

**10A NCAC 14C .0303 REPLACEMENT EQUIPMENT**

(a) This Rule defines the terms used in the definition of "replacement equipment" set forth in G.S. 131E-176(22a).

(b) "Currently in use" means that the equipment to be replaced has been used by the person requesting the exemption at least 10 times to provide a health service during the 12 months prior to the date the written notice required by G.S. 131E-184(a) is submitted to the CON Section.

(c) Replacement equipment is not "comparable" if:

- (1) the replacement equipment to be acquired is capable of providing a health service that the equipment to be replaced cannot provide; or
- (2) the equipment to be replaced was acquired less than 12 months prior to the date the written notice required by G.S. 131E-184(a) is submitted to the CON Section and it was refurbished or reconditioned when it was acquired by the person requesting the exemption.

*History Note: Authority G.S. 131E-177(1);  
Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Eff. January 4, 1994;  
Amended Eff. April 1, 1999; November 1, 1996;  
Temporary Amendment Eff. June 3, 2002;  
Amended Eff. April 1, 2003;  
Readopted Eff. January 1, 2021.*