

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Health and Human Services/ Director, DHSR

RULE CITATION: 10A NCAC 14E .0105

DEADLINE FOR RECEIPT: Thursday, January 14, 2021

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 6, what do you mean by "in accordance with"? Is the intent to say that approval is based upon meeting the standards in Section .0200? And won't those standards only bind DHHS/DHSR?

And does your regulated public know how to submit to Public Health and the Department of Insurance?

In (b), line 9, why do you need the language after "expiration date"? Couldn't you end the sentence there?

In the History Note for all three rules submitted, why are you citing to G.S. 143B-10? Is it to reflect the delegation in G.S. 143B-10(a)? I see that this is in History Notes throughout the Subchapter, so I am not necessarily asking for you to remove it, but I do want to understand why it is there.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 30, 2020

1 10A NCAC 14E .0105 is readopted as published in 34:18 NCR 1709-1710 as follows:

2

3 **10A NCAC 14E .0105 APPROVAL**

4 (a) Approval of construction documents and specifications shall be obtained from the Division of Health Service
5 Regulation, the Division of Public Health Environmental ~~Health~~, Health Section, and the Department of ~~Insurance~~
6 ~~should be obtained before construction is commenced.~~ Insurance, in accordance with the rules in Section .0200 of this
7 Subchapter.

8 (b) Approval of construction documents and specifications shall expire one year after the date of approval unless a
9 building permit for the construction has been obtained prior to the expiration date of the approval of construction
10 documents and specifications.

11

12 *History Note: Authority G.S. 14-45.1(a); 143B-10;*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. December 19, 1977;*

15 *Amended Eff. December 1, ~~1989~~. 1989;*

16 *Readopted Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Health and Human Services/ Director, DHSR

RULE CITATION: 10A NCAC 14E .0312

DEADLINE FOR RECEIPT: Thursday, January 14, 2021

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), line 8, should this say "Register Nurse licensed in accordance with..."?

On line 9, please remove the period and insert a hyphen into the citation – "G.S. 90-171.32"

In (c), line 14, what is "direct supervision"? Is this known to your regulated public?

In the History Note, should you add a citation to G.S. 14-45.1(g)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 30, 2020

1 10A NCAC 14E .0312 is readopted as published in 34:18 NCR 1709-1710 as follows:

2

3 **10A NCAC 14E .0312 MEDICATIONS AND ANESTHESIA**

4 (a) ~~Medication~~ No medication or treatment shall be given except on written order of a physician.

5 (1) ~~— No medication or treatment shall be given except on written order of a physician.~~

6 (2) ~~— Medications must be administered in accordance with the Nurse Practice Act of the State of North~~
 7 ~~Carolina, and must be recorded in the patient's permanent record.~~

8 (b) ~~Anesthesia~~ Any medications shall be administered by a Registered Nurse in accordance with G.S. 90-171.30 or
 9 G.S. 90.171.32 and must be recorded in the patient's permanent record.

10 (1) ~~— The anesthesia must be administered only under the direct supervision of a licensed physician.~~

11 (2) ~~— Flammable anesthetics shall be prohibited except when construction, storage and equipment meet~~
 12 ~~the standards of the National Fire Protection Association (N.F.P.A.) incorporated in Bulletin No.~~
 13 ~~56, "Code for Use of Flammable Anesthetics."~~

14 (c) The anesthesia shall be administered only under the direct supervision of a licensed physician.

15

16 *History Note: Authority G.S. 14-45.1(a); 143B-10;*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. December 19, 1977. 1977;*

19 *Readopted Eff. February 1, 2021.*

1 10A NCAC 14E .0316 is readopted as published in 34:18 NCR 1709-1710 as follows:

2

3 **10A NCAC 14E .0316 FOOD SERVICE**

4 ~~(a) Nourishments~~ Nourishments, such as crackers and soft drinks, shall be available and offered to all patients.

5 ~~(b) Sanitary conditions shall be maintained in accordance with regulations of the North Carolina Sanitation Code~~
6 ~~administered by the Division of Environmental Health.~~

7

8 *History Note: Authority G.S. 14-45.1(a); 143B-10;*

9 *Eff. February 1, 1976;*

10 *Readopted Eff. December 19, 1977;*

11 *Amended Eff. January 1, ~~1990.~~ 1990;*

12 *Readopted Eff. February 1, 2021.*