

1 10A NCAC 14E .0101 is proposed for adoption as follows:

2  
3 **SUBCHAPTER 14E - LICENSURE OF SUITABLE FACILITIES FOR THE PERFORMANCE OF**  
4 **SURGICAL ABORTIONS**

5  
6 **SECTION .0100 – LICENSURE PROCEDURE**

7  
8 **10A NCAC 14E .0101 DEFINITIONS**

9 The following definitions will apply throughout this Subchapter:

- 10 (1) "Abortion" means the termination of a pregnancy as defined in G.S 90-21.81(1c).  
11 (2) "Clinic" means a freestanding facility neither physically attached nor operated by a licensed hospital  
12 for the performance of abortions completed during the first 12 weeks of pregnancy.  
13 (3) "Division" means the Division of Health Service Regulation of the North Carolina Department of  
14 Health and Human Services.  
15 (4) "Gestational age" means the length of pregnancy as indicated by the date of the first day of the last  
16 normal monthly menstrual period, if known, or as determined by ultrasound.  
17 (5) "Governing authority" means the individual, agency, group, or corporation appointed, elected or  
18 otherwise designated, in which the ultimate responsibility and authority for the conduct of the  
19 abortion clinic is vested pursuant to Rule .0318 of this Subchapter.  
20 (6) "Health Screening" means an evaluation of an employee or contractual employee, including  
21 tuberculosis testing, to identify any underlying conditions that may affect the person's ability to  
22 work in the clinic.  
23 (7) "New clinic" means one that is not certified as an abortion clinic by the Division as of July 1, 2023,  
24 and has not been certified or licensed within the previous six months of the application for licensure.  
25 (8) "Registered Nurse" means a person who holds a valid license issued by the North Carolina Board  
26 of Nursing to practice professional nursing in accordance with the Nursing Practice Act, G.S. 90,  
27 Article 9A.

28  
29 History Note: Authority G.S. 131E-153; 131E-153.5; 143B-165.

30 Eff. February 1, 1976;

31 Readopted Eff. December 19, 1977;

32 Amended Eff. October 1, 2015; July 1, 1994; December 1, 1989; June 30, 1980;

33 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,  
34 2019;

35 Codifier determined that agency's findings of need did not meet criteria for emergency rule on June  
36 22, 2023;

37 Emergency Rule Eff. June 30, 2023;

- 1 Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
- 2 Temporary Adoption Eff. October 27, 2023;
- 3 Amended Eff. September 1, 2024.

1 10A NCAC 14E .0106 is proposed for adoption as follows:

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

4 (a) Prior to the admission of patients, applicant for a new clinic shall submit an application for licensure and receive  
5 approval from the Division.

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

8 (c) The application form shall set forth:

9 (1) Legal identity of the applicant;

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

11 (3) The facility's mailing address;

12 (4) The facility's physical address;

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

15 (6) 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;

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

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

22 (9) The name, specialty, board certifications, and medical license number of the Medical Director;

23 (10) The name, specialty, board certifications, and medical license number of each member of the  
24 medical staff;

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

26 (12) The name, nursing certificate number, and renewal number of each nursing staff member; and

27 (13) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the  
28 address of the laboratory.

29  
30 (d) After construction requirements in Section .0200 of Subchapter 13S of Title 10A of the North Carolina  
31 Administrative Code have been met and the application for licensure has been received and approved, the Division  
32 shall conduct an on-site, licensure survey.

33  
34 *History Note: Authority G.S. 131E-153;131E-153.2; S.L. 2023-14, s. 2.4;*

35 *Eff. February 1, 1976;*

36 *Readopted Eff. December 19, 1977;*

37 *Amended Eff. July 1, 1994;*

1 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,  
2 2019;  
3 Codifier determined that agency's findings of need did not meet criteria for emergency rule on June  
4 22, 2023;  
5 Emergency Rule Eff. June 30, 2023;  
6 Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;  
7 Temporary Amendment Eff. December 22, 2023;  
8 Amended Eff. September 1, 2024.  
9

1 10A NCAC 14E .0107 is proposed for adoption as follows:

2

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

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

6 (b) Each license shall be issued only for the premises and persons or organizations named in the application and shall  
7 not be transferable.

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

10 (d) The facility shall report to the Division all incidents, within 10 working days, of vandalism to the facility such as  
11 fires, explosions, or other action that prevent a service from providing abortion services.

12

13 History Note: Authority G.S. 131E-153; 131E-153.2; S.L. 2023-14, s. 2.4;

14 Eff. February 1, 1976;

15 Readopted Eff. December 19, 1977;

16 Amended Eff. July 1, 1994;

17 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,  
18 2019;

19 Codifier determined that agency's findings of need did not meet criteria for emergency rule on June  
20 22, 2023;

21 Emergency Rule Eff. June 30, 2023;

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

23 Temporary Amendment Eff. December 22, 2023.

24 Amended Eff. September 1, 2024.

25

1 10A NCAC 14E .0109 is proposed for adoption as follows:

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

4 (a) Each license, renewed at the beginning of each calendar year.

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

6 (1) Legal identity of the applicant;

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

8 (3) The facility's mailing address;

9 (4) The facility's physical address;

10 (5) The ownership of the facility, including a description of the legal character of the operating  
11 ownership;

12 (6) The owner of the premises from which services are offered including the name and address of the  
13 owner of the premises if different from the owner of the facility;

14 (7) If the facility is operated under a management contract, the name and address of the building's  
15 management company;

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

19 (9) The name, specialty, board certifications, and medical license number of the Medical Director;

20 (10) The name, specialty, board certifications, and medical license number of each member of the  
21 medical staff;

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

23 (12) The name, nursing certificate number, and renewal number of each nursing staff member;

24 (13) The name of the consulting pathologist, the name of the consulting pathologist's laboratory, and the  
25 address of the laboratory,

26 (14) The number of abortion procedures performed since initial licensure or the most recent licensure  
27 renewal, whichever is later; and

28 (15) The number of patients that were transferred to a hospital since initial licensure or the most recent  
29 licensure renewal, whichever is later.

30 (c) Upon the filing of a renewal application, the clinic must pay a non-refundable renewal fee as defined in G.S. 131E-  
31 153.2.

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

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

36 *History Note: Authority G.S. 131E-153; 131E-153.2; 143B-10; S.L. 2023-14, s. 2.4;*

37 *Eff. February 1, 1976;*

1 Readopted Eff. December 19, 1977;

2 Amended Eff. October 1, 2015;

3 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,  
4 2019;

5 Codifier determined that agency's findings of need did not meet criteria for emergency rule on June  
6 22, 2023;

7 Emergency Rule Eff. June 30, 2023;

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

9 Temporary Amendment Eff. December 22, 2023;

10 Amended Eff. September 1, 2024.

11

1 10A NCAC 14E .0111 is proposed for adoption as follows:

2  
3 **10A NCAC 14E .0111 INSPECTIONS**

4 (a) Any clinic licensed by the Division to perform abortions shall be inspected by representatives of the Division  
5 annually and as it may deem necessary as a condition of holding such license. An inspection may be conducted  
6 whenever the Division receives a complaint alleging the clinic is not in compliance with the rules of the Subchapter.

7 (b) Representatives of the Division shall make their identities known to the clinic staff prior to inspection of the clinic.

8 (c) Representatives of the Division may review any records in any medium necessary to determine compliance with  
9 the rules of this Subchapter. The Department shall maintain the confidentiality of the complainant and the patient,  
10 unless otherwise required by law.

11 (d) The clinic shall allow the Division to have immediate access to its premises and the records necessary to conduct  
12 an inspection and determine compliance with the rules of this Subchapter.

13 (e) A clinic shall file a written plan of correction for cited deficiencies within 10 business days of receipt of the report  
14 of the survey. The Division shall review and respond to a written plan of correction within 10 business days of receipt  
15 of the corrective action plan.

16  
17 History Note: Authority G.S. 131E-153; 131E-153.6; S.L. 2023-14, s. 2.4;

18 Eff. February 1, 1976;

19 Readopted Eff. December 19, 1977;

20 Amended Eff. October 1, 2015; July 1, 1994;

21 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,  
22 2019;

23 Codifier determined that agency's findings of need did not meet criteria for emergency rule on June  
24 22, 2023;

25 Emergency Rule Eff. June 30, 2023;

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

27 Temporary Amendment Eff. October 27, 2023;

28 Amended Eff. September 1, 2024.