

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 205
SENATE BILL 886

AN ACT TO AMEND THE HOSPITAL COOPERATION ACT REGARDING
COOPERATIVE AGREEMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-192.2(2) reads as rewritten:

"(2) 'Cooperative agreement' means an agreement among two or more hospitals, ~~or between a hospital and any other person, or between a person who controls a hospital and another hospital or person who controls a hospital~~ for ~~the any of the following~~:

- a. The sharing, allocation, or referral of patients, personnel, instructional programs, support services and facilities, or medical, diagnostic, or laboratory facilities or equipment, or procedures or other services traditionally offered by hospitals.
- b. A purchase of assets pursuant to a merger or sale, a partnership, a joint venture, or any other affiliation by which ownership or control over all or substantially all of the stock, assets, or activities of one or more hospitals or persons who control hospitals are transferred to another hospital or person who controls a hospital.

~~Cooperative agreement~~ 'Cooperative agreement' shall not include any agreement by which ownership over substantially all of the stock, assets, or activities of one or more previously licensed and operating hospitals is transferred nor any agreement that would permit self-referrals of patients by a health care provider that is otherwise prohibited by law."

Sec. 2. G.S. 131E-192.11 reads as rewritten:

"§ 131E-192.11. Fees for applications and periodic reports.

(a) The Department and the Attorney General shall establish a schedule of fees for filing an application for a certificate of public advantage and for filing a periodic report based on the total cost of the project for which the application or periodic report is made. The fee for filing an application may not exceed fifteen thousand dollars (\$15,000). The fee for filing a periodic report may not exceed two thousand five hundred dollars (\$2,500). The fee schedule established should generate sufficient revenue to offset the costs of the program. An application filing fee must be paid to the Department at the time an application for a certificate of public advantage is submitted

to it pursuant to G.S. 131E-192.3. A periodic report filing fee must be paid to the Department at the time a periodic report is submitted to it pursuant to G.S. 131E-192.9.

(b) If the Department or the Attorney General determines that consultants are needed to complete a review of an application, an additional application fee may be established by prior agreement with the applicants before the application is considered. The amount of the additional fee may not exceed the costs of contracting with the necessary consultants. The additional fee shall not be considered in determining whether an application fee exceeds the maximum application fee amount set in subsection (a) of this section."

Sec. 3. This act is effective upon ratification and applies to applications filed on or after this date.

In the General Assembly read three times and ratified this the 8th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives