

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 459

Short Title: Exempt Vascular Access Providers From CON. (Public)

Sponsors: Senators Hise and Krawiec (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT EXEMPTING PROVIDERS OF PHYSICIAN OFFICE-BASED VASCULAR  
3 ACCESS PROCEDURES FROM CERTIFICATE OF NEED REVIEW.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 131E-175 is amended by adding the following new subdivisions  
6 to read:

7 "(13) That physicians providing care for vascular access sites in unlicensed settings  
8 should be given an opportunity to obtain a license to provide those services to  
9 ensure the safety of patients and the provision of quality care.

10 (14) That demand for establishing and maintaining sites for vascular access  
11 procedures, which are commonly performed in emergency departments, is  
12 increasing at a rapid rate as more North Carolinians are living longer with  
13 end-stage renal disease.

14 (15) That continuing to treat vulnerable patients with end-stage renal disease in  
15 nonhospital settings lowers costs, reduces overnight hospital stays, and keeps  
16 patients healthier."

17 **SECTION 2.** G.S. 131E-178 reads as rewritten:

18 **"§ 131E-178. Activities requiring certificate of ~~need~~need; ~~limited exemptions for~~**  
19 **gastrointestinal endoscopy and vascular access for hemodialysis.**

20 (a) No person shall offer or develop a new institutional health service without first  
21 obtaining a certificate of need from the ~~Department~~; ~~provided, however, no Department, except~~  
22 as provided in subsections (a1) and (a2) of this section.

23 (a1) No person who provides gastrointestinal endoscopy procedures in one or more  
24 gastrointestinal endoscopy rooms located in a nonlicensed setting, shall be required to obtain a  
25 certificate of need to license that setting as an ambulatory surgical facility with the existing  
26 number of gastrointestinal endoscopy rooms, provided ~~that~~that the person meets all of the  
27 following criteria:

28 (1) The license application is postmarked for delivery to the Division of Health  
29 Service Regulation by December 31, ~~2006~~; 2006.

30 (2) The applicant verifies, by affidavit submitted to the Division of Health Service  
31 Regulation within 60 days of the effective date of this act, that the facility was  
32 in operation as of the effective date of this act or that the completed application  
33 for the building permit for the facility was submitted by the effective date of  
34 this ~~act~~act.

35 (3) The facility has been accredited by The Accreditation Association for  
36 Ambulatory Health Care, ~~The Joint Commission on Accreditation of~~



1 ~~Healthcare Organizations, The Joint Commission, or The American~~  
2 ~~Association for Accreditation of Ambulatory Surgical Facilities by the time~~  
3 ~~the license application is postmarked for delivery to the Division of Health~~  
4 ~~Service Regulation of the Department; and Department.~~

- 5 (4) The license application includes a commitment to and a plan for serving  
6 indigent and medically underserved populations.

7 All other persons proposing to obtain a license to establish an ambulatory surgical facility for  
8 the provision of gastrointestinal endoscopy procedures shall be required to obtain a certificate of  
9 need. The annual State Medical Facilities Plan shall not include policies or need determinations  
10 that limit the number of gastrointestinal endoscopy rooms that may be approved.

11 (a2) No person who provides vascular access for hemodialysis in a physician office-based  
12 vascular access center located in a nonlicensed setting shall be required to obtain a certificate of  
13 need to license that setting as an ambulatory surgical facility with the existing number of vascular  
14 access procedure rooms, provided that the person meets all of the following criteria:

- 15 (1) The license application is postmarked for delivery to the Division of Health  
16 Service Regulation by December 31, 2023.  
17 (2) The applicant verifies, by affidavit submitted to the Division of Health Service  
18 Regulation within 60 days after the effective date of this act, that the facility  
19 was in operation as of the effective date of this act or that the completed  
20 application for the building permit for the facility was submitted by the  
21 effective date of this act.  
22 (3) The facility has been accredited by the Accreditation Association for  
23 Ambulatory Health Care, The Joint Commission, or the American Association  
24 for Accreditation of Ambulatory Surgical Facilities by the time the license  
25 application is postmarked for delivery to the Division of Health Service  
26 Regulation of the Department.  
27 (4) The license application includes a commitment to and a plan for serving  
28 indigent and medically underserved populations.

29 All other persons proposing to obtain a license to establish an ambulatory surgical facility for  
30 the provision of vascular access site management shall be required to obtain a certificate of need.  
31 The annual State Medical Facilities Plan shall not include policies or need determinations that  
32 limit the number of vascular access procedure rooms that may be approved.

33 ...."

34 **SECTION 3.** This act becomes effective October 1, 2023.