

G.S. 150B-21.3A Report for 10A NCAC 14C, CERTIFICATE OF NEED REGULATIONS

Agency - DHHS - Division of Health Service Regulation

Comment Period - 3/02/18 - 5/01/18

Date Submitted to APO - November 19, 2018

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0100 - GENERAL	10A NCAC 14C .0101	DEFINITIONS	Amended Eff. November 1, 1996	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .0102	LOCATION OF THE AGENCY	Amended Eff. January 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0200 – APPLICATION AND REVIEW PROCESS	10A NCAC 14C .0202	DETERMINATION OF REVIEW	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .0203	FILING APPLICATIONS	Amended Eff. July 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .0204	AMENDMENTS TO APPLICATIONS	Amended Eff. January 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 14C .0205	REVIEW PERIOD	Amended Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .0206	EXPEDITED REVIEW	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .0207	AGENCY DECISION	Amended Eff. January 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .0208	ISSUANCE OF A CERTIFICATE OF NEED	Amended Eff. January 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .0209	PROGRESS REPORTS	Amended Eff. January 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .0300 - EXEMPTIONS	10A NCAC 14C .0301	RESEARCH ACTIVITY	Amended Eff. February 1, 2000	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .0303	REPLACEMENT EQUIPMENT	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .0304	PSYCHIATRIC BED CONVERSIONS	Eff. November 1, 1996	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .0400 – CERTIFICATE OF NEED APPEAL PROCESS	10A NCAC 14C .0402	ISSUES	Amended Eff. February 1, 1986	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0500 – ENFORCEMENT AND SANCTIONS	10A NCAC 14C .0501	ASSESSMENT OF CIVIL PENALTY	Eff. November 1, 1996	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .0502	WITHDRAWAL OF A CERTIFICATE	Amended Eff. November 1, 1996	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .1100 – CRITERIA AND STANDARDS FOR NURSING FACILITY OR ADULT CARE HOME SERVICES	10A NCAC 14C .1102	PERFORMANCE STANDARDS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .1200 – CRITERIA AND STANDARDS FOR INTENSIVE CARE SERVICES	10A NCAC 14C .1201	DEFINITIONS	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code

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		10A NCAC 14C .1203	PERFORMANCE STANDARDS	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .1300 - CRITERIA AND STANDARDS FOR PEDIATRIC INTENSIVE CARE SERVICES	10A NCAC 14C .1301	DEFINITIONS	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .1303	PERFORMANCE STANDARDS	Amended Eff. November 1, 1996	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .1400 - CRITERIA AND STANDARDS FOR NEONATAL SERVICES	10A NCAC 14C .1401	DEFINITIONS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .1403	PERFORMANCE STANDARDS	Amended Eff. November 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .1500 - CRITERIA AND STANDARDS FOR HOSPICES	10A NCAC 14C .1501	DEFINITIONS	Amended Eff. November 1, 2006	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .1503	PERFORMANCE STANDARDS	Amended Eff. November 1, 2006	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .1600 - CRITERIA AND STANDARDS FOR CARDIAC CATHETERIZATION EQUIPMENT AND CARDIAC ANGIOPLASTY EQUIPMENT	10A NCAC 14C .1601	DEFINITIONS	Amended Eff. November 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .1603	PERFORMANCE STANDARDS	Amended Eff. November 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .1700 - CRITERIA AND STANDARDS FOR OPEN-HEART SURGERY SERVICES AND HEART-LUNG BYPASS MACHINES	10A NCAC 14C .1701	DEFINITIONS	Amended Eff. January 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .1703	PERFORMANCE STANDARDS	Amended Eff. January 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .1900 - CRITERIA AND STANDARDS FOR RADIATION THERAPY EQUIPMENT	10A NCAC 14C .1901	DEFINITIONS	Amended Eff. November 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .1903	PERFORMANCE STANDARDS	Amended Eff. November 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .2000 - CRITERIA AND STANDARDS FOR HOME HEALTH SERVICES	10A NCAC 14C .2001	DEFINITIONS	Amended Eff. March 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2003	PERFORMANCE STANDARDS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

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	SECTION .2100 – CRITERIA AND STANDARDS FOR SURGICAL SERVICES AND OPERATING ROOMS	10A NCAC 14C .2101	DEFINITIONS	Amended Eff. November 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2103	PERFORMANCE STANDARDS	Amended Eff. November 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .2200 – CRITERIA AND STANDARDS FOR END-STAGE RENAL DISEASE SERVICES	10A NCAC 14C .2201	DEFINITIONS	Amended Eff. November 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2203	PERFORMANCE STANDARDS	Amended Eff. November 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .2300 – CRITERIA AND STANDARDS FOR COMPUTED TOMOGRAPHY EQUIPMENT	10A NCAC 14C .2301	DEFINITIONS	Amended Eff. February 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2303	PERFORMANCE STANDARDS	Amended Eff. February 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .2400 – CRITERIA AND STANDARDS FOR INTERMEDIATE CARE FACILITY/MENTALLY RETARDED (ICF/MR)	10A NCAC 14C .2401	DEFINITIONS	Amended Eff. November 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2403	PERFORMANCE STANDARDS	Amended Eff. August 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .2500 – CRITERIA AND STANDARDS FOR SUBSTANCE ABUSE/CHEMICAL DEPENDENCY TREATMENT BEDS	10A NCAC 14C .2501	DEFINITIONS	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2503	PERFORMANCE STANDARDS	Amended Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .2600 – CRITERIA AND STANDARDS FOR PSYCHIATRIC BEDS	10A NCAC 14C .2601	DEFINITIONS	Amended Eff. August 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2603	PERFORMANCE STANDARDS	Eff. November 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .2700 – CRITERIA AND STANDARDS FOR MAGNETIC RESONANCE IMAGING SCANNER	10A NCAC 14C .2701	DEFINITIONS	Amended Eff. November 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2703	PERFORMANCE STANDARDS	Amended Eff. November 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

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	SECTION .2800 - CRITERIA AND STANDARDS FOR REHABILITATION SERVICES	10A NCAC 14C .2801	DEFINITIONS	Amended Eff. November 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .2803	PERFORMANCE STANDARDS	Eff. November 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .2900 - CRITERIA AND STANDARDS FOR BONE MARROW TRANSPLANTATION SERVICES	10A NCAC 14C .2901	DEFINITIONS	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .2903	PERFORMANCE STANDARDS	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .3400 - CRITERIA AND STANDARDS FOR BURN INTENSIVE CARE SERVICES	10A NCAC 14C .3401	DEFINITIONS	Amended Eff. November 1, 1996	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .3403	PERFORMANCE STANDARDS	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .3600 - CRITERIA AND STANDARDS FOR GAMMA KNIFE	10A NCAC 14C .3601	DEFINITIONS	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 14C .3603	PERFORMANCE STANDARDS	Amended Eff. August 1, 2004	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .3700 - CRITERIA AND STANDARDS FOR POSITRON EMISSION TOMOGRAPHY SCANNER	10A NCAC 14C .3701	DEFINITIONS	Amended Eff. August 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .3703	PERFORMANCE STANDARDS	Amended Eff. November 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .3800 - CRITERIA AND STANDARDS FOR ACUTE CARE BEDS	10A NCAC 14C .3801	DEFINITIONS	Eff. August 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .3803	PERFORMANCE STANDARDS	Eff. August 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .3900 - CRITERIA AND STANDARDS FOR GASTROINTESTINAL ENDOSCOPY PROCEDURE ROOMS IN LICENSED HEALTH SERVICE FACILITIES	10A NCAC 14C .3901	DEFINITIONS	Eff. November 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .3903	PERFORMANCE STANDARDS	Eff. November 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

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	SECTION .4000 - CRITERIA AND STANDARDS FOR HOSPICE INPATIENT FACILITIES AND HOSPICE RESIDENTIAL CARE FACILITIES	10A NCAC 14C .4001	DEFINITIONS	Eff. November 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		10A NCAC 14C .4003	PERFORMANCE STANDARDS	Amended Eff. November 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

Periodic Rules Review and Expiration of Existing Rules
Subchapter 14C – Certificate of Need Regulations
Public Comments and Agency Response to Comments

Rule Citation & Title	Date	Commenter	Comment	Agency Response
1) 10A NCAC 14C .0101 – Definitions	3/1/18	1a) Erin Glendening, DHSR erin.glendening@dhhs.nc.gov	This is a test of the system to verify that everything is working.	This rule was determined as Unnecessary. The comment is about the test of the electronic comment reporting system. The Agency will not change the determination of this rule.