

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL DRS35024-MG-37

Short Title: Exempt Vascular Access Providers From CON. (Public)

Sponsors: Senators Hise and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT EXEMPTING PROVIDERS OF PHYSICIAN OFFICE-BASED VASCULAR  
3 ACCESS PROCEDURES FROM CERTIFICATE OF NEED REVIEW.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 131E-175 is amended by adding new subdivisions to read:

6 "(13) That physicians providing care for vascular access sites in unlicensed settings  
7 should be given an opportunity to obtain a license to provide those services to  
8 ensure the safety of patients and the provision of quality care.

9 (14) That demand for establishing and maintaining vascular access sites, which is  
10 often an emergency surgical procedure, is increasing at a rapid rate as more  
11 North Carolinians are living longer with end-stage renal disease.

12 (15) That continuing to treat vulnerable patients with end-stage renal disease in  
13 nonhospital settings lowers costs, reduces overnight hospital stays, and keeps  
14 patients healthier."

15 **SECTION 2.** G.S. 131E-178 reads as rewritten:

16 "§ 131E-178. **Activities requiring certificate of need; limited exemptions for**  
17 **gastrointestinal endoscopy and vascular access for hemodialysis.**

18 (a) No person shall offer or develop a new institutional health service without first  
19 obtaining a certificate of need from the ~~Department; provided, however, no Department,~~ except  
20 as provided in subsections (a1) and (a2) of this section.

21 (a1) No person who provides gastrointestinal endoscopy procedures in one or more  
22 gastrointestinal endoscopy rooms located in a nonlicensed setting, shall be required to obtain a  
23 certificate of need to license that setting as an ambulatory surgical facility with the existing  
24 number of gastrointestinal endoscopy rooms, provided ~~that~~ that the person meets all of the  
25 following criteria:

26 (1) The license application is postmarked for delivery to the Division of Health  
27 Service Regulation by December 31, ~~2006;~~2006.

28 (2) The applicant verifies, by affidavit submitted to the Division of Health Service  
29 Regulation within 60 days of the effective date of this act, that the facility was  
30 in operation as of the effective date of this act or that the completed application  
31 for the building permit for the facility was submitted by the effective date of  
32 this ~~act;~~act.

33 (3) The facility has been accredited by The Accreditation Association for  
34 Ambulatory Health Care, ~~The Joint Commission on Accreditation of~~  
35 ~~Healthcare Organizations,~~ The Joint Commission, or The American  
36 Association for Accreditation of Ambulatory Surgical Facilities by the time



the license application is postmarked for delivery to the Division of Health Service Regulation of the ~~Department~~; and ~~Department~~.

- (4) The license application includes a commitment to and a plan for serving indigent and medically underserved populations.

All other persons proposing to obtain a license to establish an ambulatory surgical facility for the provision of gastrointestinal endoscopy procedures shall be required to obtain a certificate of need. The annual State Medical Facilities Plan shall not include policies or need determinations that limit the number of gastrointestinal endoscopy rooms that may be approved.

(a2) No person who provides vascular access for hemodialysis in a physician office-based vascular access center located in a nonlicensed setting shall be required to obtain a certificate of need to license that setting as an ambulatory surgical facility with the existing number of vascular access procedure rooms, provided that the person meets all of the following criteria:

- (1) The license application is postmarked for delivery to the Division of Health Service Regulation by December 31, 2019.
- (2) The applicant verifies, by affidavit submitted to the Division of Health Service Regulation within 60 days after the effective date of this act, that the facility was in operation as of the effective date of this act or that the completed application for the building permit for the facility was submitted by the effective date of this act.
- (3) The facility has been accredited by The Accreditation Association for Ambulatory Health Care, The Joint Commission, or The American Association for Accreditation of Ambulatory Surgical Facilities by the time the license application is postmarked for delivery to the Division of Health Service Regulation of the Department.
- (4) The license application includes a commitment to and a plan for serving indigent and medically underserved populations.

All other persons proposing to obtain a license to establish an ambulatory surgical facility for the provision of vascular access site management shall be required to obtain a certificate of need. The annual State Medical Facilities Plan shall not include policies or need determinations that limit the number of vascular access procedure rooms that may be approved.

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**SECTION 3.** This act becomes effective October 1, 2019.