

| G.S. 150B-21.3A Report for 10A NCAC 13K, HOSPICE LICENSING RULES | | | | | | | | | |
|--|-------------------------------------|--------------------|--|---|--|---|-----------------------------|--|--|
| Agency - Medical Care Commission | | | | | | | | | |
| Comment Period - February 14, 2025 - April 15, 2025 | | | | | | | | | |
| Date Submitted to APO - Filled in by RRC staff | | | | | | | | | |
| 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)] |
| SUBCHAPTER 13K – HOSPICE LICENSING RULES | SECTION .0100 – GENERAL INFORMATION | 10A NCAC 13K .0102 | DEFINITIONS | Readopted Eff. January 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.3 | Yes | Necessary |
| | SECTION .0200 - LICENSE | 10A NCAC 13K .0201 | LICENSE REQUIRED | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.116 | No | Necessary |
| | | 10A NCAC 13K .0202 | APPLICATION FOR AND ISSUANCE OF A LICENSE | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .0206 | ADVERSE ACTION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .0208 | INSPECTIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .0209 | MULTIPLE PREMISES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.116 | No | Necessary |
| | | 10A NCAC 13K .0210 | COMPLIANCE WITH LAWS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.116 | No | Necessary |
| | SECTION .0300 - ADMINISTRATION | 10A NCAC 13K .0301 | AGENCY MANAGEMENT AND SUPERVISION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.100 | No | Necessary |
| | | 10A NCAC 13K .0303 | ADMINISTRATIVE FINANCIAL AND STATISTICAL RECORDS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |
| | SECTION .0400 - PERSONNEL | 10A NCAC 13K .0401 | PERSONNEL | Readopted Eff. January 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.60 | No | Necessary |
| | | 10A NCAC 13K .0402 | INSERVICE EDUCATION AND TRAINING | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.112 | No | Necessary |
| | SECTION .0500 - SCOPE OF SERVICES | 10A NCAC 13K .0501 | SERVICE REQUIREMENTS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.70 | No | Necessary |
| | | 10A NCAC 13K .0504 | HOME MEDICAL EQUIPMENT AND SUPPLIES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.106 | No | Necessary |

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| | | 10A NCAC 13K .0505 | SERVICES ARRANGED WITH OTHER AGENCIES AND INDIVIDUALS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.108 | No | Necessary |
| | SECTION .0600 - PATIENT/FAMILY CARE | 10A NCAC 13K .0601 | ACCEPTANCE OF PATIENTS FOR HOSPICE SERVICES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.56 | No | Necessary |
| | | 10A NCAC 13K .0604 | PATIENT'S RIGHTS AND RESPONSIBILITIES | Readopted Eff. January 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.52 | No | Necessary |
| | | 10A NCAC 13K .0605 | HOME CARE | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |
| | SECTION .0700 - PATIENT/FAMILY CARE PLAN | 10A NCAC 13K .0701 | CARE PLAN | Readopted Eff. January 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.56 | No | Necessary |
| | SECTION .0800 - PHARMACEUTICAL AND MEDICAL TREATMENT ORDERS AND ADMINISTRATION | 10A NCAC 13K .0801 | PHARMACEUTICAL AND MEDICAL TREATMENT ORDERS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.106 | No | Necessary |
| | | 10A NCAC 13K .0802 | ADMINISTRATION OF PHARMACEUTICALS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.106 | No | Necessary |
| | SECTION .0900 - MEDICAL RECORDS | 10A NCAC 13K .0901 | CONTENT OF MEDICAL RECORD | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.104 | No | Necessary |
| | | 10A NCAC 13K .0902 | RECORD CONTENT, HANDLING AND RETENTION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.104 | No | Necessary |
| | SECTION .1000 - EVALUATION | 10A NCAC 13K .1001 | EVALUATION REQUIRED | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.10 | No | Necessary |
| | SECTION .1100 - HOSPICE RESIDENTIAL CARE | 10A NCAC 13K .1101 | ADMINISTRATION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .1102 | HOSPICE RESIDENCE STAFFING | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .1103 | PHARMACEUTICAL SERVICES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |

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| | | 10A NCAC 13K .1104 | DIETARY SERVICES | Readopted Eff. January 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1105 | HOSPICE VISITATION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1106 | INFECTION CONTROL | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.56 | No | Necessary |
| | | 10A NCAC 13K .1107 | HOUSEKEEPING AND LINENS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1108 | REPORT OF DEATH | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1109 | RESIDENT CARE AREAS | Readopted Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1110 | FURNISHINGS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1111 | HOSPICE RESIDENCE ZONING AND FIRE SAFETY REQUIREMENTS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .1112 | DESIGN AND CONSTRUCTION | Amended Eff. October 1, 2021 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .1113 | PLANS AND SPECIFICATIONS | Readopted Eff. October 1, 2021 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .1114 | PLUMBING | Readopted Eff. October 1, 2021 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .1115 | WASTE DISPOSAL | Readopted Eff. October 1, 2021 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .1116 | APPLICATION OF PHYSICAL PLANT REQUIREMENTS | Readopted Eff. October 1, 2021 | Necessary | No | | No | Necessary |
| | SECTION .1200 - HOSPICE INPATIENT CARE | 10A NCAC 13K .1201 | REQUIREMENTS FOR HOSPICE INPATIENT UNITS | Readopted Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1202 | ADDITIONAL STAFFING REQUIREMENTS FOR HOSPICE INPATIENT UNITS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1203 | ADDITIONAL SERVICES REQUIRED FOR HOSPICE INPATIENT CARE | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.100 | No | Necessary |

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| | | 10A NCAC 13K .1204 | ADDITIONAL PATIENT CARE AREA REQUIREMENTS FOR HOSPICE INPATIENT UNITS | Readopted Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1205 | FURNISHINGS FOR HOSPICE INPATIENT CARE | Readopted Eff. October 1, 2021 | Necessary | No | | No | Necessary |
| | | 10A NCAC 13K .1206 | HOSPICE INPATIENT FIRE AND SAFETY REQUIREMENTS | Readopted Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.113 | No | Necessary |
| | | 10A NCAC 13K .1207 | HOSPICE INPATIENT REQUIREMENTS FOR HEATING/AIR CONDITIONING | Readopted Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1208 | HOSPICE INPATIENT REQUIREMENTS FOR EMERGENCY ELECTRICAL SERVICE | Amended Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1209 | HOSPICE INPATIENT REQUIREMENTS FOR GENERAL ELECTRICAL | Amended Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1210 | OTHER HOSPICE INPATIENT REQUIREMENTS | Amended Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1211 | ADDITIONAL PLUMBING REQUIREMENTS/HOSPICE INPATIENT UNITS | Readopted Eff. October 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 CFR 418.110 | No | Necessary |
| | | 10A NCAC 13K .1212 | APPLICATION OF PHYSICAL PLANT REQUIREMENTS | Readopted Eff. October 1, 2021 | Necessary | No | | No | Necessary |

| Agency | Rule | Name | Type of Comment | Comment |
|--|--------------------|-------------|---|--|
| Copy all columns in this row to the right of this yellow cell and paste in new rows | | | Select One | |
| Association for Home & Hospice Care of North Carolina; South Carolina Home Care & Hospice Association | 10A NCAC 13K .0201 | Definitions | Public Coment as defined in G.S. 150B-21.3A(a)(5) | <p>Ms. Black,</p> <p>On behalf of the Association for Home and Hospice Care of North Carolina (“AHC”) and its hospice members, which represent 98% of all licensed hospices in North Carolina, I appreciate the opportunity to provide comment on the Periodic Review of Hospice Licensing Rules (10A NCAC 13K).</p> <p>AHC requests that DHR use this rulemaking opportunity to revise the definition of “Physician” to be consistent with the attached interpretive guidance provided by DHR to AHC dated August 23, 2023. Specifically, AHC requests that “Physician” as used in 10A NCAC 13K in relation to physician orders is interpreted in line with the applicable federal regulation, 42 CFR § 418.3(1), to include nurse practitioners and physician assistants.</p> <p>We appreciate your consideration of this request. Please confirm receipt of this email.</p> |
| | | | Other Statement | Got a call from a guy who said he didn't like this agency. |

| Agency Response | RRC Staff Recommendation | RRC Determination [150B-21.3A(c)(2)] |
|---|--------------------------|--------------------------------------|
| | Select One | Select One |
| This comment doesn't speak to whether it is necessary or not, comment about amending the rule | Comment is without merit | Select One |
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| We're sorry you feel that way. | Comment is without merit | Comment without merit |