

§ 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 Health and Human Services with the power and duty to adopt rules to be followed in the construction and maintenance of public and private hospitals, medical centers, and facilities regulated under Chapters 131D and 131E of the General Statutes; to adopt, amend and rescind rules under and not inconsistent with the laws of the State as necessary to carry out the provisions and purposes of this Article; and to protect the health, safety, and welfare of the individuals served by these facilities.

- (1) The North Carolina Medical Care Commission shall adopt statewide plans for the construction and maintenance of hospitals, medical centers, and facilities regulated under Chapters 131D and 131E of the General Statutes, or such other plans as may be found desirable and necessary to meet the requirements and receive the benefits of any applicable federal legislation.
- (2) The Commission may adopt such rules as may be necessary to carry out the intent and purposes of Article 4 of Chapter 131E of the General Statutes.
- (3) Repealed by Session Laws 2023-65, s. 4.1, effective June 29, 2023.
- (4) The Commission has the power and duty to approve projects in the amounts of grants-in-aid from funds supplied by the federal and State governments for the planning and construction of hospitals and other related medical facilities in accordance with Articles 4 and 5 of Chapter 131E of the General Statutes.
- (5) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1388, s. 3.
- (6) The Commission shall adopt rules establishing standards for the licensure, inspection, and operation of, and the provision of care and services by, the different types of hospitals to be licensed under Articles 2 and 5 of Chapter 131E of the General Statutes.
- (7) The Commission may adopt such rules, not inconsistent with the laws of this State, as may be required by the federal government to secure federal grants-in-aid for medical facility services and licensure. This section shall be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.
- (8) The Commission shall adopt such rules, consistent with the provisions of this Chapter. All rules adopted by the Commission since the enactment of Chapter 131E of the General Statutes that are not inconsistent with the provisions of this Chapter shall remain in full force and effect until repealed or superseded by action of the Commission. All rules adopted by the Commission shall be enforced by the Department of Health and Human Services.
- (9) The Commission may adopt rules concerning emergency medical services in accordance with the provisions of Article 7 of Chapter 131E and Article 56 of Chapter 143 of the General Statutes.
- (10) The Commission shall adopt rules for the operation of nursing homes, as defined by Article 6 of Chapter 131E of the General Statutes.
- (11) The Commission may adopt rules as necessary to establish standards for the licensure, inspection, and operation of, and the provision of care and services by, facilities licensed under Articles 6 and 10 of Chapter 131E of the General Statutes.
- (12) The Commission shall adopt rules providing for the accreditation of facilities that perform mammography procedures and for laboratories evaluating screening pap smears. Mammography accreditation standards shall address,

but are not limited to, the quality of mammography equipment used and the skill levels and other qualifications of personnel who administer mammographies and personnel who interpret mammogram results. The Commission's standards shall be no less stringent than those established by the United States Department of Health and Human Services for Medicare/Medicaid coverage of screening mammography. These rules shall also specify procedures for waiver of these accreditation standards on an individual basis for any facility providing screening mammography to a significant number of patients, but only if there is no accredited facility located nearby. The Commission may grant a waiver subject to any conditions it deems necessary to protect the health and safety of patients, including requiring the facility to submit a plan to meet accreditation standards.

- (13) The Commission shall adopt rules establishing standards for the licensure, inspection, and operation of, and the provision of care and services by, adult care homes, as defined by Article 1 of Chapter 131D of the General Statutes, and for personnel requirements of staff employed in adult care homes, except when rule-making authority is assigned by law to the Secretary.
- (14) The Commission shall adopt rules establishing standards for the following with respect to facilities used as multiunit assisted housing with services, as defined by Article 1 of Chapter 131D of the General Statutes:
 - a. Registration and deregistration.
 - b. Disclosure statements.
 - c. Agreements for services.
 - d. Personnel requirements.
 - e. Resident admissions and discharges. (1973, c. 476, s. 148; c. 1090, s. 2; c. 1224, s. 3; 1981, c. 614, s. 10; 1981 (Reg. Sess., 1982), c. 1388, s. 3; 1983 (Reg. Sess., 1984), c. 1022, s. 6; 1987, c. 34; 1991, c. 490, s. 4; 1997-443, s. 11A.118(a); 1999-334, ss. 3.6, 3.7; 2023-65, s. 4.1.)