

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC DHHS

RULE CITATION: All rules

DEADLINE FOR RECEIPT: September 22, 2026

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Do not include the 2026 periodic review report in the history note for any rules. I.e. in 10A NCAC 14E .0101 delete line 2 on p 2.

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

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

Is the definition for "New clinic" still necessary? The only use of the term I could find is in 10A NCAC 14E .0106, and it appears that this reference to July 1, 2023 was only needed because the rule was changing.

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

1 10A NCAC 14E .0101 is readopted as published in 40:24 NCR 2027 as follows:

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3 **SUBCHAPTER 14E – LICENSURE OF SUITABLE FACILITIES FOR THE PERFORMANCE FO**
4 **SURGICAL ABORTIONS**
5 **SECTION .0100 – LICENSURE PROCEDURE**
6

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

8 The following definitions will apply throughout this Subchapter:

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

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28 *History Note: Authority G.S. 131E-153.2;*
29 *Eff. February 1, 1976;*
30 *Readopted Eff. December 19, 1977;*
31 *Amended Eff. October 1, 2015; July 1, 1994; December 1, 1989; June 30, 1980;*
32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,*
33 *2019;*
34 *Codifier determined that agency’s findings of need did not meet criteria for emergency rule on June*
35 *22, 2023;*
36 *Emergency Rule Eff. June 30, 2023;*
37 *Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;*
38 *Temporary Adoption Eff. October 27, 2023;*

1 *Eff. September 1, 2024-2024:*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. January 21, 2026;*
3 *Readopted Eff. October 1, 2026.*