



SENATE BILL 42: Reduce Cost & Reg. Burden/Hosp. Construction.

2017-2018 General Assembly

Committee:		Date:	September 15, 2017
Introduced by:		Prepared by:	Augustus D. Willis Staff Attorney
Analysis of:	S.L. 2017-174		

OVERVIEW: *S.L. 2017-174 directs the North Carolina Medical Care Commission to adopt the recommendations of the American Society of Healthcare Engineers Facility Guidelines Institute.*

This act became effective July 21, 2017, and applies to any licensee or prospective applicant who seeks to make specified types of alterations or additions to its hospital facilities or to construct new hospital facilities who submits plans and specifications to the Department of Health and Human Services on or after January 1, 2016.

CURRENT LAW: The North Carolina Medical Care Commission adopts and implements rules for hospital licensure. The rules in 10A NCAC 13B .6000 et. seq. include physical plant and construction requirements for hospital facilities.

BILL ANALYSIS: S.L. 2017-174 does the following:

- Directs the Medical Care Commission to repeal a suite of rules that regulate licensing of hospitals pertaining to physical plant, general requirements, and construction requirements (Hospital Facilities Rules) by November 18, 2017 (within 120 days of the act becoming law).
- Directs the Commission to replace those particular rules with temporary (and subsequently permanent) rules by incorporating, by reference, all the applicable standards, rules, and requirements of the most current edition of the American Society for Healthcare Engineering's Facility Guidelines Institute *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* (Guidelines).
- Provides that the rules adopted to replace the Hospital Facilities Rules with the Guidelines are exempt from the provisions of the Administrative Procedure Act (Act) under Chapter 150B of the General Statutes that require the preparation of fiscal notes.
- Provides that until the Hospital Facilities Rules are repealed and replaced by the Guidelines, the Hospital Facilities Rules are not subject to the statutory periodic rules review required by the Act.

EFFECTIVE DATE: This act became effective July 21, 2017 and applies to any licensee or prospective applicant who seeks to make specified types of alterations or additions to its hospital facilities or to construct new hospital facilities who submits plans and specifications to the Department of Health and Human Services pursuant to the Hospital Licensure Act on or after January 1, 2016.

BACKGROUND: According to the American Hospital Association and the American Society for Healthcare Engineering, the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* provide minimum standards for design and construction of hospitals and outpatient facilities. Included in the *Guidelines* is information on the planning, design, construction, and commissioning process and facility requirements for both hospitals and outpatient facilities.

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This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.