

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS35214-LN-128 (3/12)

Short Title: CON Changes.

(Public)

Sponsors: Senator Rand.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT  
3 TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 131E-187 reads as rewritten:

6 "§ 131E-187. Issuance of a certificate of need.

7 (a) ~~The Department shall issue a certificate of need within 35 days of the date of the~~  
8 ~~decision referenced in G.S. 131E-186, when no request for a contested case hearing has been~~  
9 ~~filed in accordance with G.S. 131E-188, and all applicable conditions of approval that can be~~  
10 ~~satisfied before issuance of the certificate of need have been met.~~

11 (b) ~~The Department shall issue a certificate of need within five days after a request for a~~  
12 ~~contested case hearing has been withdrawn or the final agency decision has been made~~  
13 ~~following a contested case hearing, and all applicable conditions of approval that can be~~  
14 ~~satisfied before issuance of the certificate of need have been met.~~

15 The Department shall issue a certificate of need in accordance with the time line  
16 requirements of this section but only after all applicable conditions of approval that can be  
17 satisfied before issuance of the certificate of need have been met. The Department shall issue a  
18 certificate of need within:

- 19 (1) Thirty-five days of the date of the decision referenced in G.S. 131E-186,  
20 when no request for a contested case hearing has been filed in accordance  
21 with G.S. 131E-188.
- 22 (2) Five business days after it receives a file-stamped copy of the notice of  
23 voluntary dismissal, unless the voluntary dismissal is a stipulation of  
24 dismissal without prejudice.
- 25 (3) Thirty-five days of the date of the written notice of the final agency decision  
26 affirming or approving the issuance, unless a notice of appeal to the North  
27 Carolina Court of Appeals is timely filed.
- 28 (4) Twenty days after a mandate is issued by the North Carolina Court of  
29 Appeals affirming the issuance of a certificate of need, unless a notice of  
30 appeal or petition for discretionary review to the North Carolina Supreme  
31 Court is timely filed.
- 32 (5) Five business days after the North Carolina Supreme Court issues a mandate  
33 affirming the issuance of a certificate of need or an order declining to certify  
34 the case for discretionary review if the order declining to certify the case  
35 disposes of the appeal in its entirety."



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1           **SECTION 2.** This act is effective when it becomes law and applies to all final  
2 agency decisions made on or after that date.