

1 10A NCAC 14C .1403 is amended under temporary procedures with changes as follows:

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3 **10A NCAC 14C .1403 PERFORMANCE STANDARDS**

4 (a) ~~An~~ If an applicant is proposing a project that increases the total number of neonatal beds in a facility, the applicant  
5 shall demonstrate that the proposed project is capable of meeting the following standards:

- 6 (1) ~~if an applicant is proposing to increase the total number of neonatal beds (i.e., the sum of Level II,~~  
7 ~~Level III [III,] and Level IV beds);~~ the overall average annual occupancy of the combined number  
8 of existing Level II, Level ~~III~~ III, and Level IV beds in the facility is at least 75 percent, over the 12  
9 months immediately preceding the submittal of the proposal;
- 10 (2) ~~if an applicant is proposing to increase the total number of neonatal beds (i.e., the sum of Level II,~~  
11 ~~Level III [III,] and Level IV beds);~~ the projected overall average annual occupancy of the combined  
12 number of Level II, Level ~~III~~ III, and Level IV beds proposed to be operated during the third year  
13 of operation of the proposed project shall be at least 75 percent; and
- 14 (3) ~~The~~ the applicant shall document the assumptions and provide data supporting the methodology  
15 used for each projection in this ~~rule.~~ Rule.

16 (b) If an applicant proposes to develop a new Level III or Level IV service, the applicant shall document that an unmet  
17 need exists in the applicant's defined neonatal service ~~area, unless the State Medical Facilities Plan includes a need~~  
18 ~~determination for neonatal beds in the service area.~~ area. The need for Level III and Level IV beds shall be computed  
19 for the applicant's neonatal service area by:

- 20 (1) identifying the ~~annual~~ number of live births occurring annually at all hospitals within the proposed  
21 neonatal service area, using the latest available data compiled by the State Center for Health  
22 Statistics;
- 23 (2) identifying the low birth weight rate (percent of live births below 2,500 grams) for the births  
24 identified in Subparagraph (1) of this Paragraph, using the latest available data compiled by the State  
25 Center for Health Statistics;
- 26 (3) dividing the low birth weight rate identified in Subparagraph (2) of this Paragraph by .08 and  
27 subsequently multiplying the resulting quotient by four; and
- 28 (4) determining the need for Level III and Level IV beds in the proposed neonatal service area as the  
29 product of:
- 30 (A) the product derived in Subparagraph (3) of this Paragraph, and
- 31 (B) the quotient resulting from the division of the number of live births in the initial year of the  
32 determination identified in Subparagraph (1) of this Paragraph by the number 1000.

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34 *History Note:* *Authority G.S. 131E-177(1); 131E-183(b);*  
35 *Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule*  
36 *becomes effective, whichever is sooner;*  
37 *Eff. January 4, 1994;*

1                    *Temporary Amendment Eff. March 15, 2002;*  
2                    *Amended Eff. April 1, 2003;*  
3                    *Temporary Amendment Eff. February 1, 2009;*  
4                    *Amended Eff. November 1, 2009;*  
5                    *Temporary Amendment Eff. February 1, 2010;*  
6                    *Amended Eff. November 1, ~~2010~~ 2010;*  
7                    *Temporary Amendment Eff. January 27, 2023.*