantive change. Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on June 17, 2021 in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules were published in today's July 15, 2021 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>.

A public hearing is scheduled for August 31, 2021 at 10:00 a.m. via Webex. Participants may log in 15 minutes prior to the start of the meeting.

- To join the meeting by audio only or by audio and video:
 - Copy this link to your browser (preferably Google Chrome): <https://ncgov.webex.com/ncgov/onstage/g.php?MTID=ee186691c2ec542255615a59edf2f4214>
 - Meeting password (case sensitive): rules
 - Your name and email address may be needed to be entered to register for the event
 - Access code: 161 511 9699
- To join the meeting by telephone audio only:
 - Call telephone number: 415-655-0003; Access code: 161 511 9699

Ms. Nadine Pfeiffer, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from July 15, 2021 – September 13, 2021. Comments will also be accepted at the public hearing. The proposed effective date of these rules is January 1, 2022.

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>.

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

Enclosures

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