

1 10A NCAC 14E .0106 is amended under temporary procedures with changes as follows:

2  
3 **10A NCAC 14E .0106 APPLICATION**

4 (a) Prior to the admission of patients, an application from the applicant for a new clinic for certification [licensure]  
5 shall be submitted to and approved by the Division. submit an application for licensure and receive approval from the  
6 Division.

7 (b) Application forms may be obtained by contacting the Division at 2712 Mail Service Center Raleigh, NC 27699-  
8 2712.

9 (c) The application form shall set forth: the ownership, staffing patterns, clinical services to be rendered, [and]  
10 professional staff in charge of services, [services,] and general information that would be helpful to the Division's  
11 understanding of the clinic's operating program.

12 (1) Legal identity of the applicant; Name of applicant;

13 (2) The name or names under which the facility or services are advertised or presented to the public;  
14 Name of facility;

15 (3) The facility's mailing address;

16 (4) The facility's physical address;

17 (5)(4) The ownership of the facility, including a description of the legal character of the operating  
18 ownership; Ownership disclosure;

19 (6)(4) The owner of the premises from which services are offered including the name and address of the  
20 owner of the premises if different from the owner of the facility; Building owner;

21 (5) Building owner;

22 (7)(6) If the facility is operated under a management contract, the name and address of the building's  
23 management company; Building management;

24 (8)(7) A description of the arrangements that have been made for the disposal of pathological waste,  
25 products of conception, and sharps, and the name and address of the provider of such services if not  
26 performed by the facility; Sanitation services;

27 (9)(8) The name, specialty, board certifications, and medical license number of the Medical Director;  
28 director;

29 (10)(9) The name, specialty, board certifications, and medical license number of each member of the Other  
30 medical staff;

31 (11)(10) The name, nursing certificate number, and renewal number of the Director of Nursing; nursing;

32 (12)(11) The name, nursing certificate number, and renewal number of each Other nursing staff member; and  
33 staff; and

34 (13)(12) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the  
35 address of the laboratory. Consulting pathologist;

36

1 (d) After construction requirements in Section .0200 of ~~this~~ Subchapter 13S of Title 10A of the North Carolina  
 2 Administrative Code have been met and the application for ~~certification~~ licensure has been received and approved,  
 3 the Division shall conduct an on-site, certification licensure survey.

4 ~~(e) Each certificate [license] must be renewed at the beginning of each calendar year. The governing authority shall~~  
 5 ~~file an application for renewal of certification [licensure] with the Division at least 30 days prior to the date of~~  
 6 ~~expiration on forms furnished by the Division. Failure to file a renewal application shall result in expiration of the~~  
 7 ~~certificate [license] to operate.~~

8  
 9 *History Note:* Authority *G.S. 14-45.1(a);* 131E-153; 131E-153.2; S.L. 2023-14, s. [2-2]; 2.4; 10A NCAC 13S .0101,  
 10 .0104, .0106, .0107, .0109, .0111, .0112, .0114, .0201, .0202, .0207, .0209 .0212, .0315, .0318  
 11 .0320, .0322, .0323, .0325, .0330; 10A NCAC 14E .0101, .0111;  
 12 *Eff. February 1, 1976;*  
 13 *Readopted Eff. December 19, 1977;*  
 14 *Amended Eff. July 1, 1994;*  
 15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,*  
 16 *2019;*  
 17 *Codifier determined that agency's findings of need did not meet criteria for emergency rule on June*  
 18 *22, 2023;*  
 19 *Emergency Rule Eff. June 30, 2023;*  
 20 *Repealed Eff. July 1, 2023 pursuant to G.S. ~~150B-21.7; 150B-21.7;~~*  
 21 *Temporary Amendment Eff. ~~October 27, 2023; December 22, 2023.~~*

1 10A NCAC 14E .0107 is amended under temporary procedures with changes as follows:

2  
3 **10A NCAC 14E .0107 ISSUANCE OF ~~CERTIFICATE~~ LICENSE**

4 (a) The Division shall issue a ~~certificate~~ license if it finds the facility ~~can~~ can comply with all requirements described  
5 in this Subchapter and Subchapter 13S of Title 10A of the North Carolina Administrative Code.

6 ~~(1) Comply with all requirements described in this Subchapter and Subchapter 13S of Title 10A of the~~  
7 ~~North Carolina Administrative Code; Subchapter; and~~

8 ~~(2) Assure that, in the event that complications arise from the abortion procedure, an OB-GYN board~~  
9 ~~certified Have a board certified OB-GYN or board eligible physician by the American Board of~~  
10 ~~Obstetrics and Gynecology shall be available. available in the event that complications arise from~~  
11 ~~an abortion procedure.~~

12 (b) Each ~~certificate~~ license shall be issued only for the premises and persons or organizations named in the application  
13 and shall not be transferable.

14 (c) The governing authority shall notify the Division in writing, within 10 working days, of any change in the name  
15 of the facility or change in the name of the administrator.

16 (d) The facility shall report to the Division all incidents, within 10 working days, of vandalism to the facility such as  
17 fires, ~~explosions~~ explosions, or other action ~~causing disruption of that prevents~~ services ~~from [being provided.]~~  
18 providing abortion services.

19  
20 *History Note:* Authority ~~G.S. 14-45.1(a); 90-21.81; 90-21.81B; 131E-153; 131E-153.2; S.L. 2023-14, s-~~2.2~~; 2.4;~~  
21 ~~Eff. February 1, 1976;~~

22 ~~Readopted Eff. December 19, 1977;~~

23 ~~Amended Eff. July 1, 1994;~~

24 ~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,~~  
25 ~~2019;~~

26 ~~Codifier determined that agency's findings of need did not meet criteria for emergency rule on June~~  
27 ~~22, 2023;~~

28 ~~Emergency Rule Eff. June 30, 2023;~~

29 ~~Repealed Eff. July 1, 2023 pursuant to G.S. ~~150B-21.7~~. 150B-21.7;~~

30 ~~Temporary Amendment Eff. ~~October 27, 2023~~. December 22, 2023.~~

1 10A NCAC 14E .0109 is amended under temporary procedures with changes as follows:

2  
3 **10A NCAC 14E .0109 RENEWAL**

4 ~~(a) Each certificate, license, unless previously suspended or revoked, pursuant to the applicable rules and statutes~~  
5 ~~shall be renewable annually renewed at the beginning of each calendar year. upon the filing of an application, payment~~  
6 ~~of the non refundable renewal fee as defined in G.S. 131E 269, 131E 153.2, and approval by the Division.~~

7 (b) The renewal application form shall set forth:

8 ~~(1) Legal identity of the applicant; Name of applicant;~~

9 ~~(2) The name or names under which the facility or services are advertised or presented to the public;~~

10 ~~Name of facility;~~

11 ~~(3) The facility's mailing address;~~

12 ~~(4) The facility's physical address;~~

13 ~~(5)(4) The ownership of the facility, including a description of the legal character of the operating~~  
14 ~~ownership; Ownership disclosure;~~

15 ~~(6)(4) The owner of the premises from which services are offered including the name and address of the~~  
16 ~~owner of the premises if different from the owner of the facility; Building owner;~~

17 ~~(5) Building owner;~~

18 ~~(7)(6) If the facility is operated under a management contract, the name and address of the building's~~  
19 ~~management company; Building management;~~

20 ~~(8)(7) A description of the arrangements that have been made for the disposal of pathological waste,~~  
21 ~~products of conception, and sharps, and the name and address of the provider of such services if not~~  
22 ~~performed by the facility; Sanitation services;~~

23 ~~(9)(8) The name, specialty, board certifications, and medical license number of the Medical Director;~~  
24 ~~director;~~

25 ~~(10)(9) The name, specialty, board certifications, and medical license number of each member of the Other~~  
26 ~~medical staff;~~

27 ~~(11)(10) The name, nursing certificate number, and renewal number of the Director of Nursing; nursing;~~

28 ~~(12)(11) The name, nursing certificate number, and renewal number of each Other nursing staff member; and~~  
29 ~~staff; and~~

30 ~~(13)(12) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the~~  
31 ~~address of the laboratory. Consulting pathologist.~~

32 ~~(14)(13) The number of [abortion] procedures performed since initial licensure or the most recent licensure~~  
33 ~~renewal, whichever is later; and during the reporting period; and~~

34 ~~(15)(14) The number of patients that were transferred to a hospital since initial licensure or the most recent~~  
35 ~~licensure renewal, whichever is later, during a reporting period.~~

36 ~~((b)(c) Upon the filing of a renewal application, the clinic must pay a non-refundable renewal fee as defined in G.S.~~  
37 ~~131E-153.2.~~

1 ~~(c)~~(d) An application for renewal of licensure must be filed with the Division at least 30 days prior to the date of  
2 expiration. Renewal application forms shall be furnished by the Division.

3 ~~(d)~~(e) Failure to file a renewal application shall result in expiration of the license to operate.

4  
5 *History Note:* Authority G.S. 14-45.1(a); 131E-269; 131E-153; 131E-153.2; 143B-10; S.L. 2023-14, s. ~~2.2~~ 2.4;  
6 10A NCAC 13S .0101, .0104, .0106, .0107, .0109, .0111, .0112, .0114, .0201, .0202, .0207, .0209  
7 .0212, .0315, .0318, .0327, .0329, .0330; 10A NCAC 14E .0101, .0111;  
8 Eff. February 1, 1976;  
9 Readopted Eff. December 19, 1977;  
10 Amended Eff. October 1, 2015;  
11 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,  
12 2019;  
13 Codifier determined that agency's findings of need did not meet criteria for emergency rule on June  
14 22, 2023;  
15 Emergency Rule Eff. June 30, 2023;  
16 Repealed Eff. July 1, 2023 pursuant to G.S. ~~150B-21.7~~ 150B-21.7;  
17 Temporary Amendment Eff. ~~October 27, 2023~~ December 22, 2023.  
18  
19