

1 10A NCAC 14C .1403 is proposed as a temporary rule as follows:

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3 **10A NCAC 14C .1403 PERFORMANCE STANDARDS**

4 (a) An applicant shall demonstrate that the proposed project is capable of meeting the following standards:

- 5 (1) if an applicant ~~proposes an increase in the number of the facility's existing~~ is proposing to increase  
6 the total number of neonatal beds (i.e., the sum of Level II, Level III ~~or~~ and Level IV beds, beds),  
7 the overall average annual occupancy of the total combined number of all existing Level II, Level  
8 III and Level IV beds in the facility is at least 75 percent, over the 12 months immediately  
9 preceding the submittal of the proposal;
- 10 (2) if an applicant is proposing to ~~develop new or additional~~ increase the total number of neonatal  
11 beds (i.e., the sum of Level II, Level III ~~or~~ and Level IV beds, beds), the projected overall average  
12 annual occupancy of the total combined number of all Level II, Level III and Level IV beds  
13 proposed to be operated during the third year of operation of the proposed project shall be at least  
14 75 percent; and
- 15 (3) The applicant shall document the assumptions and provide data supporting the methodology used  
16 for each projection in this rule.

17 (b) If an applicant proposes to develop a new Level III or Level IV service, the applicant shall document that an  
18 unmet need exists in the applicant's defined neonatal service area, unless the State Medical Facilities Plan includes a  
19 need determination for neonatal beds in the service area. The need for Level III and Level IV beds shall be  
20 computed for the applicant's neonatal service area by:

- 21 (1) identifying the annual number of live births occurring at all hospitals within the proposed neonatal  
22 service area, using the latest available data compiled by the State Center for Health Statistics;
- 23 (2) identifying the low birth weight rate (percent of live births below 2,500 grams) for the births  
24 identified in (1) of this Paragraph, using the latest available data compiled by the State Center for  
25 Health Statistics;
- 26 (3) dividing the low birth weight rate identified in (2) of this Paragraph by .08 and subsequently  
27 multiplying the resulting quotient by four; and
- 28 (4) determining the need for Level III and Level IV beds in the proposed neonatal service area as the  
29 product of:
- 30 (A) the product derived in (3) of this Paragraph, and  
31 (B) the quotient resulting from the division of the number of live births in the initial year of  
32 the determination identified in (1) of this Paragraph by the number 1000.

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34 *History Note: Authority G.S. 131E-177(1); 131E-183(b);*  
35 *Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule*  
36 *becomes effective, whichever is sooner;*  
37 *Eff. January 4, 1994;*

1                    *Temporary Amendment Eff. March 15, 2002;*  
2                    *Amended Eff. April 1, 2003;*  
3                    *Temporary Amendment Eff. February 1, 2009;*  
4                    *Amended Eff. November 1, 2009;*  
5                    *Temporary Amendment Eff. February 1, 2010.*