

May 22, 2018

TO: Hospital CEO, Government Relations Office, Director of Planning

FROM: Mike Vicario, Vice President of Regulatory Affairs
919-677-4233, mvicario@ncha.org

SUBJECT: **State Health Coordinating Council/Occupational Health Rule Review**

1. State Health Coordinating Council

Acute Care Services Committee/May 15, 2018

- Planning Staff are reviewing responses to its request to reconcile **acute care bed** days between Truven Health and Licensure report sources. At this point, 2019 bed need determinations are tentatively shown in Gaston (32), Mecklenburg (152), Moore (31) and Forsyth (34) counties.
- The Committee discussed the new need methodology for **operating rooms**, noting that a limitation of six new ORs per service area was applied last year so the Certificate of Need Section could adequately review all of the expected applications. This year there are fewer service areas with need determinations, and the committee agreed that the limitation would not be necessary. Need determinations for new operating rooms are tentatively shown in Cabarrus (2), Mecklenburg (11), New Hanover (6), Orange (3) and Wake (2) Counties.
- No need is shown in the 2019 State Medical Facilities Plan (SMFP) for Burn Intensive Care, Organ Transplantation or Inpatient Rehabilitation Services.
- The Committee discussed its concern over the high number of new beds shown as needed. Staff noted the need is still very tentative, and that some of the beds (84) may be removed if a current CON decision appeal is resolved.

For details, go to <https://www2.ncdhhs.gov/dhsr/mfp/meetings.html>.

2. Periodic Review of Existing Rules

- Licensing of Hospitals/Stakeholder Meeting/May 11, 2018
Several NCHA member hospitals participated in a stakeholder meeting with officials of the Licensure & Certification Section and Rulemaking Coordinator of the Division of Health Service Regulation on May 11. The following regulations under 10A NCAC 13B were addressed (.1902, .1915,.1918,.1925,.3001,.3101,.3204,.3205,.3302, .3303, .5412 and .5413)

At the meeting participants discussed the need for Acute Rehabilitation & Patient Rights Regulations ...

- i. that appropriately recognize patient complexity and where rehabilitation patients are in their recovery.
- ii. that reflect any changes in practice since the rule's initial development.
- iii. that are consistent with CMS Conditions of Participation.

DHSR officials will consider all comments received in addition to testimony from the meeting. They'll also consider deleting rule (4) under both Traumatic Brain Injury (.5412) and Spinal Cord Treatment (.5413) because of Rules Review Commission objections that it falls within the purview of the Board of Medicine. They will also move rule **10A NCAC 13B .5408** re: program (nurse) staffing requirements to the current phase of rule review and consider the need for consistency with CMS Conditions of Participation.

- Periodic Review of Existing Rules/Commission for Public Health will take comments until July 23, 2018 on forty regulations related to maintaining a safe and healthy workplace, including occupational health nursing consultation and Occupational Health Surveillance.

For details, go to <https://www2.ncdhhs.gov/dhsr/rules/hb74/subchapter.asp?abr=41c>.

3. The North Carolina Register

Issues of the *NC Register* are online at <http://www.ncoah.com/rules/register/>.

- May 1, 2018 NC Register/No Proposed Hospital Rule Changes or Approved Rules
- May 15, 2018 NC Register/No Proposed Hospital Rule Changes or Approved Rules