

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 323

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

Sponsors: Senators Hise and Krawiec (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 21, 2019

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; ~~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



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

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

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

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

13 (1) The license application is postmarked for delivery to the Division of Health
14 Service Regulation by December 31, 2019.

15 (2) The applicant verifies, by affidavit submitted to the Division of Health Service
16 Regulation within 60 days after the effective date of this act, that the facility
17 was in operation as of the effective date of this act or that the completed
18 application for the building permit for the facility was submitted by the
19 effective date of this act.

20 (3) The facility has been accredited by The Accreditation Association for
21 Ambulatory Health Care, The Joint Commission, or The American
22 Association for Accreditation of Ambulatory Surgical Facilities by the time
23 the license application is postmarked for delivery to the Division of Health
24 Service Regulation of the Department.

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

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

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