

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 641

Short Title: Med. Care Comm. Abortion Clinic.

(Public)

Sponsors: Senator Cooper.

Referred to: Judiciary II.

March 31, 1993

A BILL TO BE ENTITLED

AN ACT TO CLARIFY RULE MAKING FOR THE OPERATION OF ABORTION CLINICS AND TO MAKE TECHNICAL CHANGES TO G.S. 143B-165.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-45.1(a) reads as rewritten:

"(a) Notwithstanding any of the provisions of G.S. 14-44 and 14-45, it shall not be unlawful, during the first 20 weeks of a woman's pregnancy, to advise, procure, or cause a miscarriage or abortion when the procedure is performed by a physician licensed to practice medicine in North Carolina in a hospital or clinic certified by the Department of Human Resources to be a suitable facility for the performance of abortions. The North Carolina Medical Care Commission, created pursuant to G.S. 143B-165, shall adopt rules to assure the suitability of these facilities."

Sec. 2. G.S. 143B-165 reads as rewritten:

"§ 143B-165. North Carolina Medical Care Commission – creation, powers and duties.

There is hereby created the North Carolina Medical Care Commission of the Department of Human Resources with the power and duty to ~~promulgate rules and regulations~~ adopt rules to be followed in the construction and maintenance of public and private hospitals, medical centers, and related facilities and with the power and duty to ~~adopt, amend and rescind rules and regulations~~ adopt rules under and not inconsistent with the laws of the State necessary to carry out the provisions and purposes of this Article.

(1) The North Carolina Medical Care Commission ~~has the duty to~~ shall adopt statewide plans for the construction and maintenance of hospitals, medical centers, and related facilities, or ~~such~~ other as may

- 1 be found desirable and necessary in order to meet the requirements and
2 receive the benefits of any federal legislation with regard thereto.
- 3 (2) The Commission ~~is authorized to~~ may adopt such ~~rules and regulations~~
4 ~~as may be necessary~~ to carry out the intent and purposes of ~~Article 13 of~~
5 ~~Chapter 131 of the General Statutes of North Carolina.~~ Article 5 of Chapter
6 131E of the General Statutes.
- 7 (3) The Commission may adopt ~~such~~ reasonable and necessary standards
8 with reference thereto as may be proper to cooperate fully with the
9 Surgeon General or other agencies or departments of the United States
10 and the use of funds provided by the federal government as contained
11 and referenced in ~~Article 13 of Chapter 131 of the General Statutes of~~
12 ~~North Carolina.~~ Article 5 of Chapter 131E of the General Statutes.
- 13 (4) The Commission shall ~~have the power and duty to~~ approve projects in
14 the amounts of grants-in-aid from funds supplied by the federal and
15 State governments for the planning and construction of hospitals and
16 other related medical facilities ~~according to the provisions of Article 13 of~~
17 ~~Chapter 131 of the General Statutes of North Carolina.~~ facilities.
- 18 (5) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1388, s. 3.
- 19 (6) The Commission ~~has the duty to~~ shall adopt rules and regulations and
20 ~~standards~~ with respect to the different types of hospitals to be licensed
21 under the provisions of ~~Article 13A of Chapter 131 of the General Statutes~~
22 ~~of North Carolina.~~ Article 5 of Chapter 131E of the General Statutes.
- 23 (7) The Commission ~~is authorized and empowered to~~ may adopt such ~~rules~~
24 ~~and regulations,~~ rules, not inconsistent with the laws of this State, as
25 may be required by the federal government for grants-in-aid for
26 medical facility services and licensure which may be made available to
27 the State by the federal government. This section is to be liberally
28 construed in order that the State and its citizens may benefit from ~~such~~
29 these grants-in-aid.
- 30 (8) The Commission shall adopt ~~such rules and regulations,~~ rules, consistent
31 with the provisions of this Chapter. All rules ~~and regulations~~ not
32 inconsistent with the provisions of this Chapter heretofore adopted by
33 the North Carolina Medical Care Commission shall remain in full
34 force and effect unless and until repealed or superseded by action of
35 the North Carolina Medical Care Commission. All rules ~~and~~
36 ~~regulations~~ adopted by the Commission shall be enforced by the
37 Department of Human Resources.
- 38 (9) The Commission shall ~~have the power and duty to~~ adopt rules and
39 ~~regulations~~ with regard to emergency medical services in accordance
40 with the provisions of ~~Article 26 of Chapter 130~~ Article 7 of Chapter
41 131E and Article 56 of Chapter 143 of the General Statutes ~~of North~~
42 ~~Carolina.~~ Statutes.

- 1 (10) The Commission shall ~~have the power and duty to promulgate rules and~~
2 ~~regulations~~ adopt rules for the operation of nursing homes, as defined
3 by ~~G.S. 130-9(e)~~. G.S. 131E-101(6).
- 4 (11) The Commission ~~is authorized to~~ may adopt ~~such~~ rules as may be
5 necessary to carry out the provisions of Part C of Article 6, and Article
6 10, of Chapter 131E of the General ~~Statutes of North Carolina~~. Statutes.
- 7 (12) The Commission shall adopt rules, including temporary rules pursuant
8 to G.S. 150B-13, providing for the accreditation of facilities that
9 perform mammography procedures and for laboratories evaluating
10 screening pap smears. Mammography accreditation standards shall
11 address, but are not limited to, the quality of mammography equipment
12 used and the skill levels and other qualifications of personnel who
13 administer mammographies and personnel who interpret mammogram
14 results. The Commission's standards shall be no less stringent than
15 those established by the United States Department of Health and
16 Human Services for Medicare/Medicaid coverage of screening
17 mammography. These rules shall also specify procedures for waiver
18 of these accreditation standards on an individual basis for any facility
19 providing screening mammography to a significant number of patients,
20 but only if there is no accredited facility located nearby. The
21 Commission may grant a waiver subject to any conditions it deems
22 necessary to protect the health and safety of patients, including
23 requiring the facility to submit a plan to meet accreditation standards.
- 24 (13) The Commission shall adopt rules to ensure the suitability of facilities
25 and services for the performance of abortions, as authorized by G.S.
26 14-45.1."
- 27 Sec. 3. This act is effective upon ratification.