

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1335

Short Title: C.O.N.-Licensing Procedures.

(Public)

Sponsors: Representatives C. Wilson; and Harrington.

Referred to: Health.

April 12, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE CERTIFICATE OF NEED LICENSING PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 131E-147(b) reads as rewritten:

"§ 131E-147. Licensure requirement.

"(b) Applications shall be available from the Department, and each application filed with the Department shall contain all necessary and reasonable information that the Department may by rule require. A license shall be granted to the applicant upon a determination by the Department that the applicant has complied with the provisions of this Part and the rules promulgated by the Commission under this Part. The Department shall have a maximum of 60 days to approve or comment on plans or specifications submitted for construction of new buildings, additions, or material alterations to existing buildings."

SECTION 2. G.S. 131E-182 is amended by adding a new subsection to read:

"(d) The Department shall establish by rule uniform procedures for issuing opinions on whether projects described in writing by proponents are subject to Certificate of Need review, based on the Department's application and interpretation of the requirements of this Chapter. These opinions shall be known as "no review opinions." The Department's procedures shall be subject to the following requirements and limitations:

(1) No review opinion procedures shall provide a method by which any person may request in writing to receive notice of the issuance of no review opinions as generally described in the request for notice and procedures for how the Department will provide the requested notices.

(2) The issuance of no review opinions shall be in addition and separate from the expenditures exempted from review by this section.

1 (3) The Department shall not require a person to seek a no review opinion
2 from the Department before proceeding to operate or develop a project
3 that the proponent determines is not a "new institutional health
4 service" as defined in G.S. 131E-176(16)."

5 **SECTION 3.** This act becomes effective October 1, 2001.