A BILL TO BE ENTITLED
AN ACT EXEMPTING OPHTHALMOLOGISTS WHO PERFORM CERTAIN OCULAR
SURGICAL PROCEDURES FROM CERTIFICATE OF NEED LAWS.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 131E-175 is amended by adding a new subdivision to read:
"(13) That demand for ocular surgical procedures is increasing due to the growth of
the elderly population as well as scientific and technological advancements that
have increased the safety and efficacy of these procedures."

SECTION 2. G.S. 131E-176 reads as rewritten:
"§ 131E-176. Definitions.
As used in this Article, unless the context clearly requires otherwise, the following terms have
the meanings specified:

…
(17c) "Ocular surgical procedure" means a surgical procedure performed on the eye
or its adnexa that (i) requires local, regional, or general anesthesia and a period
of less than 24 hours of post-operative observation for diagnostic or therapeutic
purposes and (ii) does not constitute an ambulatory surgical program as defined
in subdivision (1c) of this section.
(17d) "Ocular surgical procedure room" means a room located in the office of an
ophthalmologist licensed to practice in this State that is used to perform ocular
surgical procedures.
…"

SECTION 3. G.S. 131E-178 reads as rewritten:
"§ 131E-178. Activities requiring certificate of need; limited exemption for
gastrointestinal endoscopy procedures and ocular surgical procedures.
(a) No person shall offer or develop a new institutional health service without first
obtaining a certificate of need from the Department; provided, however, no Department, except as
provided in subsections (a1) and (a2) of this section.
(a1) No person who provides gastrointestinal endoscopy procedures in one or more
gastrointestinal endoscopy rooms 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 gastrointestinal endoscopy 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, 2006.
(2) The applicant verifies, by affidavit submitted to the Division of Health Service Regulation within 60 days of the effective date of this act, that the facility is 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 on Accreditation of Healthcare Organizations, 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 and 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 ophthalmologist licensed to practice in this State who provides ocular surgical procedures in one or more ocular surgical procedure rooms shall be required to obtain a certificate of need to license that setting as an ambulatory surgical facility with the existing number of ocular surgical procedure rooms, provided that the ophthalmologist meets all of the following criteria:

(1) The license application is postmarked for delivery to the Division of Health Service Regulation by December 31, 2017.

(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 is 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 on Accreditation of Healthcare Organizations, 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 and 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 ocular surgical 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 ocular surgical procedure rooms that may be approved.

"...

SECTION 4. This act is effective when it becomes law.