

**G.S. 150B-21.3A Report for 10A NCAC 13C, LICENSING OF AMBULATORY SURGICAL FACILITIES**

Agency - Medical Care Commission

Comment Period - February 14, 2025 - April 15, 2025

Date Submitted to APO - October 31, 2025

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 13C – LICENSING OF AMBULATORY SURGICAL FACILITIES	SECTION .0100 – GENERAL	10A NCAC 13C .0103	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR §416.2 Subpart A	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 LICENSING PROCEDURES	10A NCAC 13C .0201	APPLICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR §416.2 Subpart A	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0202	REQUIREMENTS FOR ISSUANCE OF LICENSE	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	42 CFR §416.2 Subpart A	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0203	SUSPENSION OR REVOCATION: AMBULATORY SURGICAL FACILITY	Amended Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0204	TYPE OF FACILITY DEEMED TO BE LICENSED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0205	ITEMIZED CHARGES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 §416.50 42 CFR Part	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	10A NCAC 13C .0206	REPORTING REQUIREMENTS	Amended Eff. January 31, 2017	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
SECTION .0300 – GOVERNING AUTHORITY MANAGEMENT	SECTION .0300 – GOVERNING AUTHORITY MANAGEMENT	10A NCAC 13C .0301	GOVERNING AUTHORITY	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0302	CHIEF EXECUTIVE OFFICER OR ADMINISTRATOR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0303	ADMINISTRATIVE RECORDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0304	SURGICAL PROCEDURES PERFORMED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0305	PERSONNEL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0306	QUALITY ASSURANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41 42 CFR Part §416.43	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SECTION .0400 MEDICAL AND SURGICAL SERVICES	SECTION .0400 MEDICAL AND SURGICAL SERVICES	10A NCAC 13C .0401	MEDICAL SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.42 42 CFR Part §416.45 42 CFR Part §416.52	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0402	SURGICAL SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.42 42 CFR Part §416.45	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0403	EMERGENCY CASES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41(b)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0501	PROVIDING ANESTHESIA SERVICES	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41 42 CFR Part §416.42	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SECTION .0500 ANESTHESIA SERVICES	SECTION .0500 ANESTHESIA SERVICES	10A NCAC 13C .0502	EQUIPMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.42 42 CFR Part §416.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0503	POST ANESTHESIA NOTE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.42	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0504	REQUIREMENT OF PERSON TRAINED IN CPR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.44(d)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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	SECTION .0600 PATHOLOGY SERVICES	10A NCAC 13C .0601	PROVISION FOR LABORATORY TESTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.49	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0602	DISPOSAL OF WASTE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.44 42 CFR Part §416.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0700 RADIOLOGY SERVICES	10A NCAC 13C .0701	PROVISION FOR RADIOLOGY SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.49 42 CFR Part §482.26(b)	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0702	REGULATIONS FOR PERFORMED SERVICES	Amended Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.49	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0800 PHARMACEUTICAL SERVICES	10A NCAC 13C .0801	DRUG DISPENSING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.48	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0802	REGULATIONS FOR DISPENSING	Amended Eff. September 1, 2019	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.48	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0900 NURSING SERVICES	10A NCAC 13C .0901	NURSING ADMINISTRATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.46	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .0902	NURSING PERSONNEL	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.46	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1000 MEDICAL RECORDS SERVICES	10A NCAC 13C .1001	MEDICAL RECORD SYSTEM	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.47	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1002	INDIVIDUAL PATIENT RECORDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.47	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1100 SURGICAL FACILITIES AND EQUIPMENT	10A NCAC 13C .1101	OPERATING SUITE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.44	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1102	CARE OF OPERATING SUITE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.44 42 CFR Part §416.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1200 FUNCTIONAL SAFETY	10A NCAC 13C .1201	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.41 42 CFR Part §416.44	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1202	PREVENTIVE MAINTENANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.43 42 CFR Part §416.44	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1300 CONTROL AND SANITATION	10A NCAC 13C .1301	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.43 42 CFR Part §416.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1302	STERILIZATION PROCEDURES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.44 42 CFR Part §416.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1303	HOUSEKEEPING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.44 42 CFR Part §416.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1304	LINEN AND LAUNDRY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.44 42 CFR Part §416.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1305	SANITATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.44 42 CFR Part §416.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1400 PHYSICAL PLANT CONSTRUCTION	10A NCAC 13C .1401	DEFINITIONS	Amended Eff. January 1, 2020	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.44	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		10A NCAC 13C .1402	LIST OF REFERENCED GUIDELINES, CODES, STANDARDS, AND REGULATION	Amended Eff. January 1, 2020	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.44	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1403	GENERAL AND EMERGENCY PREPAREDNESS	Amended Eff. January 1, 2020	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.44	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1404	EQUIVALENCY AND CONFLICTS WITH REQUIREMENTS	Readopted Eff. January 1, 2020	Necessary	Yes If yes, include the citation to the federal law	42 CFR Part §416.40 42 CFR Part §416.44	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 13C .1411	ACCESS AND SAFETY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt