Burgos, Alexander N

Subject: FW: tech changes for 10A NCAC 14E

From: Black, Shanah <shanah.black@dhhs.nc.gov>
Sent: Friday, September 18, 2026 3:53 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>
Subject: Re: tech changes for 10A NCAC 14E

Thank you and have a great weekend.

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Burgos, Alexander N

Subject: FW: tech changes for 10A NCAC 14E

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, September 18, 2026 3:07 PM
To: Black, Shanah <shanah.black@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: tech changes for 10A NCAC 14E

Shanah,

You have addressed any concerns I raised and I anticipate recommending approval of the revised version of these rules.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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Burgos, Alexander N

Subject: FW: tech changes for 10A NCAC 14E
Attachments: 10A NCAC 14E .0101.docx; 10A NCAC 14E .0106.docx; 10A NCAC 14E .0107.docx; 10A NCAC 14E .0109.docx; 10A NCAC 14E .0111.docx; NCDHHS RFC September 2026.docx

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From: Black, Shanah <shanah.black@dhhs.nc.gov>
Sent: Tuesday, September 15, 2026 1:44 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: tech changes for 10A NCAC 14E

Good afternoon Seth,

Hope you are having a good week.

We are submitting the technical changes for these rules.

Thanks,

Shanah Black
Rule-making Coordinator
Division of Health Service Regulation
NC Department of Health and Human Services

Work Cell: 919-896-9371
Office: 919-855-3481
Fax: 919-733-2757
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2701 Mail Service Center
Raleigh, NC 27699-2701

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

SUBCHAPTER 14E – LICENSURE OF SUITABLE FACILITIES FOR THE PERFORMANCE FO SURGICAL ABORTIONS

SECTION .0100 – LICENSURE PROCEDURE

10A NCAC 14E .0101 DEFINITIONS

The following definitions will apply throughout this Subchapter:

(1) "Abortion" means the termination of a pregnancy as defined in G.S. 90-21.81(1c).

(2) "Clinic" means a freestanding facility neither physically attached nor operated by a licensed hospital for the performance of abortions completed during the first 12 weeks of pregnancy.

(3) "Division" means the Division of Health Service Regulation of the North Carolina Department of Health and Human Services.

(4) "Gestational age" means the length of pregnancy as indicated by the date of the first day of the last normal monthly menstrual period, if known, or as determined by ultrasound.

(5) "Governing authority" means the individual, agency, group, or corporation appointed, elected or otherwise designated, in which the ultimate responsibility and authority for the conduct of the abortion clinic is vested pursuant to Rule .0318 of this Subchapter.

(6) "Health Screening" means an evaluation of an employee or contractual employee, including tuberculosis testing, to identify an underlying condition that may affect the person's ability to work in the clinic.

(7) "New clinic" means one that is not certified as an abortion clinic by the Division as of July 1, 2023, and has not been certified or licensed within the previous six months of the application for licensure.

(8) "Registered Nurse" means a person who holds a valid license issued by the North Carolina Board of Nursing to practice professional nursing in accordance with the Nursing Practice Act, G.S. 90, Article 9A.

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

Eff. September 1, ~~2024.~~2024;

~~*Pursuant to G.S. 150B-21.3A, rule is necessary Eff. January 21, 2026;*~~

Readopted Eff. October 1, 2026.

10A NCAC 14E .0106 is readopted with changes as published in 40:24 NCR 2027 as follows:

10A NCAC 14E .0106 APPLICATION

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

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

(c) The application form shall set forth:

(1) Legal identity of the applicant;

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

(3) The facility's mailing address;

(4) The facility's physical address;

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

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

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

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

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

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

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

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

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

(d) After construction requirements in 10A NCAC 13S .0200 have been met and the application for licensure has been received and approved, the Division shall conduct an on-site, licensure survey.

History Note: *Authority G.S. 131E-153.2;*
Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;

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

Emergency Rule Eff. June 30, 2023;

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

Temporary Adoption Eff. October 27, 2023;

Eff. September 1, ~~2024.~~2024;

~~*Pursuant to G.S. 150B-21.3A, rule is necessary Eff. January 21, 2026;*~~

Readopted Eff. October 1, 2026.

10A NCAC 14E .0107 is readopted with changes as published in 40:24 NCR 2027 as follows:

10A NCAC 14E .0107 ISSUANCE OF LICENSE

(a) The Division shall issue a license if it finds the facility can comply with all requirements described in this Subchapter and 10A NCAC 13S.

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

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

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

History Note: *Authority G.S. 131E-153.2;*
Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
Temporary Adoption Eff. October 27, 2023;
Eff. September 1, ~~2024.~~2024;
~~*Pursuant to G.S. 150B-21.3A, rule is necessary Eff. January 21, 2026;*~~
Readopted Eff. October 1, 2026.

10A NCAC 14E .0109 is readopted with changes as published in 40:24 NCR 2027 as follows:

10A NCAC 14E .0109 RENEWAL

(a) Each license shall be renewed at the beginning of each calendar year on the renewal application forms provided by the Department.

(b) The renewal application form shall set forth:

(1) Legal identity of the applicant;

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

(3) The facility's mailing address;

(4) The facility's physical address;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History Note: *Authority G.S. 131E-153.2;*
Eff. February 1, 1976;

Readopted Eff. December 19, 1977;
Amended Eff. July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
Temporary Adoption Eff. October 27, 2023;
Eff. September 1, ~~2024.~~2024;
~~*Pursuant to G.S. 150B-21.3A, rule is necessary Eff. January 21, 2026;*~~
Readopted Eff. October 1, 2026.

10A NCAC 14E .0111 is readopted with changes as published in 40:24 NCR 2027 as follows:

10A NCAC 14E .0111 INSPECTIONS

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

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

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

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

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

History Note: *Authority G.S. 131E-153.2;*
Eff. February 1, 1976;
Readopted Eff. December 19, 1977;
Amended Eff. October 1, 2015; July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on June 22, 2023;
Emergency Rule Eff. June 30, 2023;
Repealed Eff. July 1, 2023 pursuant to G.S. 150B-21.7;
Temporary Adoption Eff. October 27, 2023;
Eff. September 1, ~~2024.~~2024;
~~*Pursuant to G.S. 150B-21.3A, rule is necessary Eff. January 21, 2026;*~~
Readopted Eff. October 1, 2026.

Burgos, Alexander N

From: Ascher, Seth M
Sent: Tuesday, September 8, 2026 2:54 PM
To: Black, Shanah; Premakumar, Rajeev K
Cc: Burgos, Alexander N
Subject: Re: RFC for NCDHHS September 2026

Note, the deadline for response is September 22, 2026. Apologies for any confusion.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Black, Shanah <shanah.black@dhhs.nc.gov>
Sent: Tuesday, September 8, 2026 2:48 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for NCDHHS September 2026

Thanks Seth, we will get these back to you.

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, 08 September 2026 14:47:05
To: Black, Shanah <shanah.black@dhhs.nc.gov>; Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RFC for NCDHHS September 2026

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the State Board of Education for the September 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Tuesday, September 29, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on June 18, 2026. Note that I am doing requests for changes based on the divisions on the agenda, and this is the RFC for the rules in Permanent Rules Tab 3.

Please let me know if you have any questions of concerns.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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