

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 233
HOUSE BILL 1082

AN ACT TO ENSURE THAT THE RECIPIENT OF A CON FOLLOW THE
PROJECTIONS OF ITS APPLICATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-181(b) reads as rewritten:

"(b) A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need. The Department ~~may~~shall require any recipient of a certificate of need, or its successor, whose service is in operation to submit to the Department evidence that the recipient, or its successor, is in material compliance with the representations made in its application for the certificate of need which granted the recipient the right to operate that service. In determining whether the recipient of a certificate of need, or its successor, is operating a service which materially differs from the representations made in its application for that certificate of need, the Department shall consider cost increases to the recipient, or its successor, including, but not limited to, the following:

- (1) Any increase in the consumer price index;
- (2) Any increased cost incurred because of Government requirements, including federal, State, or any political subdivision thereof; and
- (3) Any increase in cost due to professional fees or the purchase of services and supplies."

Sec. 2. This act shall become effective October 1, 1989.

In the General Assembly read three times and ratified this the 5th day of June,
1989.