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:

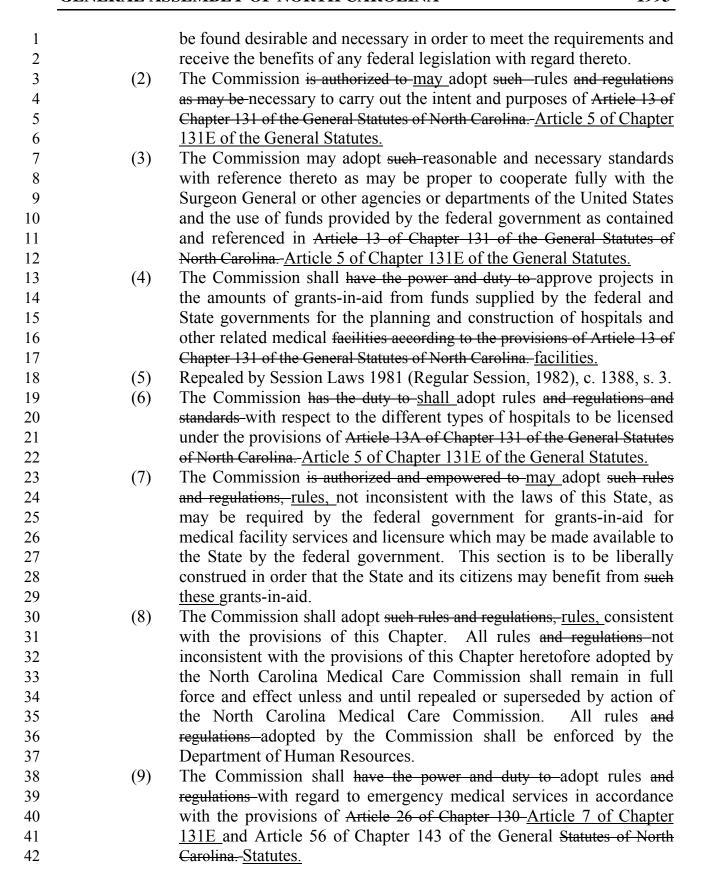
"(a) Notwithstanding any of the provisions of G.S. 14-44 and 14-45, it shall not be unlawful, during the first 20 weeks of a woman's pregnancy, to advise, procure, or cause a miscarriage or abortion when the procedure is performed by a physician licensed to practice medicine in North Carolina in a hospital 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



27

- 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). The Commission is authorized to may adopt such rules as may be 4 (11)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 The Commission shall adopt rules, including temporary rules pursuant (12)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 address, but are not limited to, the quality of mammography equipment 11 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. 21 Commission may grant a waiver subject to any conditions it deems necessary to protect the health and safety of patients, including 22 23 requiring the facility to submit a plan to meet accreditation standards. 24 The Commission shall adopt rules to ensure the suitability of facilities (13)and services for the performance of abortions, as authorized by G.S. 25 14-45.1." 26
 - Sec. 3. This act is effective upon ratification.