

March 24, 2009

S 804. CON CHANGES. Filed 3/24/09. *TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED.*

Amends GS 131E-187 to reorganize, clarify, and add the following conditions and timelines regarding the issuance of a certificate of need, related to new institutional health services, by the Department of Health and Human Services. Certificates of need are to be issued after all applicable conditions of approval have been met: (1) five business days after DHHS receives a file-stamped copy of the notice of voluntary dismissal, unless the voluntary dismissal is a stipulation of dismissal without prejudice; (2) 35 days from the date of the written notice of the final agency decision affirming or approving the issuance, unless a notice of appeal to the NC Court of Appeals is timely filed; (3) 20 days after a mandate is issued by the NC Court of Appeals affirming the issuance of a certificate of need, unless a notice of appeal or petition for discretionary review to the NC Supreme Court is timely filed; and (4) five business days after the NC Supreme Court issues a mandate affirming the issuance of a certificate of need or an order declining to certify the case for discretionary review if the order declining to certify the case disposes of the appeal in its entirety. Applies to all final agency decisions made on or after the date the act becomes law.

Intro. by Rand.

GS 131E

May 13, 2009

S 804. CON CHANGES. Filed 3/24/09. Senate committee substitute makes the following changes to 1st edition. Adds amendment to GS 131E-188(b1) to authorize the Court of Appeals to set an appeal bond not to exceed \$300,000, in a certificate of need decision appealed to that court, upon motion of the party holding the certificate. Current law limits the bond to no more than \$50,000.

June 25, 2009

S 804. CON CHANGES. Filed 3/24/09. House committee substitute makes the following changes to 2nd edition. Changes the effective date from when the act becomes law to September 1, 2009.

July 7, 2009

S 804. CON CHANGES. Filed 3/24/09. House committee substitute makes the following changes to 3rd edition. Provides in proposed amended GS 131E-188(b1)(1) that the bond required to be deposited before the filing of an appeal of a final decision by the Department of Health and Human Services (DHHS) granting a certificate of need must be at least \$5,000 but not more than \$50,000, provided that the applicant who received approval of the certificate of need (was, the holder of the certificate of need) may petition the Court of Appeals for a higher bond amount for the payment of such costs and damages as may be awarded under GS 131E-188(b1)(2). Makes an organizational change to proposed amended GS 131E-187.

Prohibits DHHS from approving a certificate of need application filed after the effective date of the act to develop a hospital-based, off-site emergency department unless the application is for a department that is proposed to be operated under the license of a hospital with licensed and operational acute care beds and located within the same county as that hospital. Specifies that this provision does not apply to any pending certificate of need applications for a hospital-based, off-site emergency department. Also provides that the provision expires June 30, 2011.

Requires DHHS to study whether a hospital-based, off-site emergency department should be required to be licensed as part of a general acute care hospital and to be located within the same county as that hospital and report findings to the Joint Legislative Health Care Oversight Committee by December 31, 2010.

Changes the effective date of the act to when the act becomes law (was, September 1, 2009.)

Changes the title to *AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE*

OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS.

August 3, 2009

SL 2009-373 (S 804). CON CHANGES. AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS. Summarized in *Daily Bulletin* 3/24/09, 5/13/09, 6/25/09, and 7/7/09. Enacted July 31, 2009. Effective July 31, 2009.