

10A NCAC 13C .0202 is readopted with changes as published in 34:24 NCR 2375-2377 as follows:

10A NCAC 13C .0202 REQUIREMENTS FOR ISSUANCE OF LICENSE

(a) Upon application for a license from a facility never before licensed, a representative of the Department shall make an inspection of that facility. Every building, institution, or establishment ~~for which a license that~~ has been issued a license shall be inspected for compliance with the rules found in this Subchapter. An ambulatory surgery facility shall be deemed to meet licensure requirements if the ambulatory surgery facility is accredited by The Joint ~~Commission~~ ~~(formerly known as "JCAHO")~~, ~~Commission~~, AAAHC ~~AAAHC~~, or AAAASF. Accreditation ~~does~~ shall not exempt a facility from statutory or rule requirements for licensure nor ~~does~~ shall it prohibit the Department from conducting inspections as provided in this Rule to determine compliance with all requirements.

(b) If the applicant has been issued a Certificate of Need and is found to be in compliance with the Rules rules found in this Subchapter, then the Department shall issue a license to expire on December 31 of each year.

(c) The Department shall be notified at the time of:

- (1) any change of the owner or operator;
- (2) any change of location;
- (3) any change as to a lease; and
- (4) any transfer, assignment, or other disposition or change of ownership or control of 20 percent or more of the capital stock or voting rights thereunder of a corporation that is the operator or owner of an ambulatory surgical facility, or any transfer, assignment, or other disposition of the stock or voting rights thereunder of such corporation that results in the ownership or control of more than 20 percent of the stock or voting rights thereunder of such corporation by any person.

A new application shall be submitted to the Department in the event of such a change or changes.

(d) The Department shall not grant a license until the plans and specifications that are stated in Section .1400 of this Subchapter, covering the construction of new buildings, additions, or material alterations to existing buildings are approved by the Department.

(e) The facility design and construction shall be in accordance with the licensure rules for ambulatory surgical facilities found in this Subchapter, the North Carolina State Building Code, and local municipal codes.

(f) Submission of Plans.

- (1) ~~Before construction is begun, schematic plans and specifications and final plans and specifications covering construction of the new buildings, alterations, renovations, or additions to existing buildings shall be submitted to the Division for approval. When construction or remodeling of a facility is planned, one copy of construction documents and specifications shall be submitted by the owner or owner's appointed representative to the Department for review and approval. [As a preliminary step to avoid last minute difficulty with construction documents approval, schematic~~ Schematic design drawings and design development drawings may be submitted for approval prior to the required submission of construction documents.

(2) ~~The Division shall review the plans and notify the licensee that said buildings, alterations, additions, or changes are approved or disapproved. If plans are disapproved the Division shall give the applicant notice of deficiencies identified by the Division.~~ Approval of construction documents and specifications shall be obtained from the Department prior to licensure. Approval of construction documents and specifications shall expire one year after the date of approval unless a building permit for the construction has been obtained prior to the expiration date of the approval of construction documents and specifications.

(3) The plans shall include a plot plan showing the size and shape of the entire site and the location of all existing and proposed facilities.

(4) ~~Plans shall be submitted in duplicate. The Division shall distribute a copy to the Department of Insurance for review of the North Carolina State Building Code requirements if required by the North Carolina State Building Code which is hereby incorporated by reference, including all subsequent amendments. Copies of the Code may be accessed electronically free of charge at: http://www.ecodes.biz/ecodes_support/Free_Resources/2012NorthCarolina/12NorthCarolina_main.html.~~

(g) To qualify for licensure or license renewal, each facility shall provide to the Division, with its application, an attestation statement in a form provided by the Division verifying compliance with the requirements defined in Rule .0301(d) of this Subchapter.

History Note: Authority *G.S. 131E-91; 131E-147; 131E-149; S.L. 2013-382, s. 13.1;*
Eff. October 14, 1978;
Amended Eff. April 1, 2003;
Temporary Amendment Eff. May 1, 2014;
Amended Eff. November 1, 2014. 2014;
Readopted Eff. January 1, 2021.

1 10A NCAC 13C .0203 is readopted with changes as published in 34:24 NCR 2375-2377 as follows:

2
3 **10A NCAC 13C .0203 SUSPENSION OR REVOCATION: AMBULATORY SURGICAL FACILITY**

4 ~~(a) The license may be suspended or revoked at any time for noncompliance with the regulations [rules] of the~~
5 ~~Department.~~

6 ~~(b) Suspension or revocation of the license shall be covered by the rules regarding contested cases as found in 10~~
7 ~~NCAC 3B .0200. [G.S. 150B-23.]~~

8 ~~(c) Notwithstanding Subsection [Paragraph] (a) and (b) of this Rule, the Department may summarily suspend the~~
9 ~~license pursuant to General Statute [G.S.] 150B-3(e).~~

10 License suspensions and revocations shall be governed by G.S. 131E-148.

11
12 *History Note: Authority G.S. 131E-148; 131E-149; 143B-165; ~~150B-3(e); [150B-23];~~*

13 *Eff. October 14, 1978;*

14 *Amended Eff. November 1, 1989;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *23, ~~2017~~, 2017;*

17 *Amended Eff. January 1, 2021.*

1 10A NCAC 13C .0501 is readopted with changes as published in 34:24 NCR 2375-2377 as follows:

2
3 **SECTION .0500 - ANESTHESIA SERVICES**
4

5 **10A NCAC 13C .0501 PROVIDING ANESTHESIA SERVICES**

6 Only a physician, ~~dentist~~ dentist, ~~or~~ qualified ~~anesthetist~~ **anesthetist**, or qualified anesthesiologist as defined in Rule
7 ~~.0103 of this Subchapter~~, shall administer anesthetic ~~agents (general and regional)~~ agents. Podiatrists shall administer
8 only local anesthesia. The governing authority shall establish written policies and procedures concerning the provision
9 of anesthesia services, including the designation of those persons authorized to administer ~~anesthetics~~ anesthetics in
10 accordance with State law.

11
12 *History Note: Authority G.S. 131E-149;*

13 *Eff. October 14, ~~1978~~ 1978;*

14 *Readopted Eff. January 1, 2021.*

1 10A NCAC 13C .0702 is amended with changes as published in 34:24 NCR 2375-2377 as follows:

2
3 **10A NCAC 13C .0702 REGULATIONS FOR PERFORMED SERVICES**

4 Radiation protection shall be provided in accordance with the rules ~~and regulations~~ adopted by the Radiation
5 Protection Commission found in ~~10 NCAC 3G, and the recommendations of the National Council on Radiation~~
6 ~~Protection and Measurements.~~ 10A NCAC 15. Records shall be kept of at least annual checks and calibration of all
7 ionizing radiation therapy equipment used in the facility.

8
9 *History Note: Authority G.S. 131E-149;*

10 *Eff. October 14, 1978;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
12 *23, ~~2017.~~ 2017;*

13 *Amended Eff. January 1, 2021.*