

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35172-MG-99

Short Title: Reg. Relief for Hospitals in Disaster Zones. (Public)

Sponsors: Senator Jarvis (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR THE AUTOMATIC ADOPTION OF ANY TEMPORARY
3 WAIVER OR MODIFICATION ISSUED BY THE SECRETARY OF THE UNITED
4 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OR THE CENTERS
5 FOR MEDICARE OR MEDICAID SERVICES UNDER SECTION 1135 OR 1812(F) OF
6 THE SOCIAL SECURITY ACT.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 131E-84 reads as rewritten:

9 "§ 131E-84. Waiver of rules and increase in bed capacity during an emergency.

10 (a) The Division of Health Service Regulation may temporarily waive, during disasters
11 or emergencies declared in accordance with Article 1A of Chapter 166A of the General Statutes,
12 any rules of the Commission pertaining to a hospital to the extent necessary to allow the hospital
13 to provide temporary shelter and temporary services requested by the emergency management
14 agency. The Division may identify, in advance of a declared disaster or emergency, rules that
15 may be waived, and the extent to which the rules may be waived, upon a declaration of disaster
16 or emergency in accordance with Article 1A of Chapter 166A of the General Statutes. The
17 Division may also waive rules under this subsection during a declared disaster or emergency
18 upon the request of an emergency management agency and may rescind the waiver if, after
19 investigation, the Division determines the waiver poses an unreasonable risk to the health, safety,
20 or welfare of any of the persons occupying the hospital. The emergency management agency
21 requesting temporary shelter or temporary services shall notify the Division within 72 hours of
22 the time the preapproved waivers are deemed by the emergency management agency to apply.

23 (a1) In the event of a declaration of a state of emergency by the Governor in accordance
24 with Article 1A of Chapter 166A of the General Statutes, a declaration of a national emergency
25 by the President of the United States, a declaration of a public health emergency by the Secretary
26 of the United States Department of Health and Human Services; ~~or to the extent necessary to~~
27 ~~allow for consistency with any temporary waiver or modification issued by the Secretary of the~~
28 ~~United States Department of Health and Human Services or the Centers for Medicare and~~
29 ~~Medicaid Services under section 1135 or 1812(f) of the Social Security Act; or when the Division~~
30 of Health Service Regulation determines the existence of an emergency that poses a risk to the
31 health or safety of patients, the Division of Health Service Regulation may do either or both of
32 the following:

- 33 (1) Temporarily waive any rules of the Commission pertaining to hospitals.
34 (2) Notwithstanding G.S. 131E-183, allow a hospital to temporarily increase its
35 bed capacity.



1 (a2) Notwithstanding any other provision of this section or the General Statutes, in the
2 event the Secretary of the United States Department of Health and Human Services or the Centers
3 for Medicare and Medicaid Services issues a temporary waiver or modification under section
4 1135 or 1812(f) of the Social Security Act, all rules of the Commission pertaining to hospitals
5 are automatically modified or waived to the extent necessary to allow for consistency with the
6 federal waiver or modification and shall continue in place at least until the federal waiver or
7 modification has expired. Nothing in this subsection shall be construed as preventing the Division
8 of Health Service Regulation from further waiving or modifying any rules of the Commission
9 while a temporary waiver or modification is in effect under this subsection as long as the waiver
10 or modification by the Division of Health Service Regulation reduces regulatory requirements
11 on hospitals in a manner that is consistent with federal law.

12 (b) As used in this section, "emergency management agency" is as defined in
13 G.S. 166A-19.3."

14 **SECTION 2.** This act is effective when it becomes law.