

Burgos, Alexander N

Subject: FW: 15A NCAC 18A Requests for Changes - September 2022 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Tuesday, November 8, 2022 3:44 PM

To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>

Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

My pleasure!

Brian Liebman

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984)236-1948

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From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Sent: Tuesday, November 8, 2022 3:42 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>

Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

That is great news! Thanks for your assistance with this rule package and especially for helping me wrap this up ahead of my time out of the office. Please do send these rules on to Dana and Alex as final. See you next Thursday!

Regards,

Virginia

Virginia R. Niehaus, JD, MPH

Director of Regulatory and Legal Affairs

Division of Public Health

[NC Department of Health and Human Services](#)

Pronouns: she/her/hers

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Tuesday, November 8, 2022 3:35 PM

To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>

Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

These look good, and I will recommend approval next week. Unless I hear an objection from you, I'll send these on to Dana and Alex as the final rules.

Thanks!

Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

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Burgos, Alexander N

Subject: FW: 15A NCAC 18A Requests for Changes - September 2022 RRC
Attachments: 15A NCAC 18A .1301.docx; 15A NCAC 18A .1302.docx; 15A NCAC 18A .1304.docx; 15A NCAC 18A .1305.docx; 15A NCAC 18A .1306.docx; 15A NCAC 18A .1307.docx; 15A NCAC 18A .1308.docx; 15A NCAC 18A .1309.docx; 15A NCAC 18A .1310.docx; 15A NCAC 18A .1311.docx; 15A NCAC 18A .1312.docx; 15A NCAC 18A .1313.docx; 15A NCAC 18A .1314.docx; 15A NCAC 18A .1315.docx; 15A NCAC 18A .1316.docx; 15A NCAC 18A .1317.docx; 15A NCAC 18A .1318.docx; 15A NCAC 18A .1319.docx; 15A NCAC 18A .1320.docx; 15A NCAC 18A .1321.docx; 15A NCAC 18A .1323.docx; 15A NCAC 18A .1324.docx; 15A NCAC 18A .1327.docx

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Tuesday, November 8, 2022 1:06 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

Thanks for this feedback. We made the additional change to .1301. I have attached all of the revised rules (the only other change not previously provided is to add G.S. 130A-4 to the footnotes). Please let me know if you have any further questions on these rules.

Regards,
Virginia

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
[NC Department of Health and Human Services](#)
Pronouns: she/her/hers

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, November 8, 2022 12:12 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

These three rules look good to me. I can recommend approval on these.

As for .1316, yes, I think adding that definition to Rule .1301 would do the trick. I don't think it would be a substantial change either, so if that's how you want to address this, I think it works.

Brian

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1 15A NCAC 18A .1301 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **SECTION .1300 - SANITATION OF HOSPITALS, NURSING HOMES, ADULT CARE HOMES, AND**
4 **OTHER INSTITUTIONS**

5
6 **15A NCAC 18A .1301 DEFINITIONS**

7 The following definitions shall apply throughout this ~~Section in the interpretation and enforcement of this~~ Section:

- 8 (1) “Activity kitchen” means a kitchen that is available to residents of an institution and their guests for
9 the purpose of preparing food for individual or group activities. Nothing in this Section shall prohibit
10 residents or employees of a residential care facility, as that term is defined at 15A NCAC 18A
11 ~~[-1601(8),] .1601~~ or their ~~guests~~ guests, from using an activity kitchen when an institution’s
12 activity kitchen is in the same building where a residential care facility is located.
- 13 (2) “Administrator” means the person designated by the licensee to be responsible for the daily
14 operation of the institution.
- 15 (3) “Ancillary kitchen” means a kitchen that is used by the institution’s employees for meal preparation
16 and other work to support the dietary kitchen. Ancillary kitchens shall meet the requirements of 15A
17 NCAC 18A .2600.
- 18 (4) “Bed linens” means bed sheets, pillowcases, mattress covers, blankets, and duvets covers.
- 19 (5) “Clean” means that an object or surface has been made free of garbage, solid waste, soil, dust, hair,
20 dander, food, bodily fluids and secretions, and feces.
- 21 (6) “Department” means the North Carolina Department of Health and Human Services.
- 22 (7) “Dietary kitchen” means the primary kitchen in the institution that is used to provide meals and
23 nutrition services to the institution’s residents, employees, and guests. Dietary kitchens shall meet
24 the requirements of 15A NCAC 18A .2600.
- 25 ~~(4)(8)~~ “Disinfect” means a ~~non-sporicidal~~ process used on inanimate surfaces to destroy or irreversibly
26 inactivate ~~infectious fungi- fungi, viruses, and bacteria but not necessarily their spores by using an~~
27 EPA registered disinfectant in accordance with the disinfectant’s product label.
- 28 ~~(2)~~ “Environmental Health Specialist” means a person authorized by the Department of Environment
29 and Natural Resources under G.S. 130A-6 to enforce environmental health rules adopted by the
30 Commission for Public Health.
- 31 (9) “EPA registered disinfectant” means a disinfectant as defined at 40 C.F.R. 158.2203 that has been
32 registered with the United States Environmental Protection Agency (“EPA”) in accordance with 40
33 C.F.R. ~~[452]~~ 152, which are hereby incorporated by reference, including any subsequent
34 amendments or editions, and available free of charge at <https://www.ecfr.gov/>.
- 35 (10) “Garbage” means as defined at G.S. 130A-290(7).
- 36 (11) “Good repair” means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall
37 operate in accordance with the manufacturer’s instructions.

1 (12) “Hand Hygiene Program” means a written plan implemented in an institution in the absence of hand
2 washing facilities as set forth in this Section. The licensee or the licensee’s designee shall submit
3 the hand hygiene program plan to the local health department for the county in which the institution
4 is located, serving as the regulatory authority, for approval prior to [the] implementing the hand
5 hygiene program. The regulatory authority shall notify the institution or the institution’s designee
6 in writing of the decision to approve or not to approve the hand hygiene program plan. In
7 determining whether to approve the hand hygiene program, the regulatory authority shall consider
8 the following:

9 (a) the type and frequency of activities carried out at the institution that involve employee or
10 resident contact with bodily fluids [excretions] or secretions; and

11 (b) the number of handwashing facilities on each wing or floor of an institution’s building or
12 buildings. .

13 (3)(13) “Institution” means includes the following establishments providing that provide room or board and
14 for which a license or certificate of payment must be obtained from the Department: Department of
15 Health and Human Services, other than those operated exclusively by the State of North Carolina:

16 (a) hospital, as defined in G.S. 131E-76 including doctors' clinics with food preparation
17 facilities;

18 (b) nursing home, as defined in G.S. 131E-101;

19 (c) sanitarium, sanatorium, and any similar an establishment, other than a hospital and nursing
20 home, for the recuperation and treatment of 13 or more persons suffering from physical
21 physical, behavioral, or mental health disorders; conditions;

22 (d) adult care home, providing custodial care on a 24 hour basis for 13 or more persons,
23 including homes for the aged; as defined at G.S. 131D-2.1;

24 (e) orphanage, or children's home providing care on a 24 hour basis for 13 or more children,
25 residential child care facility, as defined at G.S. 131D-10.2(13); and

26 (f) facilities that provide room and board to individuals but are exempt from licensure under
27 G.S. 131D-10.4(1).

28 However, the This term shall not include a child day care facility, facility as defined in G.S. 110-
29 86(3), an adult day service facility as defined in 15A NCAC 18A .3300 .3300, or a residential care
30 facility as defined in 15A NCAC 18A .1600.

31 (4) “Department of Environment and Natural Resources” shall mean the Secretary, or his authorized
32 representative.

33 (14) “Licensing agency” means the North Carolina Department of Health and Human Services, Division
34 of Health Service Regulation.

35 (15) “Linens” means bath towels, hand drying towels, and bed linens.

36 (5)(16) “Local health director” department” means shall mean local health director as defined in G.S. 130A-
37 2(5). 130A-2(6) or his authorized representative.

- 1 (17) “Non-community water supply” means a noncommunity water system as defined at G.S. 130A-
2 313(10).
- 3 (18) “Nourishment station” means an area where commercially packaged food that is used to provide
4 nourishment to an institution’s residents, employees, or guests is stored.
- 5 (19) “Pest” means as defined at G.S. 143-460(26a).
- 6 (20) “Pest harborage” means any condition that provides water or food and shelter for pests.
- 7 (20)(21) “Refuse” means [a]s defined at G.S. 130A-290(28).
- 8 (21)(22) “Registered Environmental Health Specialist” or “REHS” means as defined at G.S. 90A-51(4).
9 [90-51(4)-]
- 10 (22)(23) “Regulatory authority” means the Department or authorized agent of the Department.
- 11 (23)(24) “Rehabilitation kitchen” means a kitchen used solely for the purpose of providing supervised
12 therapeutic activities to residents, including occupational or physical therapy. Food prepared in a
13 rehabilitation kitchen shall not be consumed by anyone who is not a participant in the therapeutic
14 activity being conducted in the rehabilitation kitchen.
- 15 (24)(25) “Resident” means an individual residing in or being served by the institution, including patients.
16 This term does not include an institution’s employees or a resident’s guests.
- 17 (6) ~~“Patient” means a patient or resident living in an institution as defined in this Section.~~
- 18 (7) ~~“Person” shall mean an individual, firm, association, organization, partnership, business trust,~~
19 ~~corporation, or company.~~
- 20 (8) ~~“Personal Hygiene” means maintenance of personal health, including grooming, brushing teeth,~~
21 ~~showing, applying makeup, or washing/drying face, hands, and body.~~
- 22 (9) ~~“Potentially hazardous food” means any food or ingredient, natural or synthetic, in a form capable~~
23 ~~of supporting the growth of infectious or toxigenic microorganisms, including Clostridium~~
24 ~~botulinum. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and~~
25 ~~treated foods of plant origin. The term does not include foods that have a pH level of 4.6 or below~~
26 ~~or a water activity (Aw) value of 0.85 or less.~~
- 27 (10)(25)(26) “Sanitize” means as defined a bactericidal treatment that meets the temperature and chemical
28 concentration levels in Part 4-7 of the Food Code incorporated by reference at 15A NCAC 18A
29 .2650 as amended by 15A NCAC 18A .2654. .2619. [2600]
- 30 (11) ~~“Soiled utility room” means a room or area with fixtures used for cleaning and disinfecting soiled~~
31 ~~patient care items.~~
- 32 (26)(27) “Solid waste” means as defined at G.S. 130A-290(35).
- 33 (27)(28) “Time/Temperature Control for Safety Food” or “TCS Food” means as defined in Part 1-2 of
34 the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A
35 .2651. [2600-]
- 36 (28)(29) “Yard trash” means as defined at G.S. 130A-290(45).

1 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;
2 *Eff. February 1, 1976;*
3 *Readopted Eff. December 5, 1977;*
4 *Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998; February 1, 1997; September 1,*
5 *1990; March 1, 1988;*
6 *Temporary Amendment Eff. June 1, 2003;*
7 *Amended Eff. February 1, ~~2004~~2004;*
8 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1302 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1302 APPROVAL OF PLANS**

4 ~~In addition to any other licensure requirements, Construction documents, as defined in 10A NCAC 13B .3001, plans~~
5 for an institution shall be submitted by the licensee to the local health department for the county in which the institution
6 is located, serving as the regulatory authority, for review and approval before beginning construction. Construction
7 documents [plans] shall be approved by the regulatory authority when the plans comply with the Rules of this Section.

8

9 *History Note: Authority G.S. ~~130A-4; 130A-29;~~ 130A-235;*

10 *Eff. February 1, 1976;*

11 *Readopted Eff. December 5, 1977;*

12 *Amended Eff. March 1, 2003 (see S.L. 2002-160); April 1, 1997; September 1, 1990; June 30,*

13 *~~1980-1980;~~*

14 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1304 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1304 INSPECTIONS**

4 (a) Institutions shall be ~~graded~~ inspected once ~~each in a six months~~ month period by the local health department for
5 the county in which the institution is located, serving as the regulatory authority, and food services at Dietary kitchens
6 within institutions that prepare and serve meals to 13 or more patients or residents shall be inspected at least once each
7 quarter, in accordance with G.S. 130A-235(a1) or 10A NCAC 46 .0213, as applicable.

8 (b) The grading inspection of institutions shall be ~~done~~ documented on inspection forms furnished by the Department
9 to local health departments. The form shall contain include the following information:

10 (1) the name and address of the ~~facility;~~ institution;

11 (2) the name of the ~~person in charge of the facility;~~ licensee;

12 ~~(3) the standards of [a description of the institution's] construction and operation [standards] as listed~~
13 ~~[described] in [Rules] .1309 .1324 of this Section;~~

14 ~~(4)~~ (3) an explanation for all points deducted during the inspection and scoring;

15 ~~(4)(5)~~ the institution's [operating status and] the score; score calculated in accordance with Rule .1308 of
16 this Section; and

17 ~~(5)(6)~~ the signature of the Registered Environmental Health Specialist who conducted the inspection;
18 authorized agent of the Department. and

19 ~~(7)(6)~~ the date on which the inspection was conducted.

20 (c) ~~Whether or not a permit is required under G.S. 130A-248, inspections of food preparation and central dining areas~~
21 ~~in institutions serving meals to 13 or more patients or residents~~ The inspection of dietary kitchens, [kitchens and]
22 ancillary kitchens, [kitchens] and [associated dining] areas for dining associated with the dietary kitchen or ancillary
23 kitchen shall be documented separately using the inspection forms and grading system used for grading restaurants as
24 specified in current "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A
25 NCAC 18A .2661 and .2662. .2600. When grading the food preparation and central dining areas of institutional food
26 services that are not required to obtain a permit under G.S. 130A-248, the provisions of Rule .1323(d) of this Section
27 shall supercede the provisions of Rule 15A NCAC 18A .2610(e) regarding animals in dining areas. Except as required
28 by G.S. 130A-247 through 250, food services at institutions shall not be required to obtain foodhandling establishment
29 permits. Facilities that the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments"
30 are made effective by the rules of this Section that were Dietary [kitchens] kitchens, ancillary kitchens, and [associated
31 dining] areas for dining associated with the dietary kitchen or ancillary kitchen in operation before March 1, 2003 may
32 shall be allowed to continue to use equipment and construction in use on that date if no imminent hazard as defined at
33 G.S. 130A-2(3) exists. Points shall not be deducted from the food service sanitation score for existing equipment that
34 is kept clean and performs the task for which it is used. Replacement When such equipment is replaced, the
35 replacement equipment for these facilities shall comply with 15A NCAC 18A .2600 .2654.

36
37 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

1
2
3
4
5
6

Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; June 30, 1980;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, ~~2004-2004~~;
Readopted Eff. October 1, 2022.

1 15A NCAC 18A .1305 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1305 GRADING RESIDENTIAL CARE FACILITIES IN INSTITUTIONS**

4 ~~¶~~ When an institution is located in the same building or on [the same property] contiguous parcels of land as includes
5 one or more residential care facilities each providing that provide room or board for 12 persons or fewer, the residential
6 care facilities shall be inspected and graded separately from the institution and in accordance with rules in 15A NCAC
7 18A .1600. .1600 shall apply and grading of the residential care facilities shall be in accordance with the residential
8 care and these Rules do not apply.

9

10 *History Note:* Authority G.S. . 130A-4; 130A-29; 130A-235;

11 *Eff. February 1, 1976;*

12 *Readopted Eff. December 5, 1977;*

13 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990~~1990;*

14 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1306 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1306 PUBLIC DISPLAY OF GRADE CARD**

4 (a) ~~Whenever~~ When an inspection of an institution is ~~made, inspected,~~ the regulatory authority ~~Environmental Health~~
5 ~~Specialist shall designate the location where the~~ remove the existing grade card shall be posted. ~~card, issue a new~~
6 grade card, and post the new The grade card shall be located where ~~it may be readily observed by the public upon~~
7 ~~entering the facility. the public has an unobstructed view of the grade card upon entering the institution.~~ The
8 ~~administrator shall be responsible for keeping the grade card posted at the location designated by the Environmental~~
9 ~~Health Specialist at all times. If the administrator objects to the location designated by the Environmental Health~~
10 ~~Specialist, then the administrator may suggest an alternative location which meets the criteria of this Rule. The posted~~
11 grade card shall be black text on a white background. The section of text on the grade card that lists the numeric score
12 and the alphabetic grade shall be 1.5 ~~includes~~ inches in height.

13 (b) ~~Private institutions are inspected and graded by Environmental Health Specialists employed by the local health~~
14 ~~departments, under the direction of the local health directors. When~~ [and] an [inspection of an] institution is inspected,
15 [conducted,] the regulatory authority shall remove any existing grade card, issue a new grade card, and post the new
16 grade card in accordance with Paragraph (a) of this Rule. The administrator shall keep the grade card posted at the
17 designated location at all times.

18
19 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;
20 *Eff. February 1, 1976;*
21 *Readopted Eff. December 5, 1977;*
22 *Amended Eff. March 1, 2003 (see S.L. 2002-160); July 1, ~~1986-1986;~~*
23 *Readopted October 1, 2022.*

1 15A NCAC 18A .1307 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1307 REINSPECTIONS**

4 The administrator may request a reinspection for the purpose of raising the alphabetical grade. If the administrator
5 requests a reinspection for the purpose of raising the alphabetical grade. Upon [the] receipt of a request from [of] the
6 management [administrator,] the regulatory authority shall conduct for a reinspection for the purpose of raising the
7 alphabetical grade in accordance with the Rules of this Section. of the institution, the Environmental Health Specialist
8 The administrator shall submit the request for reinspection to the local health department, serving as the regulatory
9 authority, for the county in which the institution is located. The regulatory authority shall make an unannounced
10 inspection after the lapse of a reasonable period of time, not to exceed within 30 days- calendar days from the date on
11 which the request for reinspection is made. The alphabetical grade that is assessed based on the reinspection shall
12 replace the institution's most recently assessed alphabetical grade. Following a reinspection, a new grade card shall
13 be issued and posted in accordance with Rule .1306 of this Section.

14
15 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;
16 Eff. February 1, 1976;
17 Readopted Eff. December 5, 1977;
18 Amended Eff. March 1, 2003 (see S.L. ~~2002-160~~);
19 Readopted Eff. October 1, 2022.

1 15A NCAC 18A .1308 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1308 ~~APPROVED INSTITUTIONS AND SCORING SYSTEM~~**

4 (a) The ~~sanitation~~ grading of all institutions shall be based on a sanitation system of scoring as follows:

- 5 (1) ~~wherein all~~ institutions receiving a score of at least 90 percent or greater shall be awarded Grade A;
- 6 (2) ~~all~~ institutions receiving a score of at least 80 percent and less than 90 percent shall be awarded
- 7 Grade B;
- 8 (3) ~~all~~ institutions receiving a score of at least 70 percent and less than 80 percent shall be awarded
- 9 Grade C; and
- 10 (4) ~~all~~ institutions receiving a score of less than 70 percent do not meet the minimum sanitation
- 11 ~~standards. standards and shall not receive a grade.~~

12 (b) If an institution or an ~~institutional food service~~ [an] institution's dietary kitchen fails to earn maintain a sanitation

13 score of at least 70 percent, ~~or if the Environmental Health Specialist determines that conditions found at the institution~~

14 ~~at the time of any inspection are dangerous to the health of residents or the public, the Environmental Health Specialist~~

15 the regulatory authority shall notify the licensing agency within 24 hours. hours of completing the inspection and shall

16 provide a A copy of the inspection report ~~documenting the dangerous conditions shall be sent~~ to the licensing agency

17 within two working business days following of the date of the inspection.

18 (b)(c) ~~Sanitation scores for institutions shall be determined by an Environmental Health Specialist authorized by the~~

19 ~~Department by completing an inspection report Form DENR 1213. The sanitation score is a percentage compliancee~~

20 ~~determined by deducting points from 100 percent for each item found not to be in compliance with the Rules of this~~

21 ~~Section. Deductions for sanitation scores shall be based on [actual] violations of the Rules of this Section that are~~

22 ~~observed during the inspection. The regulatory authority authorized Environmental Health Specialist shall deduct~~

23 ~~take zero, one-half, or a full or half credit deduction for non-compliant items based on the severity or the recurring~~

24 ~~nature severity, pervasiveness and persistence of the rule violation. The percentage point value of each item is~~

25 ~~determined as follows:~~

- 26 (1) Violation of Rule .1309 of this Section regarding ~~cleanability~~ the cleanliness and repair of floors
- 27 and ~~carpet provision of floor drains shall be assessed a value of equal no more than~~ two points.
- 28 (2) ~~Violation of Rule .1309 of this Section regarding cleaning and maintenance of floors and carpet~~
- 29 ~~shall be assessed a value of two points.~~
- 30 (3)(2) Violation of Rule ~~.1310~~ .1310(a) of this Section regarding ~~cleanability and repair~~ of walls and
- 31 ceilings shall ~~be assessed equal a value of no more than~~ two points.
- 32 (3) ~~Violation of Rule .1310(b) of this Section regarding ceiling attachments shall equal no more than~~
- 33 ~~one point.~~
- 34 (4) Violation of Rule .1311(a) of this Section regarding lighting levels shall ~~be assessed equal a value~~
- 35 ~~of no more than two points. one point.~~

- 1 (5) Violation of Rule .1311(b) ~~or (c)~~ of this Section regarding ~~ambient air temperatures and cleaning~~
2 ~~cleanliness~~ of ventilation equipment shall ~~be assessed equal a value of no more than two points. one~~
3 ~~point.~~
- 4 (6) ~~Violation of Rule .1311(c) of this Section regarding ambient air temperatures shall equal no more~~
5 ~~than two points.~~
- 6 (6) ~~Violation of Rule .1311(d) of this Section regarding moisture control shall be assessed a value of~~
7 ~~three points.~~
- 8 (7) ~~Violation of Rule .1311(e) of this Section regarding control of indoor smoke exposure shall be~~
9 ~~assessed a value of two points.~~
- 10 (8)(7) Violation of [Rules] .1312(a), (b), or (f) Rule .1312(a) of this Section regarding ~~location, cleaning~~
11 ~~and repair of toilet, handwashing~~ handwashing, and bathing facilities shall ~~be assessed equal a value~~
12 ~~of no more than two points.~~
- 13 (9)(8) Violation of Rule .1312(b) of this Section regarding ~~toilet rooms~~ storage and signage shall be
14 ~~assessed equal a value of no more than one point.~~
- 15 (10)(9) Violation of Rule .1312(c) of this Section regarding bedpans, urinals, bedside ~~commodes~~
16 commodes, and emesis basins shall ~~be assessed equal a value of no more than one point.~~
- 17 (11) ~~Violation of Rule .1312(e) or (d) of this Section regarding provision, accessibility and use of hand~~
18 ~~sinks shall be assessed a value of two points.~~
- 19 (12)(10) Violation of Rule .1312(d) of this Section regarding ~~equipment for~~ handwashing facilities shall be
20 ~~assessed equal a value of no more than three points.~~
- 21 (13)(11) Violation of Rule .1312(e) of this Section regarding disinfectants ~~hot water temperature at lavatory~~
22 ~~and bathing facilities shall be assessed equal a value of no more than two points.~~
- 23 (14)(12) Violation of Rule .1312(f) of this Section regarding bathing facilities ~~accessibility and mixing of~~
24 ~~cleaning and disinfectant agents shall be assessed equal a value of no more than three two points.~~
- 25 (15)(13) Violation of Rule .1313(a) ~~or (d)~~ of this Section regarding water supply ~~and cross connections~~ shall
26 ~~be assessed equal a value no more than of four points.~~
- 27 (14) ~~Violation of Rule .1313(b) of this Section regarding water sampling shall equal no more than two~~
28 ~~points.~~
- 29 (15) ~~Violation of Rule .1313(c) of this Section regarding cross-connections shall equal no more than two~~
30 ~~points.~~
- 31 (16) Violation of Rule .1313(d) ~~.1313 (e) or (f)~~ of this Section regarding quantity of hot and cold water
32 ~~and backup water supply plans shall be assessed equal a value of no more than three two points.~~
- 33 (17) ~~Violation of Rule .1313(e) of this Section regarding back up water supply plans shall equal no more~~
34 ~~than one point.~~
- 35 (17)(18) Violation of Rule .1314(a) of this Section regarding cleaning and maintenance ~~cleaning, repair and~~
36 ~~flow regulation~~ of drinking fountains shall ~~be assessed equal a value of no more than one point. two~~
37 ~~points.~~

- 1 ~~(18)~~(19) Violation of Rule ~~.1314(a)~~ .1314(b) of this Section regarding drinking utensils used for service of
2 water and ice shall ~~be assessed equal a value of no more than~~ two points.
- 3 ~~(19)~~(20) Violation of Rule ~~.1314(b)~~ .1314(c) of this Section regarding protection of ice ~~and cleaning and~~
4 ~~repair of ice making and handling equipment and utensils~~ shall ~~be assessed equal a value of no more~~
5 ~~than~~ two points.
- 6 ~~(20)~~(21) Violation of Rule ~~.1315~~ .1315(a) of this Section regarding ~~wastewater~~ sewage disposal shall ~~be~~
7 ~~assessed equal a value of no more than~~ four points.
- 8 (22) Violation of Rule ~~[.1315(a)]~~ .1315(b) of this Section regarding disposal of mop water shall ~~equal no~~
9 ~~more than three points.~~
- 10 ~~(21)~~(23) Violation of Rule .1316(a) ~~.1316(a), (b) or (c)~~ of this Section regarding solid waste storage ~~and~~
11 ~~container cleaning facilities~~ shall ~~be assessed equal a value of no more than one point.~~ four points.
- 12 ~~(22)~~(24) Violation of Rule ~~.1316(d)~~ .1316(b) of this Section regarding refuse, recyclables, and returnables
13 solid waste disposal and control of insect breeding or nuisance shall ~~be assessed equal a value of no~~
14 ~~more than one point.~~ two points.
- 15 ~~(23)~~(25) Violation of Rule ~~.1316(e)~~ .1316(c) of this Section regarding containers and container washing
16 facilities handling and disposal of medical wastes shall ~~be assessed equal a value of no more than~~
17 ~~one point.~~ two points.
- 18 ~~(24)~~(26) Violation of Rule .1316(d) of this Section regarding cleaning and maintenance of the premises shall
19 equal no more than two points.
- 20 (27) Violation of Rule .1316(e) of this Section regarding handling and disposal of medical waste shall
21 equal no more than two points.
- 22 (28) Violation of Rule .1317(a) of this Section regarding pest control ~~exclusion of vermin~~ shall ~~be~~
23 ~~assessed equal a value of no more than one point.~~ three points.
- 24 ~~(25)~~(29) Violation of Rule .1317(b) of this Section regarding storage and handling of pesticides shall ~~be~~
25 ~~assessed equal a value of no more than~~ two points.
- 26 ~~(26)~~ Violation of Rule .1317(c) of this Section regarding cleaning and maintenance of premises shall ~~be~~
27 ~~assessed a value of two points.~~
- 28 ~~(27)~~ Violation of Rule .1317(e) or (f) of this Section regarding pet maintenance shall ~~be assessed a value~~
29 ~~of two points.~~
- 30 ~~(28)~~ Violation of Rule .1318(a) of this Section regarding storage areas shall ~~be assessed a value of one~~
31 ~~point.~~
- 32 ~~(29)~~ Violation of Rule .1318(b) of this Section regarding mop sinks shall ~~be assessed a value of one~~
33 ~~point.~~
- 34 (30) Violation of Rule .1318(a) ~~.1318(c)~~ of this Section regarding medication carts shall ~~be assessed~~
35 equal a value of no more than two points.

- 1 (31) Violation of Rule ~~.1318(b)~~ ~~.1318(d)~~ of this Section regarding feeding bags, tubes, syringes, and oral
2 suction catheters [eatheters,] and tube feeding bags shall be assessed equal a value of no more than
3 two points.
- 4 (32) Violation of Rule ~~.1319(a)~~ of this Section regarding furnishings ~~cleaning and repair of furniture and~~
5 ~~use of mattress covers~~ shall be assessed equal a value of no more than one point. ~~two points.~~
- 6 (33) Violation of Rule ~~.1319(b)~~ of this Section regarding linens and linen storage ~~changes and handling~~
7 ~~of soiled laundry~~ shall be assessed equal a value of no more than one point. ~~two points.~~
- 8 (34) Violation of Rule ~~.1319(c)~~ ~~.1319~~ of this Section regarding laundry areas and equipment, ~~cleaning~~
9 ~~and sanitizing of laundry,~~ and storage and handling of clean laundry shall be assessed equal a value
10 of no more than three ~~two~~ points.
- 11 (35) Violation of Rule ~~.1319(d)~~ ~~.1319(e)~~ of this Section regarding laundry repair, storage, cleaning and
12 disinfection of patient contact items shall be assessed equal a value of no more than ~~no more than~~
13 one point.
- 14 (36) Violation of Rule ~~.1319(e)~~ ~~.1320~~ of this Section regarding laundry areas ~~approval, cleaning and~~
15 ~~sanitizing food contact items~~ shall be assessed equal a value of no more than one point. ~~two points.~~
- 16 ~~(37)~~ Violation of Rule .1319(f) of this Section regarding mobility equipment shall equal no more than
17 one point.
- 18 ~~(37)~~~~(38)~~ Violation of Rule ~~.1320(a)~~ ~~.1320~~ of this Section regarding food service equipment ~~approved uses of~~
19 activity kitchens shall be assessed equal a value of no more than ~~one point.~~
- 20 ~~(39)~~ Violation of Rule .1320(b) of this Section regarding cleaning and sanitization of utensils shall equal
21 no more than three points.
- 22 ~~(38)~~~~(40)~~ Violation of Rule ~~.1320(c)~~ ~~.1320(b)~~ of this Section regarding handwashing lavatories facilities ~~in~~
23 ~~foodhandling areas~~ shall be assessed equal a value of no more than ~~two points.~~
- 24 ~~(41)~~ Violation of Rule .1320(d) of this Section regarding cooking and baking equipment surfaces shall
25 equal no more than one point.
- 26 ~~(39)~~~~(42)~~ Violation ~~of of~~ Rule ~~.1321(a)~~ of this Section regarding food sources and supplies shall be assessed
27 equal a value of no more than three ~~four~~ points.
- 28 ~~(40)~~~~(43)~~ Violation of Rule ~~.1321(b)~~ of this Section regarding storage, labeling, and condition ~~disposition of~~
29 food brought by employees or visitors shall be assessed equal a value of no more than ~~one point.~~
- 30 ~~(41)~~ Violation of Rule .1322 of this Section regarding milk and milk products shall be assessed a value
31 of two points.
- 32 ~~(42)~~~~(44)~~ Violation of Rule ~~.1323(a)~~ of this Section regarding food protection ~~protection, temperature control~~
33 and time in lieu of temperature shall be assessed equal a value of no more than ~~four points.~~
- 34 ~~(43)~~~~(45)~~ Violation of Rule ~~.1323(b)~~ of this Section regarding hot and cold food storage holding ~~equipment~~
35 and display units and thermometers shall be assessed equal a value of no more than ~~one point.~~
- 36 ~~(44)~~~~(46)~~ Violation of Rule ~~.1323(c)~~ of this Section regarding food storage shall be assessed equal a value of
37 no more than ~~one point.~~

1 ~~(45)(47)~~ Violation of Rule .1323(d) of this Section regarding ~~control of live animals in food service areas~~
2 shall be assessed ~~equal a value of no more than~~ two points.

3 ~~(46)(48)~~ Violation of Rule .1324(a) of this Section regarding employee clothing ~~and tobacco use while~~
4 ~~handling food~~ shall be assessed ~~equal a value of no more than two points. one point.~~

5 ~~(47)(49)~~ Violation of Rule ~~.1324(a)(1)-(5) .1324(a) or (b)~~ of this Section regarding employee ~~hand washing~~
6 ~~handwashing and hand antisepsis~~ shall be assessed ~~equal a value of no more than~~ three points.

7 ~~(50)~~ Violation of Rule .1324(b) of this Section regarding employee handwashing shall equal no more
8 ~~than three points.~~

9 ~~(48)(51)~~ Violation of Rule .1324(c) of this Section regarding exclusion of persons with ~~certain diseases and~~
10 ~~conditions infections~~ from food service work shall be assessed ~~equal a value of no more than four~~
11 ~~two~~ points.

12 ~~(52)~~ Violation of Rule .1324(d) of this Section regarding cleaning supplies and written procedures for
13 ~~responding to vomiting or diarrheal events~~ shall equal no more than two points.

14
15 *History Note:* Authority G.S. ~~130A-4; 130A-29;~~ 130A-235;
16 Eff. February 1, 1976;
17 Readopted Eff. December 5, 1977;
18 Amended Eff. February 1, 2004; August 1, ~~2002, 2002;~~
19 ~~Readopted Eff. October 1, 2022.~~

1 15A NCAC 18A .1309 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1309 FLOORS**

4 (a) ~~All~~ Except as permitted by Paragraph (b) of this Rule, the ~~[The]~~ floors in intensive care units, bathrooms, showers,
5 hydrotherapy areas, operating rooms, soiled utility rooms and laundry areas an institution shall be made of smooth,
6 non-absorbent materials and ~~so constructed as to be easy to clean.~~ shall be kept clean and in good repair.

7 ~~(b) Floors shall be free of obstacles to cleaning, and shall be kept clean and in good repair. Notwithstanding the~~
8 ~~foregoing in Paragraph (a) of this Rule, carpet is permitted if it is~~ Carpeting carpet is installed in an institution then
9 the carpet ~~shall be maintained~~ kept clean, odor free, ~~dry~~ and in good repair.

10 ~~(b) In all rooms in which floors are subjected to flooding type cleaning, floors shall be of nonabsorbent materials,~~
11 ~~shall be sloped to drain and be provided with floor drains.~~

12

13 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

14 *Eff. February 1, 1976;*

15 *Readopted Eff. December 5, 1977;*

16 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990-1990;~~*

17 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1310 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1310 WALLS AND CEILINGS**

4 (a) The interior walls of the institution, including doors, windows and window trim, and ceilings ~~of all rooms and~~
5 ~~areas shall be kept clean and in good repair. All walls shall be easily cleanable and shall have washable surfaces to~~
6 ~~the highest level reached by splash or spray in rooms or areas where such occur.~~

7 (b) [Ceiling attachments, including light fixtures and fans,] Light fixtures, fans, conduits, and heating, ventilation,
8 and air conditioning vents shall be kept clean and in good repair.

9

10 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

11 *Eff. February 1, 1976;*

12 *Readopted Eff. December 5, 1977;*

13 *Amended Eff. March 1, 2003 (see S.L. ~~2002-160~~ 2002-160);*

14 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1311 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1311 LIGHTING, LIGHTING AND VENTILATION AND MOISTURE CONTROL**

4 (a) ~~All~~ The areas interior to an institution's building or buildings shall be ~~provided~~ equipped with ~~sufficient~~
5 ~~illumination to effectively perform all operations, including cleaning, and shall have~~ at least 10 foot candles of light
6 at 30 inches above the floor. ~~floor in all areas other than food service areas. Food service areas shall be lighted as~~
7 ~~required for restaurants in "Rules Governing The Sanitation of Restaurants and other Foodhandling Establishments"~~
8 ~~15A NCAC 18A .2600.~~

9 (b) Ventilation equipment shall be kept clean and in good repair.

10 (c) Ambient indoor air temperatures shall be maintained ~~in the range of 65° F~~ [65 degrees Fahrenheit to] at or below
11 85° F. 85 degrees Fahrenheit.

12 (d) ~~Moisture shall be controlled such that there is no evidence of microbial growth on interior surfaces and objects.~~

13 (e) ~~Indoor smoking, including the carrying of any lit cigarette, pipe, cigar, or other similar product containing tobacco~~
14 ~~or other substances shall be restricted to dedicated smoking rooms. Smoking rooms shall be ventilated to prevent~~
15 ~~environmental tobacco smoke from moving into other occupied portions of the building. There shall be no obligation~~
16 ~~to establish such smoking rooms.~~

17
18 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

19 *Eff. February 1, 1976;*

20 *Readopted Eff. December 5, 1977;*

21 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1986; October 1,*
22 *~~1985-1985;~~*

23 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1312 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1312 TOILET: HANDWASHING: ~~LAUNDRY:~~ AND BATHING FACILITIES**

4 (a) All institutions shall ~~provide~~ be provided with toilet, handwashing, and bathing facilities that are ~~conveniently~~
5 ~~located and readily~~ accessible to available for use by residents and staff. These facilities, ~~and laundry facilities when~~
6 ~~provided~~, shall be kept clean and in good repair.

7 (b) ~~Toilet facilities shall comply with the requirements of the state agency licensing the facility.~~ Toilet rooms
8 Bathrooms shall not be used for storage of items not currently in use. ~~storage.~~ ~~Fixtures and furnishings shall be kept~~
9 ~~clean and in good repair.~~ Durable, legible signs A sign shall be posted ~~or stenciled conspicuously~~ in each toilet room
10 for ~~food service~~ institution employees directing them to wash their hands after each visit to the toilet room and before
11 returning to work.

12 (c) Institutions where bedpans, bedside commodes, urinals, ~~urinals~~ or emesis basins are used shall provide facilities
13 for emptying, cleaning, and disinfecting bedpans, [beside] bedside commodes, urinals, ~~urinals~~ and emesis basins.
14 Bedpans, bedside commodes, urinals, shared diaper changing surfaces, ~~urinals~~ and emesis basins that have been used
15 by a resident shall be ~~cleaned after each use~~ kept clean and shall be disinfected before use by other patients, ~~residents.~~
16 ~~Where bedpans are cleaned in patient rooms, bedpan cleaning facilities shall consist of a water closet with bedpan~~
17 ~~lugs or spray arms. Where facilities for cleaning bedpans are not provided in patient rooms, bedpans shall be taken to~~
18 ~~a soiled utility room and be cleaned and disinfected using an EPA registered hospital disinfectant after each use.~~
19 ~~Where~~ When disposable bedpans, emesis basins, and urinals ~~bedpans~~ are reused, they shall be labeled with the [date
20 of first use and] so that they are associated with an individual resident. Disposable bedpans, emesis basins, and urinals
21 ~~patient's name and date and shall not be used by more than one resident.~~ patient. ~~Bedside commodes shall be cleaned~~
22 ~~after each use and shall be cleaned and disinfected before use by successive patients. Hand sinks shall not be used for~~
23 ~~cleaning bedpans or bedside commodes.~~

24 (d) Handwashing facilities shall be located in an institution in accordance with 10A NCAC 13B .5411, 10A NCAC
25 13D .3201, 10A NCAC 13F .0305, .1304, and 10A NCAC 13K .1109, .1204, [40A NCAC 13B, 10A NCAC 13D,
26 40A NCAC 13F, and 10A NCAC 13K,] as applicable. Institutions that do not have a handwashing facility located in
27 all areas required by this Paragraph shall not be required to install handwashing facilities if the institution has an
28 approved hand hygiene program, ~~accessible to all areas where personnel may be exposed to bodily excretions or~~
29 ~~secretions and in sterile supply processing areas, medication rooms, laundry areas, and soiled utility rooms. Any area~~
30 ~~where personnel may be exposed to bodily excretions or secretions shall have handwashing facilities located in the~~
31 ~~same room or have a doorway connecting to an adjacent room or corridor containing handwashing facilities. All~~
32 ~~lavatories~~ Hand washing facilities shall be supplied equipped with ~~hot and cold~~ running water through a and a
33 tempering mixing device, ~~faucet,~~ or with tempered warm water, soap, and sanitary towels or hand drying devices.
34 ~~Facilities in operation prior to March 1, 2003 that do not have handwashing lavatories in all areas required shall not~~
35 ~~be required to install additional lavatories if an approved hand hygiene program is used. Hand hygiene programs shall~~
36 ~~be approved by the Environmental Health Specialist case by case based on type and frequency of activities involving~~
37 ~~contamination with bodily excretions or secretions, use of gloves to reduce contamination, availability of pre-~~

1 ~~moistened detergent wipes for hand cleaning, use of alcohol rubs or other skin antiseptics, and availability of~~
2 ~~handwashing facilities on the same wing or floor of the building.~~ Handwashing facilities shall be supplied with soap
3 and sanitary disposable towels or hand-drying devices, provided in kitchens and any other food preparation areas in
4 addition to any lavatories provided at employees' toilet rooms. Sinks used for washing utensils and equipment shall
5 not be accepted as a substitute for required handwashing facilities. Handwash lavatories Handwashing facilities shall
6 be used only for handwashing. Lavatories provided for use of patients or residents shall be used only for handwashing,
7 personal hygiene, rinsing feeding tubes and obtaining water. Lavatories used for handwashing or personal hygiene
8 and shall not be used for disposal of body bodily fluids or washing items that are not clean, cleaning soiled linens.
9 Lavatories in medication rooms used primarily for handwashing can be used for other purposes, such as disposal of
10 medications, which do not interfere with effective handwashing. Notwithstanding the foregoing sentence,
11 handwashing facilities provided for use in a resident's room may be used for personal hygiene, rinsing feeding tubes,
12 obtaining drinking water, and disposal of medications in accordance with the manufacturer's instructions or non-TCS
13 liquids as long as the handwashing facility is kept clean and is disinfected daily. Employees shall be permitted to use
14 handwashing facilities in medication storage rooms to dispose of medications in accordance with the manufacturer's
15 instructions.

16 (e) ~~Water heating facilities shall provide hot water within the temperature range of 100 degrees F to 116 degrees F at~~
17 ~~all lavatories and bathing facilities.~~ EPA registered disinfectants shall be used in accordance with the manufacturer's
18 instructions. When EPA registered disinfectants are mixed and prepared by institution employees, a measuring device,
19 chemical testing device, or the methods and devices proscribed prescribed by the chemical manufacturer shall be
20 used to prepare the concentration of chemicals in accordance with the disinfectant's label and the manufacturer's
21 instructions.

22 (f) ~~Bathing facilities as required by the licensing agency shall be provided, maintained and kept clean. Bathing~~
23 ~~facilities shall be supplied equipped with hot and cold running water and a mixing device, or a~~ tempering device.
24 ~~Shared bathing~~ Bathing equipment that has contact with a resident's patient's skin and is used by more than one
25 resident shall be kept clean cleaned with detergent and shall be disinfected an EPA registered hospital disinfectant
26 between patient resident uses. Equipment located within a bathing facility that uses a pump to move water shall be
27 kept clean in accordance with the manufacturer's instructions. Manufacturer's instructions shall be followed for
28 cleaning equipment with pumps. A supply of cleaning and disinfectant agents shall be accessible to bathing areas.
29 ~~Where disinfectants are mixed on site, the concentration of the mix shall be assured by use of a metering pump,~~
30 ~~measuring device or chemical test kit.~~

31
32 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;
33 Eff. February 1, 1976;
34 Readopted Eff. December 5, 1977;
35 Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
36 Temporary Amendment Eff. June 1, 2003;
37 Amended Eff. February 1, ~~2004~~2004;

1 15A NCAC 18A .1313 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1313 WATER SUPPLY**

4 (a) Water supplies at institutions shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A ~~.1700.~~ .1700. as
5 applicable.

6 ~~(b) Non community public water supplies shall be listed with the Public Water Supply Section, Division of~~
7 ~~Environmental Health.~~

8 ~~(c)~~ (b) In institutions that use a non-community water supply, a sample of water shall be collected by the Department
9 ~~at least~~ once a year and submitted to the ~~Division of~~ North Carolina State Laboratory of Public Health Services or
10 other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 41C .0102
11 ~~Department~~ to perform bacteriological examinations.

12 ~~(d)~~ (c) An institution's water supply plumbing shall not include ~~Cross connections~~ cross-connections as set out in 15A
13 NCAC 18C .0102(c)(8). ~~with sewage lines, non potable water supplies, or other potential sources of contamination~~
14 ~~are prohibited.~~

15 ~~(e)~~ (d) Hot water Water Institutions shall provide water heating facilities. facilities shall be provided. Hot and cold
16 running water under pressure shall be provided ~~to food preparation areas, and to any other areas where water is required~~
17 in sufficient quantities to carry out all operations. Hot water shall be provided at temperatures between 105 degrees
18 Fahrenheit and 116 degrees Fahrenheit at handwashing and bathing facilities.

19 ~~(f)~~ (e) The ~~local health department~~ administrator shall be immediately ~~notified~~ notify the licensing agency and the
20 local health department that serves the county in which the institution is located if the institution's primary water
21 supply is interrupted for more than four consecutive hours. ~~Each~~ The institution shall have a written plan to obtain a
22 backup water supply in the event that the institution's primary water supply is ~~lost~~ interrupted for more than four
23 consecutive hours. The written plan shall identify a backup water supply or alternate source of water ~~plan shall that~~
24 provides ~~provide for~~ two liters of potable water per day per resident and institution employee ~~person~~ for drinking,
25 drinking and potable water for ~~The backup water supply plan shall include a plan for either relocating residents or~~
26 ~~providing an alternative source of water for essential functions such as food preparation, hand washing, bathing,~~
27 cleaning, dishwashing, laundry laundry, and disposal of bodily waste. This may include a plan for relocating residents
28 to a facility with a water supply that satisfies Paragraph (a) of this Rule. ~~The amount of water provided for uses other~~
29 ~~than drinking may be reduced if the plan includes alternatives for water use for services such as laundry and~~
30 dishwashing. If an institution's primary water supply or back up water supply becomes [non-potable] unsafe for
31 human consumption then the water sources within the institution, such as sink faucets, ~~assessment determines that tap~~
32 water is not to be used for drinking, sources shall be prominently labeled or hooded to restrict prevent their use and
33 the administrator shall provide potable water for use by the institution's residents and employees. shall be provided.
34

35 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

36 *Eff. February 1, 1976;*

37 *Readopted Eff. December 5, 1977;*

1 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1986;*
2 *Temporary Amendment Eff. June 1, 2003;*
3 *Amended Eff. February 1, ~~2004~~, 2004;*
4 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1314 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1314 DRINKING WATER FACILITIES: ICE HANDLING**

4 (a) Drinking fountains shall be ~~of sanitary angle jet design, kept clean clean, and in good repair, properly regulated.~~
5 All multi-use utensils used for service of water in patients' rooms, including glasses, pitchers, and drinking tubes, shall
6 be cleaned and sanitized before being used by any other individuals. Disposable water pitchers shall be marked with
7 the patient's name, used only by that patient and shall be disposed of and replaced when visibly soiled.

8 (b) Multi-use utensils for service of water and ice shall be kept clean and in good repair and shall be sanitized before
9 being provided to a resident for use. Disposable, single service utensils shall be used by only one person.

10 (c) Ice shall be ~~handled, transported, stored, and dispensed in such a manner as to be protected against contamination.~~
11 physical, chemical, and biological contamination and shall be kept clean. Ice machines, buckets, ~~other containers,~~ and
12 scoops shall be ~~cleaned on a regular schedule such that they are kept clean and free of scum, rust, mold or other~~
13 ~~contamination. Ice machines, buckets, other containers and scoops shall be maintained in good repair, repair and~~
14 ~~shall be protected from the elements, splash, drip, dust, vermin, other contamination, and from use by unauthorized~~
15 ~~personnel.~~ Ice machines and storage chests ~~which are~~ accessible to patients residents, guests, or the public shall
16 provide ice through automatic ice dispensing equipment ~~which prevents the contamination of stored ice. and shall not~~
17 permit ice to be accessed using a scoop or bucket.

18

19 *History Note: Authority G.S. 130A-4; 130A-29; 130A-235;*

20 *Eff. February 1, 1976;*

21 *Readopted Eff. December 5, 1977;*

22 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990-1990;~~*

23 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1315 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1315 LIQUID WASTES**

4 (a) All ~~wastewater~~ sewage originating from the institution shall be disposed of ~~in accordance~~ using a publicly operated
5 sewage treatment plant or an individual sewage disposal system that meets the requirements of Section .1900 of this
6 Subchapter. with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.

7 (b) Mop basins or mop sinks shall only be used to wash mops and dispose of the water used for mopping.

8

9 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

10 *Eff. February 1, 1976;*

11 *Amended Eff. July 1, 1977;*

12 *Readopted Eff. December 5, 1977;*

13 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990-1990~~;*

14 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1316 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1316 SOLID WASTES WASTES: ~~[PREMISES:]PREMISES~~ MEDICAL WASTES**

4 (a) All solid wastes containing food scraps or other ~~decomposable~~ putrescible materials ~~shall, prior to disposal, shall~~
5 be kept in leak-proof, non-absorbent ~~containers, such as standard garbage cans, containers~~ which shall be kept covered
6 with tight-fitting lids ~~when filled or stored, or~~ when not in use. ~~continual use; provided that such containers need not~~
7 ~~be covered when stored in a special vermin proofed room, such as a refrigerated garbage room, or enclosure.~~

8 (b) ~~All dry rubbish (including scrap paper, cardboard boxes, packing crates, etc.)~~ Refuse, recyclables, and returnables
9 shall be stored in containers, rooms, or areas ~~designated areas~~ for the storage of refuse, recyclables, and returnables.

10 (c) ~~The rooms, enclosures, designated rooms~~ areas, and containers described in Paragraph (b) of this Rule shall be
11 adequate for the storage of all solid wastes accumulating on the premises. have the capacity to store the institution's
12 refuse, recyclables, and returnables and shall be kept clean. Cleaning facilities for ~~waste~~ containers used to store food
13 scraps, putrescible materials, refuse, recyclables, and returnables shall be provided. ~~Containers, rooms, or designated~~
14 areas shall be kept clean.

15 (d) ~~All solid wastes shall be disposed of with sufficient frequency and in such a manner as to prevent insect breeding~~
16 ~~or public health nuisances. An institution's exterior premises, including parking lots, lawns, and walkways, and~~
17 interior premises within the institution's building or buildings, shall be kept free of garbage, solid waste, yard trash,
18 and ~~[conditions that attract or harbor pests.]~~ pest harborages.

19 (e) Medical wastes shall be handled and disposed of as required in North Carolina "Solid Waste Management Rules"
20 15A NCAC 13B .1200. .1200 Medical Waste Management.

21
22 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;
23 *Eff. February 1, 1976;*
24 *Readopted Eff. December 5, 1977;*
25 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990.~~1990;*
26 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1317 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1317 VERMIN PEST CONTROL: PREMISES: ANIMAL MAINTENANCE**
4 **PESTICIDES**

5 (a) ~~Effective measures shall be taken to keep flies, rodents, cockroaches, and other vermin out of the establishment~~
6 ~~and to prevent their breeding or presence on the premises. All openings~~ Pests shall not be present in an institution's
7 building or buildings. Openings to the outside of an institution's building or buildings the outer air shall be protected
8 against the entrance of flies and other flying insects by equipped with self-closing doors, doors that are flush with the
9 door frame when closed, closed windows, 16 mesh or finer screening, window screening on windows that can be
10 opened, or controlled air currents, or other effective means. currents to prevent pests from entering the building or
11 buildings.

12 (b) ~~Only these pesticides that are registered in accordance with 40 C.F.R. 152 and G.S. 143-442 shall be used to~~
13 control pests, which have been approved for a specific use and registered with the Environmental Protection Agency
14 and with the North Carolina Department of Agriculture in accordance with the "Federal Insecticide, Fungicide and
15 Rodenticide Act" and the "North Carolina Pesticide Law". Such pesticides Pesticides shall be used used, handled, and
16 stored as directed on in accordance with the instructions on the manufacturer's label. label and shall be so handled and
17 stored as to avoid health hazards.

18 (c) ~~The premises under control of the management shall be kept neat, clean, and free of litter. There shall be no fly~~
19 ~~or mosquito breeding places, rodent harborages, or undrained areas on the premises.~~

20 (d) ~~Cleaning shall minimize accumulation of feces and other allergens generated by insects and other vermin.~~

21 (e) ~~Animal pens, litter boxes, bird cages and other areas on the premises shall be cleaned to minimize accumulation~~
22 ~~of animal wastes, pet dander and allergens.~~

23 (f) ~~Copies of veterinary records for all resident pets shall be kept on the premises.~~

24
25 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

26 *Eff. February 1, 1976;*

27 *Readopted Eff. December 5, 1977;*

28 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990~~.1990;*

29 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1318 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1318 MEDICAL SUPPLIES MISCELLANEOUS**

4 ~~(a) Suitable rooms or spaces shall be provided for the storage of all necessary equipment, furniture and supplies, and~~
5 ~~kept clean. All patient care or consumable items shall be stored at least eight inches above the floor to prevent water~~
6 ~~contamination from cleaning floors and shall not be stored below exposed sewer lines.~~

7 ~~(b) Mop receptors or sinks shall be provided and used for the cleaning of mops and the disposal of mop water. Other~~
8 ~~plumbing fixtures shall not be used for these purposes.~~

9 ~~(a)(e) Medication carts shall be kept clean, cleaned when visibly soiled. Food and utensils~~ Food, utensils, medications,
10 and [medication dispensing] equipment used on medication carts shall be kept clean, handled in a sanitary manner.
11 ~~Unused medication cups shall be kept covered or inverted. Sharps containers located on medication carts shall be~~
12 ~~attached~~ affixed or secured to the medication [cart] cart to prevent the sharps contained from spilling. ~~spillage.~~

13 ~~(b)(d) Feeding bags, [tubes] tubes, syringes~~ syringes, and oral suction catheters shall be stored and used in accordance
14 with the manufacturer's instructions, which are reused shall be labeled with the patient's name and date opened, shall
15 ~~be disassembled and rinsed after each use, and shall be disposed of within 24 hours of first use. Tube feeding bags~~
16 ~~shall be changed within the time period specified by the manufacturer. Oral suction catheters which are reused shall~~
17 ~~be flushed after each use and shall be disposed of within 24 hours of first use. Feeding syringes and oral suction~~
18 ~~catheters shall be stored in a clean container.~~

19

20 *History Note: Authority G.S. 130A-4; 130A-29; 130A-235;*

21 *Eff. February 1, 1976;*

22 *Readopted Eff. December 5, 1977;*

23 *Amended Eff. March 1, 2003 (see S.L. ~~2002-160~~, 2002-160);*

24 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1319 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1319 FURNISHINGS AND LAUNDRY PATIENT CONTACT ITEMS**

4 (a) ~~All furniture, bed springs, mattresses, sleeping mats, draperies, curtains, shades, venetian blinds, or other~~
5 ~~furnishings in institutions~~ Furnishings in an institution, including furniture, curtains, rugs, and **blinds** blinds, shall
6 be kept clean and in good repair. Mattresses shall be kept clean, dry, dry and in good repair. ~~odor free.~~

7 (b) ~~Clean bed linen~~ Bed linens that are provided by the institution for use by residents shall be free from holes and
8 ~~tears. A resident's bed linens in good repair shall be provided for each individual and shall be changed when no longer~~
9 ~~clean, soiled.~~ Soiled linen Linens that are not clean shall be placed in a covered container or bag devoted to this
10 purpose at the point of use and stored in the covered container or bag until sanitized in accordance with Paragraph (c)
11 of this Rule ~~and handled so as~~ to contain and minimize aerosolization of and exposure to any waste products. Such
12 covered containers or bags shall be kept clean between uses and labeled to indicate the contents. Linens that are not
13 clean shall be handled and stored separately from **cleaned and** sanitized linens. Soiled laundry shall be handled and
14 stored separately from clean laundry using separate cleanable carts or bags. Carts used for soiled laundry shall be
15 labeled for soiled laundry use only.

16 (c) Linens provided by the institution that are not clean shall be **cleaned and** sanitized in accordance with this
17 paragraph. When hot water in washing machines is used to sanitize linens provided by the institution, the washing
18 machines shall be operated in accordance with the manufacturer's instructions. When chemicals are used to sanitize
19 linens provided by the institution, linens shall be washed in accordance with the following:

20 (1) using a solution of at least 50 parts per million chlorine; **or**

21 (2) using laundry sanitizer that is registered in accordance with 40 C.F.R. 152 and that is used in
22 accordance with the manufacturer's **instructions; or** instructions.

23 **[(3) — using a chemical or laundering process that produces a 99.9 percent reduction of pathogens.]**

24 ~~If hot water is used, linen including sheets, pillow cases, absorbent pads, towels and wash cloths provided by the~~
25 ~~facility shall be washed with a detergent in water at least 71°C (160°F) for 25 minutes. If low temperature (less than~~
26 ~~71°C) laundry cycles are used, linens shall be washed in at least 50 parts per million chlorine or an EPA Listed laundry~~
27 ~~sanitizer shall be used in accordance with the manufacturer's instructions. This shall not preclude the approval of~~
28 ~~other chemicals or processes shown to produce a 99.9 percent reduction of the pathogens Staphylococcus aureus,~~
29 ~~Klebsiella pneumoniae and Pseudomonas aeruginosa on laundry. The wash temperatures and chemicals required for~~
30 ~~linens shall not apply to personal laundry provided and used by a resident. Clean linen shall be stored and handled in~~
31 ~~a separate room or area, or in another manner that will prevent contamination of clean linen. Laundry areas and~~
32 ~~equipment shall be kept clean.~~

33 (d) Clothing and linens that are provided by a resident for the resident's personal use shall be that resident's personal
34 laundry. Personal laundry that is not clean shall be kept separate from clean clothing and linens using covered
35 containers or bags that are labeled to indicate their contents and kept clean between uses. Containers or bags that are
36 used to hold personal laundry that is not clean shall not be used for **clean** personal laundry. When a resident's personal

1 laundry is combined with the personal laundry of one or more other residents and washed together by the institution,
2 the combined personal laundry shall be washed in accordance with Paragraph (c) of this Rule.

3 (e) Laundry areas and equipment shall be kept clean.

4 ~~(f)(e) Patient contact items~~ Wheelchairs, walkers, lifts, and other mobility equipment shall be kept clean and sanitized
5 between uses by different residents, in good repair. Soiled patient contact items shall be taken to a designated area
6 for cleaning and shall be stored separately from clean items. A room or area shall be provided for cleaning patient
7 contact equipment such as wheelchairs. Patient contact items such as diaper changing surfaces that become
8 contaminated during use shall be cleaned and disinfected after each use. Shared toys subject to mouthing shall be
9 washed and rinsed with soap and water and disinfected with 70 percent alcohol or 100 parts per million chlorine after
10 each day's use. Shared plush toys shall be laundered after each day's use. Shared toys that are not washable shall be
11 gas sterilized or disposed of when soiled.

12
13 *History Note: Authority G.S. 130A-4; 130A-29; 130A-235;*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. December 5, 1977;*

16 *Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998; February 1, 1997; September 1,*
17 *1990;*

18 *Temporary Amendment Eff. June 1, 2003;*

19 *Amended Eff. February 1, ~~2004~~, 2004;*

20 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1320 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1320 ACTIVITY KITCHENS, REHABILITATION KITCHENS, AND NOURISHMENT**
4 **STATIONS FOOD SERVICE UTENSILS AND EQUIPMENT**

5 (a) All food service equipment and utensils shall be kept clean and in good repair. Institutions shall be allowed to use
6 domestic food service equipment in activity kitchens, rehabilitation kitchens, and nourishment stations. ~~used in~~
7 institutions for preparing meals for 13 or more people shall comply with the requirements of "Rules Governing the
8 Sanitation of Restaurants and Other Foodhandling Establishments" 15A NCAC 18A .2600. ~~Residential style~~
9 rehabilitation activity kitchens with domestic utensils and equipment may be used by groups of 12 or less people to
10 prepare meals only for members of the group. Potentially hazardous foods prepared in rehabilitation activity kitchens
11 shall not be served to groups of more than 12 people. This shall not preclude the use of an activity kitchen as a serving
12 area for meals catered from a main kitchen and served to groups of 13 or more people in connection with a planned
13 event from which the public is excluded. For planned events, the equipment in the activity kitchen may be used for
14 heating prepared foods received from a main kitchen or a commercial source. Bread machines, soup kettles and other
15 food-contact items used at nutrition stations shall be so constructed as to be easily cleanable.

16 (b) Utensils that have been used to prepare, serve, or consume food or drink shall be returned to the dietary kitchen
17 and shall be washed, rinsed, and sanitized. Notwithstanding the foregoing sentence, utensils may be washed, rinsed
18 and sanitized at ~~At~~ activity kitchens ~~or~~ kitchens, rehabilitation kitchens, and nourishment ~~nutrition stations, stations~~
19 provisions shall be made for cleaning all food service utensils and equipment and sanitizing utensils and equipment
20 not continuously subjected to high temperatures. Where utensils and equipment are not returned to a central kitchen
21 for cleaning, designated nutrition stations shall be ~~that are~~ equipped with the following:

- 22 (1) at least a two compartment sink with 24 inch drainboards or counter top space at each end of the
23 sink for handling ~~used utensils~~ ~~dirty items~~ and air drying clean ~~and sanitized utensils.~~ ~~items.~~ Sinks
24 The sinks shall be of sufficient size to submerge, wash, rinse and sanitize ~~utensils;~~ ~~or~~
25 (2) a dishwashing machine approved by ~~[NSF] National Sanitation Foundation~~ International. ~~utensils~~
26 and equipment. ~~At nutrition stations, dish machines listed with NSF International shall meet this~~
27 provision.

28 (c) Any area where food is portioned, ~~servd,~~ ~~served~~ or handled shall be equipped with a ~~separate handwash lavatory~~
29 handwashing facility with a hot and cold mixing faucet, ~~soap,~~ ~~soap~~ and ~~single-use individual~~ towels or ~~a hand-drying~~
30 hand-drying device. ~~Separate handwashing lavatories shall not be required for activity kitchens used only by groups~~
31 of 12 or less people.

32 (d)(e) ~~All kitchenware and~~ The food-contact surfaces of cooking and baking equipment, including microwave ovens,
33 shall be kept clean. ~~exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink,~~
34 and all food storage utensils, shall be cleaned after each use. ~~Cooking surfaces of equipment shall be cleaned at least~~
35 once each day. ~~All utensils and food contact surfaces of equipment used in the preparation, service, display, or storage~~
36 of potentially hazardous foods shall be cleaned and sanitized prior to each use. ~~Non food contact surfaces of~~
37 equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

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History Note: Authority G.S. 130A-4; 130A-29; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, ~~2004~~2004;
Readopted Eff. October 1, 2022.

1 15A NCAC 18A .1321 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1321 FOOD SUPPLIES**

4 (a) All food and food supplies provided by an institution for consumption by residents shall be from ~~sources that~~
5 comply with North Carolina "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments"
6 approved sources, stored, and handled as set forth in [Section] 15A NCAC 18A .2600 [of this Subchapter.] and shall
7 be clean, free from spoilage, free from adulteration and misbranding, and safe for human consumption.

8 (b) Food brought from home by employees or visitors of patients or residents shall be stored separately from the
9 institution's food supply ~~and shall be labeled with the name of the person to receive the food and the date the food was~~
10 ~~brought in and shall be kept only as long as it is clean, and free from spoilage. as described in Paragraph (a) of this~~
11 Rule. Such food shall be labeled with the name of the resident or employee that the food belongs to and the date the
12 food was brought into the institution. Labeling as required by this Rule shall not be required for food items stored in
13 employee-designated or individual resident's refrigerators or rooms.

14

15 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

16 *Eff. February 1, 1976;*

17 *Readopted Eff. December 5, 1977;*

18 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;*

19 *Temporary Amendment Eff. June 1, 2003;*

20 *Amended Eff. February 1, ~~2004~~2004;*

21 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1323 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1323 FOOD PROTECTION IN ACTIVITY KITCHENS, REHABILITATION**
4 **KITCHENS, AND NOURISHMENT STATIONS**

5 (a) All TCS food shall be maintained at temperatures required by Part 3-501.19 of the Food Code incorporated by
6 reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 [Section .2600 of this Subchapter] during
7 storage, preparation, transportation, display, and service of the TCS food. Time as a public health control may be used
8 as specified in Section .2600 of this Subchapter, except that written procedures shall not be required. All food while
9 being stored, prepared, transported, displayed, and served, shall be protected from contamination. All perishable foods
10 shall be stored at temperatures which will protect against spoilage. All potentially hazardous food shall be maintained
11 at safe temperatures (45 degrees F. or below, or 140 degrees F. or above) except during necessary periods of
12 preparation and serving. Potentially hazardous foods served shall be either consumed or discarded within two hours
13 of being removed from temperature control. Medications shall be stored in a manner which will not contaminate food
14 or food products such as in separate covered containers or in separate refrigerators.

15 (b) Hot and cold holding equipment shall be used to maintain required temperatures for TCS food. Conveniently
16 located refrigeration units, hot food storage and display units and effective insulated units shall be provided as needed
17 to assure the maintenance of all food at required temperatures during storage, preparation, display, service, and
18 transportation. Each refrigeration unit shall be provided with an indicating thermometer that is accurate to ± 3 degrees
19 Fahrenheit or ± 1.5 degrees Celsius, of such type and so situated that the thermometer can be easily read except that
20 indicating thermometers shall not be required for food iced in coolers for transport.

21 (c) Containers of food Food shall be stored at least six inches above the floor, in a clean, dry location, and on clean
22 racks, dollies, slatted shelves, or other clean surfaces in such a manner as to be protected from splash or other
23 contamination.

24 (d) No live animals shall be allowed in any room where food is prepared or stored. Live animals shall be allowed in
25 dining areas if their presence will not result in contamination of food, clean equipment, utensils, linens, and unwrapped
26 single service and single use articles in the following situations: permitted in an institution's dining areas in the
27 following situations and only if the live animal does not come into physical contact with institution employees engaged
28 in the preparation or handling of food, serving dishes, utensils, tableware, linens, unwrapped single service and single
29 use articles, food contact surfaces, or other food service items:

- 30 (1) Fish or crustacea in aquariums or display tanks, or other animals in enclosed terrariums or glass
31 enclosed aviaries;
- 32 (2) Patrol dogs Dogs accompanying police or security officers in offices and dining, sales, and storage
33 areas, and sentry dogs used for security purposes running loose in outside fenced areas;
- 34 (3) Service [animals] animals, as defined in 28 C.F.R. 36.104, accompanying individuals with
35 disabilities in areas that are not used for food preparation; and In areas that are not used for food
36 preparation such as dining and sales areas, support animals such as guide dogs that are trained to

1 ~~assist an employee or other person who is handicapped, are controlled by the handicapped employee~~
2 ~~or person, and are not allowed to be on seats or tables; and~~

3 (4) Dogs (Canis lupus familiaris) and cats (Feliscatus) in outdoor dining areas provided that dogs and
4 cats are physically restrained and do not pass through any indoor dining areas of the facility. Pets in
5 the common dining areas of group residences at times other than during meals if:

6 (A) ~~Effective partitioning or self closing doors prevent pets from entering food storage and~~
7 ~~food preparation areas;~~

8 (B) ~~Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the~~
9 ~~common dining areas when pets are present; and~~

10 (C) ~~Dining areas including tables, countertops, and similar surfaces are cleaned after all pets~~
11 ~~have left the area and before the next meal service.~~

12 (e) Notwithstanding Paragraph (d) of this Rule, and except in accordance with applicable law, nothing in this Rule
13 shall prohibit an institution from restricting live animals in dining areas.

14
15 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

16 *Eff. February 1, 1976;*

17 *Readopted Eff. December 5, 1977;*

18 *Amended Eff. March 1, 2003 (see S.L. 2002-160); October 1, 1993; September 1, ~~1990, 1990;~~*

19 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1324 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1324 EMPLOYEES**

4 (a) While ~~on duty, at work,~~ all institution employees shall wear ~~visibly clean outer clothing, clothing and shall be~~
5 ~~clean as to their persons. No employee shall use tobacco in any form while engaged in the preparation and handling~~
6 ~~of food.~~ Employees shall wash or decontaminate their ~~hands:~~ hands as set forth in Paragraph (b) [(b):] immediately:

- 7 (1) before beginning work;
- 8 (2) after each visit to the toilet;
- 9 (3) before and after ~~patient resident~~ contact; contact, including [using an] oral [feeding] feeding; [tube;]
- 10 (4) after ~~contact with a source of microorganisms (body fluids and substances, mucous membranes,~~
11 ~~nonintact skin, inanimate objects that are likely to be contaminated); coughing, sneezing, using a~~
12 ~~handkerchief or disposable tissue, using tobacco, eating, or drinking; and~~
- 13 (5) after removing gloves.

14 (b) Institution employees shall wash their hands as required by Paragraph (a) of this Rule in a handwashing sink using
15 the handwashing method required for food employees in Part 2-301.12 of the Food Code incorporated by reference at
16 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652. [Section .2600 of this Subchapter.] When hands are
17 ~~visibly soiled, routine handwashing shall include a vigorous rubbing together of all surfaces of lathered hands for at~~
18 ~~least 10 seconds followed by thorough rinsing under a stream of water and drying with individual disposable towels~~
19 ~~or hand drying devices. When an employee's hands are not visibly soiled, clean, in lieu of handwashing, the employee~~
20 ~~may [the] use [of] alcohol-based hand antiseptics that contain 65% or more ethyl alcohol or 70% or more isopropyl~~
21 ~~alcohol. antiseptics with alcohol based hand rubs shall be acceptable for decontamination of hands.~~ In the event of
22 interruption of the institution's water supply or when in settings where handwashing facilities are not available for
23 use, inadequate or inaccessible, hand decontamination can be achieved by using a towelette detergent containing
24 [towelettes] towelettes containing detergent followed by and an alcohol-based hand antiseptic that contains 65% or
25 more ethyl alcohol or 70% or more isopropyl alcohol. rubs. [antiseptics.]

26 (c) Institution employees shall comply with the requirements for exclusion from work and restriction due to
27 communicable disease or illness required for food employees as set forth in Parts 2-201.12 and 2-201.13 of the Food
28 Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652. [Section .2600 of
29 this Subchapter.] No person who has a communicable or infectious disease that can be transmitted by foods, or who
30 knowingly is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory
31 infection with cough or nasal discharge, shall work in food service in any capacity in which there is a likelihood of
32 such person contaminating food or food contact surfaces, with disease causing organisms or transmitting the illness
33 to other persons.

34 (d) The institution shall have gloves, personal protective equipment, disinfectant, individual disposable towels, and a
35 coagulating agent on-site for employees to use and a written procedure for employees to follow when responding to
36 [vomiting or diarrheal events that involve the discharge of] vomitus or fecal matter on institution surfaces. [ont

1 ~~surfaces in the institution.]~~ The procedure shall specify the actions that employees shall take to minimize the exposure
2 of employees, residents, guests, food, and additional surfaces to vomitus or fecal matter.

3

4 *History Note:* Authority G.S. ~~130A-4; 130A-29;~~ 130A-235;

5 *Eff. February 1, 1976;*

6 *Readopted Eff. December 5, 1977;*

7 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990-1990;~~*

8 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1327 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1327 INCORPORATED RULES**

4 **[For purposes of this] Where referenced in this** Section, 15A NCAC 13B .1200, 15A NCAC 18A .1700, 15A NCAC
5 18A .2600, and 15A NCAC 18C, are hereby incorporated by reference, including any subsequent amendments or
6 editions, and available free of charge at <http://reports.oah.state.nc.us/ncac.asp>.

7 ~~(a) The North Carolina "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A~~
8 ~~NCAC 18A .2600 are incorporated by reference including any subsequent amendments or editions. This material is~~
9 ~~available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health,~~
10 ~~2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632~~
11 ~~Mail Service Center, Raleigh, NC 27699-1632 at no cost.~~

12 ~~(b) The North Carolina "Rules Governing Public Water Systems" 15A NCAC 18C are incorporated by reference~~
13 ~~including any subsequent amendments or editions. This material is available for inspection at the Department of~~
14 ~~Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC.~~
15 ~~Copies may be obtained from Public Water Supply Section, 1634 Mail Service Center, Raleigh, NC 27699-1634 at~~
16 ~~no cost.~~

17 ~~(c) The North Carolina "Rules Governing Protection of Water Supplies" 15A NCAC 18A .1700 are incorporated by~~
18 ~~reference including any subsequent amendments or editions. This material is available for inspection at the~~
19 ~~Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard,~~
20 ~~Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632 Mail Service Center,~~
21 ~~Raleigh, NC 27699-1632 at no cost.~~

22 ~~(d) The North Carolina "Solid Waste Rules" 15A NCAC 13B .1200 Medical Waste Management are incorporated by~~
23 ~~reference including any subsequent amendments or editions. This material is available for inspection at the~~
24 ~~Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard,~~
25 ~~Raleigh, NC. Copies may be obtained from Solid Waste Section, 1646 Mail Service Center, Raleigh NC 27699-1646~~
26 ~~at a cost of nine dollars (\$9.00).~~

27 ~~(e) The North Carolina "Rules Governing Grade A Milk Sanitation" 15A NCAC 18A .1200 are incorporated by~~
28 ~~reference including any subsequent amendments or editions. This material is available for inspection at the~~
29 ~~Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard,~~
30 ~~Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632 Mail Service Center,~~
31 ~~Raleigh, NC 27699-1632 at no cost.~~

32
33 *History Note:* Authority G.S. **130A-4; 130A-29;** 130A-235;
34 *Eff. March 1, 2003 (See S.L. 2002-160)-2002-160);*
35 *Readopted Eff. October 1, 2022.*

Burgos, Alexander N

Subject: FW: 15A NCAC 18A Requests for Changes - September 2022 RRC
Attachments: 15A NCAC 18A .1301.docx; 15A NCAC 18A .1323.docx; 15A NCAC 18A .1324.docx

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Tuesday, November 8, 2022 10:26 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

We've responded to each of your comments below in [purple](#). I have attached revisions for rules .1301, .1323, and .1324. We are in the process of updating the history notes to add G.S. 130A-4, and I'll follow up shortly with remaining rules. Please let me know if you have any additional questions on these rules. I do have one question for you below on rule .1316.

Thanks,
Virginia

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
[NC Department of Health and Human Services](#)
Pronouns: she/her/hers

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1 15A NCAC 18A .1301 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **SECTION .1300 - SANITATION OF HOSPITALS, NURSING HOMES, ADULT CARE HOMES, AND**
4 **OTHER INSTITUTIONS**

5
6 **15A NCAC 18A .1301 DEFINITIONS**

7 The following definitions shall apply throughout this ~~Section in the interpretation and enforcement of this~~ Section:

- 8 (1) “Activity kitchen” means a kitchen that is available to residents of an institution and their guests for
9 the purpose of preparing food for individual or group activities. Nothing in this Section shall prohibit
10 residents or employees of a residential care facility, as that term is defined at 15A NCAC 18A
11 ~~[-1601(8),] .1601~~ or their ~~guests~~ guests, from using an activity kitchen when an institution’s
12 activity kitchen is in the same building where a residential care facility is located.
- 13 (2) “Administrator” means the person designated by the licensee to be responsible for the daily
14 operation of the institution.
- 15 (3) “Ancillary kitchen” means a kitchen that is used by the institution’s employees for meal preparation
16 and other work to support the dietary kitchen. Ancillary kitchens shall meet the requirements of 15A
17 NCAC 18A .2600.
- 18 (4) “Bed linens” means bed sheets, pillowcases, mattress covers, blankets, and duvets covers.
- 19 (5) “Clean” means that an object or surface has been made free of garbage, solid waste, soil, dust, hair,
20 dander, food, bodily fluids and secretions, and feces.
- 21 (6) “Department” means the North Carolina Department of Health and Human Services.
- 22 (7) “Dietary kitchen” means the primary kitchen in the institution that is used to provide meals and
23 nutrition services to the institution’s residents, employees, and guests. Dietary kitchens shall meet
24 the requirements of 15A NCAC 18A .2600.
- 25 ~~(4)(8)~~ “Disinfect” means a ~~non-sporicidal~~ process used on inanimate surfaces to destroy or irreversibly
26 inactivate ~~infectious fungi- fungi, viruses, and bacteria but not necessarily their spores by using an~~
27 EPA registered disinfectant in accordance with the disinfectant’s product label.
- 28 ~~(2)~~ “Environmental Health Specialist” means a person authorized by the Department of Environment
29 and Natural Resources under G.S. 130A-6 to enforce environmental health rules adopted by the
30 Commission for Public Health.
- 31 (9) “EPA registered disinfectant” means a disinfectant as defined at 40 C.F.R. 158.2203 that has been
32 registered with the United States Environmental Protection Agency (“EPA”) in accordance with 40
33 C.F.R. ~~[452]~~ 152, which are hereby incorporated by reference, including any subsequent
34 amendments or editions, and available free of charge at <https://www.ecfr.gov/>.
- 35 (10) “Garbage” means as defined at G.S. 130A-290(7).
- 36 (11) “Good repair” means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall
37 operate in accordance with the manufacturer’s instructions.

1 (12) “Hand Hygiene Program” means a written plan implemented in an institution in the absence of hand
2 washing facilities as set forth in this Section. The licensee or the licensee’s designee shall submit
3 the hand hygiene program plan to the local health department for the county in which the institution
4 is located, serving as the regulatory authority, for approval prior to [the] implementing the hand
5 hygiene program. The regulatory authority shall notify the institution or the institution’s designee
6 in writing of the decision to approve or not to approve the hand hygiene program plan. In
7 determining whether to approve the hand hygiene program, the regulatory authority shall consider
8 the following:

9 (a) the type and frequency of activities carried out at the institution that involve employee or
10 resident contact with bodily fluids [excretions] or secretions; and

11 (b) the number of handwashing facilities on each wing or floor of an institution’s building or
12 buildings. .

13 ~~(3)~~(13) "Institution" means includes the following establishments ~~providing that provide~~ room or board and
14 for which a license or certificate of payment must be obtained from the Department: Department of
15 Health and Human Services, other than those operated exclusively by the State of North Carolina:

16 (a) hospital, as defined in G.S. 131E-76 including doctors' clinics with food preparation
17 facilities;

18 (b) nursing home, as defined in G.S. 131E-101;

19 (c) ~~sanitarium, sanatorium, and any similar an~~ establishment, other than ~~a~~ hospital and nursing
20 home, for the recuperation and treatment of 13 or more persons suffering from ~~physical~~
21 physical, behavioral, or mental health disorders; conditions;

22 (d) ~~adult care home, providing custodial care on a 24 hour basis for 13 or more persons,~~
23 including homes for the aged; as defined at G.S. 131D-2.1;

24 (e) ~~orphanage, or children's home providing care on a 24 hour basis for 13 or more children.~~
25 residential child care facility, as defined at G.S. 131D-10.2(13); and

26 (f) facilities that provide room and board to individuals but are exempt from licensure under
27 G.S. 131D-10.4(1).

28 ~~However, the~~ This term shall not include a child day care facility, facility as defined in G.S. 110-
29 86(3), an adult day service facility as defined in 15A NCAC 18A .3300 .3300, or a residential care
30 facility as defined in 15A NCAC 18A .1600.

31 ~~(4) —“Department of Environment and Natural Resources” shall mean the Secretary, or his authorized~~
32 representative.

33 (14) “Licensing agency” means the North Carolina Department of Health and Human Services, Division
34 of Health Service Regulation.

35 (15) “Linens” means bath towels, hand drying towels, and bed linens.

36 ~~(5)~~(16) "Local health director" department” means shall mean local health director as defined in G.S. 130A-
37 2(5). 130A-2(6) or his authorized representative.

- 1 (17) “Non-community water supply” means a noncommunity water system as defined at G.S. 130A-
2 313(10).
- 3 (18) “Nourishment station” means an area where commercially packaged food that is used to provide
4 nourishment to an institution’s residents, employees, or guests is stored.
- 5 (19) “Pest” means as defined at G.S. 143-460(26a).
- 6 (20) “Refuse” means ~~a~~as defined at G.S. 130A-290(28).
- 7 (21) “Registered Environmental Health Specialist” or “REHS” means as defined at G.S. 90A-51(4). ~~90-~~
8 51(4).
- 9 (22) “Regulatory authority” means the Department or authorized agent of the Department.
- 10 (23) “Rehabilitation kitchen” means a kitchen used solely for the purpose of providing supervised
11 therapeutic activities to residents, including occupational or physical therapy. Food prepared in a
12 rehabilitation kitchen shall not be consumed by anyone who is not a participant in the therapeutic
13 activity being conducted in the rehabilitation kitchen.
- 14 (24) “Resident” means an individual residing in or being served by the institution, including patients.
15 This term does not include an institution’s employees or a resident’s guests.
- 16 ~~(6) “Patient” means a patient or resident living in an institution as defined in this Section.~~
- 17 ~~(7) “Person” shall mean an individual, firm, association, organization, partnership, business trust,~~
18 ~~corporation, or company.~~
- 19 ~~(8) “Personal Hygiene” means maintenance of personal health, including grooming, brushing teeth,~~
20 ~~showering, applying makeup, or washing/drying face, hands, and body.~~
- 21 ~~(9) “Potentially hazardous food” means any food or ingredient, natural or synthetic, in a form capable~~
22 ~~of supporting the growth of infectious or toxigenic microorganisms, including Clostridium~~
23 ~~botulinum. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and~~
24 ~~treated foods of plant origin. The term does not include foods that have a pH level of 4.6 or below~~
25 ~~or a water activity (Aw) value of 0.85 or less.~~
- 26 ~~(10)(25) “Sanitize” means as defined a bactericidal treatment that meets the temperature and chemical~~
27 ~~concentration levels in Part 4-7 of the Food Code incorporated by reference at 15A NCAC 18A~~
28 ~~.2650 as amended by 15A NCAC 18A .2654, .2619, ~~.2600~~~~
- 29 ~~(11) “Soiled utility room” means a room or area with fixtures used for cleaning and disinfecting soiled~~
30 ~~patient care items.~~
- 31 (26) “Solid waste” means as defined at G.S. 130A-290(35).
- 32 (27) “Time/Temperature Control for Safety Food” or “TCS Food” means as defined in Part 1-2 of the
33 Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A
34 .2651. ~~.2600.~~
- 35 (28) “Yard trash” means as defined at G.S. 130A-290(45).

37 *History Note:* Authority G.S. 130A-4; 130A-29; 130A-235;

1 *Eff. February 1, 1976;*
2 *Readopted Eff. December 5, 1977;*
3 *Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998; February 1, 1997; September 1,*
4 *1990; March 1, 1988;*
5 *Temporary Amendment Eff. June 1, 2003;*
6 *Amended Eff. February 1, ~~2004~~2004;*
7 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1323 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1323 FOOD PROTECTION IN ACTIVITY KITCHENS, REHABILITATION**
4 **KITCHENS, AND NOURISHMENT STATIONS**

5 (a) All TCS food shall be maintained at temperatures required by Part 3-501.19 of the Food Code incorporated by
6 reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 [Section .2600 of this Subchapter] during
7 storage, preparation, transportation, display, and service of the TCS food. Time as a public health control may be used
8 as specified in Section .2600 of this Subchapter, except that written procedures shall not be required. All food while
9 being stored, prepared, transported, displayed, and served, shall be protected from contamination. All perishable foods
10 shall be stored at temperatures which will protect against spoilage. All potentially hazardous food shall be maintained
11 at safe temperatures (45 degrees F. or below, or 140 degrees F. or above) except during necessary periods of
12 preparation and serving. Potentially hazardous foods served shall be either consumed or discarded within two hours
13 of being removed from temperature control. Medications shall be stored in a manner which will not contaminate food
14 or food products such as in separate covered containers or in separate refrigerators.

15 (b) Hot and cold holding equipment shall be used to maintain required temperatures for TCS food. Conveniently
16 located refrigeration units, hot food storage and display units and effective insulated units shall be provided as needed
17 to assure the maintenance of all food at required temperatures during storage, preparation, display, service, and
18 transportation. Each refrigeration unit shall be provided with an indicating thermometer that is accurate to ± 3 degrees
19 Fahrenheit or ± 1.5 degrees Celsius, of such type and so situated that the thermometer can be easily read except that
20 indicating thermometers shall not be required for food iced in coolers for transport.

21 (c) Containers of food Food shall be stored at least six inches above the floor, in a clean, dry location, and on clean
22 racks, dollies, slatted shelves, or other clean surfaces in such a manner as to be protected from splash or other
23 contamination.

24 (d) No live animals shall be allowed in any room where food is prepared or stored. Live animals shall be allowed in
25 dining areas if their presence will not result in contamination of food, clean equipment, utensils, linens, and unwrapped
26 single service and single use articles in the following situations: permitted in an institution's dining areas in the
27 following situations and only if the live animal does not come into physical contact with institution employees engaged
28 in the preparation or handling of food, serving dishes, utensils, tableware, linens, unwrapped single service and single
29 use articles, food contact surfaces, or other food service items:

- 30 (1) Fish or crustacea in aquariums or display tanks, or other animals in enclosed terrariums or glass
31 enclosed aviaries;
- 32 (2) Patrol dogs Dogs accompanying police or security officers in offices and dining, sales, and storage
33 areas, and sentry dogs used for security purposes running loose in outside fenced areas;
- 34 (3) Service [animals] animals, as defined in 28 C.F.R. 36.104, accompanying individuals with
35 disabilities in areas that are not used for food preparation; and In areas that are not used for food
36 preparation such as dining and sales areas, support animals such as guide dogs that are trained to

1 ~~assist an employee or other person who is handicapped, are controlled by the handicapped employee~~
2 ~~or person, and are not allowed to be on seats or tables; and~~

3 (4) Dogs (Canis lupus familiaris) and cats (Feliscatus) in outdoor dining areas provided that dogs and
4 cats are physically restrained and do not pass through any indoor dining areas of the facility. Pets in
5 the common dining areas of group residences at times other than during meals if:

6 (A) ~~Effective partitioning or self closing doors prevent pets from entering food storage and~~
7 ~~food preparation areas;~~

8 (B) ~~Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the~~
9 ~~common dining areas when pets are present; and~~

10 (C) ~~Dining areas including tables, countertops, and similar surfaces are cleaned after all pets~~
11 ~~have left the area and before the next meal service.~~

12 (e) Notwithstanding Paragraph (d) of this Rule, and except in accordance with applicable law, nothing in this Rule
13 shall prohibit an institution from restricting live animals in dining areas.

14
15 *History Note: Authority G.S. 130A-4; 130A-29; 130A-235;*

16 *Eff. February 1, 1976;*

17 *Readopted Eff. December 5, 1977;*

18 *Amended Eff. March 1, 2003 (see S.L. 2002-160); October 1, 1993; September 1, ~~1990, 1990;~~*

19 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1324 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1324 EMPLOYEES**

4 (a) While ~~on duty, at work~~, all institution employees shall wear ~~visibly clean outer clothing, clothing and shall be~~
5 ~~clean as to their persons. No employee shall use tobacco in any form while engaged in the preparation and handling~~
6 ~~of food.~~ Employees shall wash or decontaminate their ~~hands:~~ hands as set forth in Paragraph (b) [(b):] immediately:

- 7 (1) before beginning work;
- 8 (2) after each visit to the toilet;
- 9 (3) before and after ~~patient resident~~ contact; contact, including [using an] oral [feeding] feeding; [tube;]
- 10 (4) after ~~contact with a source of microorganisms (body fluids and substances, mucous membranes,~~
11 ~~nonintact skin, inanimate objects that are likely to be contaminated); coughing, sneezing, using a~~
12 ~~handkerchief or disposable tissue, using tobacco, eating, or drinking; and~~
- 13 (5) after removing gloves.

14 (b) Institution employees shall wash their hands as required by Paragraph (a) of this Rule in a handwashing sink using
15 the handwashing method required for food employees in Part 2-301.12 of the Food Code incorporated by reference at
16 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652. [Section .2600 of this Subchapter.] When hands are
17 visibly soiled, ~~routine handwashing shall include a vigorous rubbing together of all surfaces of lathered hands for at~~
18 ~~least 10 seconds followed by thorough rinsing under a stream of water and drying with individual disposable towels~~
19 ~~or hand drying devices. When an employee's hands are not visibly soiled, clean, in lieu of handwashing, the employee~~
20 ~~may [the] use [of] alcohol-based hand antiseptics that contain 65% or more ethyl alcohol or 70% or more isopropyl~~
21 ~~alcohol. antiseptics with alcohol based hand rubs shall be acceptable for decontamination of hands.~~ In the event of
22 interruption of the institution's water supply or when in settings where handwashing facilities are not available for
23 use, inadequate or inaccessible, hand decontamination can be achieved by using a towelette detergent containing
24 [towelettes] towelettes containing detergent followed by and an alcohol-based hand antiseptic that contains 65% or
25 more ethyl alcohol or 70% or more isopropyl alcohol. rubs. [antiseptics.]

26 (c) Institution employees shall comply with the requirements for exclusion from work and restriction due to
27 communicable disease or illness required for food employees as set forth in Parts 2-201.12 and 2-201.13 of the Food
28 Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652. [Section .2600 of
29 this Subchapter.] No person who has a communicable or infectious disease that can be transmitted by foods, or who
30 knowingly is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory
31 infection with cough or nasal discharge, shall work in food service in any capacity in which there is a likelihood of
32 such person contaminating food or food contact surfaces, with disease causing organisms or transmitting the illness
33 to other persons.

34 (d) The institution shall have gloves, personal protective equipment, disinfectant, individual disposable towels, and a
35 coagulating agent on-site for employees to use and a written procedure for employees to follow when responding to
36 [vomiting or diarrheal events that involve the discharge of] vomitus or fecal matter on institution surfaces. [ont

1 ~~surfaces in the institution.~~ The procedure shall specify the actions that employees shall take to minimize the exposure
2 of employees, residents, guests, food, and additional surfaces to vomitus or fecal matter.

3

4 *History Note:* Authority G.S. ~~130A-4; 130A-29;~~ 130A-235;

5 *Eff. February 1, 1976;*

6 *Readopted Eff. December 5, 1977;*

7 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990-1990;~~*

8 *Readopted Eff. October 1, 2022.*

Burgos, Alexander N

Subject: FW: 15A NCAC 18A Requests for Changes - September 2022 RRC

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Sent: Monday, November 7, 2022 1:18 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>

Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Thanks, Brian! I will review and follow-up as quickly as possible.

Virginia R. Niehaus, JD, MPH

Director of Regulatory and Legal Affairs

Division of Public Health

[NC Department of Health and Human Services](#)

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Burgos, Alexander N

Subject: FW: 15A NCAC 18A Requests for Changes - September 2022 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Monday, November 7, 2022 12:47 PM

To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>

Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

So I've gone through your responses, and I have a few more questions/suggestions, mostly surrounding the references to the Food Code/Section .2600. I'm just copying from the change requests and adding my new comments in red.

All Rules

Where is the agency's authority to regulate local/county health departments? I'm not saying it's not there, but I do not see it in G.S. 130A-235.

For purposes of these rules, local health departments serve as authorized agents of the Department under G.S. 130A-4. The Commission has authority under G.S. 130A-29 to adopt rules to implement public health programs administered by the Department.

Thanks for specifying. I think I'd also add G.S. 130A-4 to the History Note of any rule affected, as well as 130A-29, as the language in 29 refers to "rules necessary to implement the public health programs administered by the Department as provided in this Chapter" which refers back to 130A-4, to my understanding.

.1301

In (25), I think the reference to 15A NCAC 18A .2600 is vague. There is no definition for the term "sanitize" in Section .2600, although one does appear elsewhere in .0134, .1001, .1301, .1501, .1601, .3301, .3501, and .3601. Is this a definition found in the 2017 Food Code? Please clarify the definition you're intending to reference.

Methods for sanitizing are set out in Part 4-7 of the Food Code. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600. <https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 147-148 (p. 168-168 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

In (27), I think the reference to 15A NCAC 18A .2600 is vague. There is no definition for the term "time/temperature control for safety food" in Section .2600, although the term does appear throughout Subchapter 18A. Again, is this a definition found in the 2017 Food Code? Please clarify the definition you're intending to reference.

This definition is set out in Part 1-2 of the Food Code. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600. <https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 21 (p. 42 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

I'm grouping these together because I think they have the same issue – they need a specific reference to where the definition can be found. If I understand correctly, the definition isn't in the FDA Food Code, but in the NC Food Code Manual, and so the NC manual will need to be incorporated by reference. I think an example of acceptable language might be: "Sanitize" means as defined in Part 4-7 of the NC Food Code Manual, which is hereby incorporated by reference, including any subsequent amendments or editions, and available free of charge at [LINK]. Same thing for time/temperature control for safety food.

.1304

In (c), lines 21 and 29, what is an "associated dining area"?

We have revised the language to clarify.

I appreciate the change, but I think the issue remains – what does it mean to be "associated"? Is it that food from that kitchen is served there? If so, I think this language is OK, although I'd prefer that you explicitly say that if possible.

.1316

In (d), line 18, what is a "condition that attracts or harbors pests"? This seems fairly vague.

We have revised the language to clarify.

I don't think the revised language actually clarifies. What is a "pest harborage"? Is this defined?

.1320

Also (a), line 6, what is a "rehabilitation kitchen"? This is not defined in .1301 or elsewhere that I've seen.

Rehabilitation kitchen is defined at .1301(23).

Whoops! Well that was embarrassing. Sorry! 😊

.1323

In (a), line 6, I'm not sure I understand what you mean by "Time as public health control..." Can you explain?

It is where either a hot food(135 degrees F) or a cold food(41 degrees F) is not kept at the required temperature for a specific time and must be discarded. Time as a public health control is addressed in Chapter 3 of the Food Code, Part 3-501.19. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600. <https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 98-101 (p. 119-122 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

I think the issue here is the same as in .1301. The reference to Section .2600 doesn't point you to a specific definition. So, I think the solution is the same, use similar language as I suggested in .1301.

.1324

In (b), line 15, please identify the handwashing methods you're referring to in Section .2600. A quick review of .2600 does not reveal any handwashing method specified.

Methods for washing hands are set out in Chapter 2 of the Food Code, Part 2-301.12. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600. <https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 48-49 (p. 69-70 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

See above.

In (c), lines 22-23, please identify the work restrictions or exclusion in Section .2600. A quick review of .2600 does not reveal any work restrictions or exclusion.

Requirements for exclusion and restriction are set out in Chapter 2 of the Food Code, Parts 2-201.12 and 2-201.13. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600.

<https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 36-47 (p. 57-68 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

See above.

.1327

Generally, to the Rule, the agency uses the phrase “For purposes of this Section...” However, the purposes of the Section have not been defined. Thus, simply incorporating other sections does not make those sections applicable to Institutions (as defined in .1301). If those sections are already applicable to institutions, then they do not need to be incorporated here. If they are not applicable, then some additional language is need in this Rule to make them applicable. It appears that that agency is depending upon context alone to make the incorporated sections applicable, when the agency could make it clear.

In the past, the RRC counsel office has suggested an incorporation by reference rule as a way to group incorporation by reference language in one place, rather than repeating it throughout rule text. We have revised the language to clarify. If you prefer that incorporation by reference be included instead in each place that these references are mentioned, we would be happy to make that change and this rule could be repealed.

I don't think it's necessary to repeal the Rule, and like you said, we don't have anything against an incorporation by reference rule. I think I may have overthought this a bit, and upon further reflection the Rule is fine.

That's all I have, and provided these changes are made, I think I can recommend approval of these rules.

Thanks!

Brian

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Burgos, Alexander N

Subject: FW: 15A NCAC 18A Requests for Changes - September 2022 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Tuesday, November 1, 2022 6:17 PM

To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>

Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

I will do my level best to get this reviewed and ready to go before you leave for vacation!

Thanks!

Brian

Brian Liebman

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From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Sent: Tuesday, November 1, 2022 3:24 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>

Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

I hope you had a happy Halloween. I have attached responses to the request for technical changes as well as revised rules. Please let me know if you have any further questions on these rules. For awareness, I am scheduled to be out of office Nov. 9-15. It is my hope that we will be able to resolve any questions by Nov. 8, in preparation for the Nov. 17 RRC meeting. Thanks for your assistance with this rule package!

Regards,

Virginia

Virginia R. Niehaus, JD, MPH

Director of Regulatory and Legal Affairs

Division of Public Health

[NC Department of Health and Human Services](#)

Pronouns: she/her/hers

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Where is the agency's authority to regulate local/county health departments? I'm not saying it's not there, but I do not see it in G.S. 130A-235.

For purposes of these rules, local health departments serve as authorized agents of the Department under G.S. 130A-4. The Commission has authority under G.S. 130A-29 to adopt rules to implement public health programs administered by the Department.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1301

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

With respect to (1) generally, did you intend that 15A NCAC 18A .2600 would not apply to “activity kitchens”?

No, it does not apply.

In (1), line 11, delete the comma following “guests” and add one after “.1601” to make a proper clause.

We made this change.

Is there a difference between (5) and (12)(a) in using “bodily fluids and secretions” and “bodily excretions and secretions”, respectively?

We have aligned the language.

In (9), I believe you’ll need to incorporate the CFR by reference, pursuant to G.S. 150B-21.6.

Incorporation language has been added.

In (12), p.2, line 4, remove “the” preceding “implementing”.

We made this change.

In (13), line 13, is it the intent of the agency to use the language of “institution’ includes” rather than “institution’ means”? If using “includes”, then, presumably items not listed in the definition would be considered as an institution if they otherwise fit the definition.

It is the intent to use “means.” We made this change.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

In (13)(c), line 19, include an “a” after “other than”.

We made this change.

In (21), p.3, line 7, did you mean “G.S. 90A-51(4)”? G.S. 90-51 was repealed.

Yes, we made this change.

In (25), I think the reference to 15A NCAC 18A .2600 is vague. There is no definition for the term “sanitize” in Section .2600, although one does appear elsewhere in .0134, .1001, .1301, .1501, .1601, .3301, .3501, and .3601. Is this a definition found in the 2017 Food Code? Please clarify the definition you’re intending to reference.

Methods for sanitizing are set out in Part 4-7 of the Food Code. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600. <https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 147-148 (p. 168-168 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

In (27), I think the reference to 15A NCAC 18A .2600 is vague. There is no definition for the term “time/temperature control for safety food” in Section .2600, although the term does appear throughout Subchapter 18A. Again, is this a definition found in the 2017 Food Code? Please clarify the definition you’re intending to reference.

This definition is set out in Part 1-2 of the Food Code. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600. <https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 21 (p. 42 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1302

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 4, what constitutes a "construction plan" under this Rule?

We revised the language to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1304

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b), line 9, the term “include” suggests that other information is required on the form. If so, please specify all information that necessary for the agency to consider the form complete. If not, please revise “include” for clarity.

We have revised the language for clarity.

In (b)(3), lines 12-13, what do you mean by “a description of the institution’s construction and operation standards”? Aren’t Rules .1309-.1324 the standards? What are you asking the applicant to provide?

We have deleted (b)(3).

In (b)(5), line 15, what is meant by the institution’s “operating status” and “score”?

We have removed “operating status” and added cross-reference for “score”.

In (c), lines 21 and 29, what is an “associated dining area”?

We have revised the language to clarify.

In (c), lines 23 and 33, are there specific rules in Section .2600 that you’re referring to? Please specify.

On line 23, we have narrowed the reference to Rules .2661 and .2662 .

On line 33, we have narrowed the reference to Rule .2654.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1305

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 4, please define "the same property." Is this a reference to a contiguous parcel of land? Or would this also encompass a situation where the institution and residential care facility are adjacent to each other but on separate parcels with a common owner/licensee?

We have revised the language to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1306

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 4, the first clause is wordy. Please consider "When an institution is inspected..."

We made this change.

In (a), line 7, is "facility" defined? Consider "institution" instead.

We made this change.

In (a), line 6, is "readily observed" defined? Consider a reference to describe what this means for the regulated public.

We have revised the rule to clarify.

In (b), line 13, this first clause is wordy. Please consider "When an institution is inspected..."

We made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1307

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 5, is the purpose of the **request** to raise the grade, or the purpose of the **inspection** to raise the grade?*

We have revised the language to clarify.

*Along the same lines, if the reinspection generates a **lower** grade, does that replace the "most recently assessed alphabetical grade"?*

Yes, it would replace the grade.

Please revise accordingly to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1308

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (c), line 21, what is an "actual violation"?

We revised the language to clarify.

In (c)(7), p.2, line 10, delete "Rules".

We made this change.

In (c)(18), line 36, reinsert "shall".

We made this change.

In (c)(22), p.3, line 8, I believe the correct reference should be Rule .1315(b).

Yes, we made this change.

In (c)(31), lines 36-37, please note the language here is different than in the referenced Rule. Please use consistent language.

We made this change.

In (c)(40), p.4, line 19, please note the language here is different than in the referenced Rule. Please use consistent language.

We made this change.

In (c)(42), line 25, change "or" to "of".

We made this change.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

*In (c)(45), line 31, please note the language here is different than in the referenced Rule.
Please use consistent language.*

We made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1309

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraphs (a) and (b) are contradictory in terms of what types of flooring is permitted. Paragraph (a) states "the floors in an institution shall be made of smooth, non-absorbent materials", while (b) seemingly permits carpeting. The introductory clause for (b) does not adequately address when (a) does not apply. When can carpet be installed?

We have revised the language to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1310

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b), line 7, are "ceiling attachments" defined elsewhere and applicable here?

We have revised the language to clarify.

Does the authority granted in G.S. 130A-235 extend to ceiling attachments, light fixtures, and fans?

Yes, these attachments are part of the institution and need to be kept clean and in good repair.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1311

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally to the Rule, does the authority granted in G.S. 130A-235 extend to lighting and ambient air temperature?

Proper lighting is needed to for institution employees to clean the facility and for the regulatory authority to determine if the institution is kept clean. Air that is too warm promotes microbial growth. The rule has been revised to remove the lower limit on air temperature.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1312

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 5, what requirement is being placed on the institutions by the facilities being “accessible”? Does this mean simply available for their use or all persons are physically able to use the facilities, or both?

We have revised the language to clarify.

In (b), line 7, what is a “toilet room”? Please define.

We have revised the language to clarify.

Additionally, are all items, including personal toiletries, unable to be “stored” in “toilet rooms”? Does this extend to necessities such as toilet paper?

We have revised the language to clarify.

In (c), line 12, I believe “beside commodes” should be “bedside commodes”.

We made this change.

In (d), lines 23-24, are you incorporating these Subchapters by reference?

Cross-references for incorporation by reference have been captured in the incorporation by reference rule .1327.

In (d), lines 23-24, what are you referencing in Subchapters 13B, 13D, and 13K? A brief review of these Subchapters reveals no Rule related to handwashing facilities.

We have revised the language to clarify.

In (d), line 26, to be clear, an “approved hand hygiene program” is as defined in .1301(12)?

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

Correct.

In (d), page 2, line 1, please define “sanitary.”

We have revised the language to clarify.

In (d), line 12, please define “medication storage room”.

We have revised the language to clarify.

In paragraph (f), add “a” before “tempering device”, as used in paragraph (d).

We made this change

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1313

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 4, what are you requiring with respect to Subchapter 18C? A brief review of these rules appears to show that many of them apply to municipal water supplies (i.e. Section .0700 which pertains to surface water treatment facilities). How is this applicable to your regulated public?

Institutions must be connected to a municipal water supply that meets the requirements of 15A NCAC 18C or have a well in compliance with 15A NCAC 18A .1700.

In (d), line 15, to whom should water heating facilities be provided?

Water heating facilities are needed to ensure the availability of hot water throughout the institution for staff, residents, and guests at all times during operation. We have revised the rule to clarify.

In (d), line 16, define or delete "sufficient quantities"?

We made this change.

In (e), line 27, insert an Oxford comma after "laundry".

We made this change.

In (e), line 30, what does "become non-potable" mean? Is it different than an "interruption" as used elsewhere in (e)?

We have revised the language to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1315

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b), line 7, is it the intent to limit the mop basins or mop sinks to only mop washing/disposal of the mop water? If so, include "only" after "shall".

We made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1316

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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In reviewing this Rule, the staff recommends the following changes be made:

In (d), line 18, what is a “condition that attracts or harbors pests”? This seems fairly vague.

We have revised the language to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1318

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 10, is there a definition or reference for “medication dispensing equipment”?

We have revised the language to clarify.

In (b), line 13, add a comma following “tubes”.

We made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1319

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 5, place a comma after "blinds".

We have made this change

In (c)(3), line 23, how is the 99.9% reduction in pathogens measured or otherwise determined?

We have revised the rule to remove this language.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1320

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 6, is there a definition or reference for “domestic food service equipment”?

This term of art is well-known with our regulated public. It is intended to capture non-commercial equipment / equipment labeled as for household use only. We would suggest leaving this term.

Also (a), line 6, what is a “rehabilitation kitchen”? This is not defined in .1301 or elsewhere that I’ve seen.

Rehabilitation kitchen is defined at .1301(23).

In (b), line 25, what is “NSF International”?

NSF stands for National Sanitation Foundation. We have now spelled this out in the rule.

In (c), line 28, place a dash between “hand” and “drying” for consistency.

We made this change.

Also in (c), line 28, does “single use” modify both “towels” and “hand drying device”? Please revise for clarity.

We have revised the language to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1321

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 6, "Section .2600 of this Subchapter" is fine, but not consistent with the rest of the Rules in this packet, which use "15A NCAC 18A .2600."

We have revised the language.

In paragraph (b), line 12, consider placing a modifier, such "as required by this Rule", after "labeling". This is ensure only the labels required by the Rule are affected, rather than all other potential types of labeling.

We made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1323

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

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In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 6, I'm not sure I understand what you mean by "Time as public health control..." Can you explain?

It is where either a hot food(135 degrees F) or a cold food(41 degrees F) is not kept at the required temperature for a specific time and must be discarded. Time as a public health control is addressed in Chapter 3 of the Food Code, Part 3-501.19. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600. <https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 98-101 (p. 119-122 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

In (b), line 18, remove the extra dash before the plus or minus sign.

We made this change

In (d)(2), line 32, is there a definition or reference for "sentry dogs"? Is this different than a "patrol dog"?

We have revised the language to clarify.

In (d)(3), line 33, is there a definition or reference for "service animals"? Otherwise, what is a "service animal"?

We have revised the language to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1324

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(1)-(5), lines 7-13, consider adding “immediately” before any instance of “before” or “after”.

We have revised the language.

In (a), line 9, by using the word “including” the agency implies there are other instances. If there are other instances, list them. If not, consider changing “including” to “or”.

We have revised the language to clarify.

In (b), line 15, please identify the handwashing methods you’re referring to in Section .2600. A quick review of .2600 does not reveal any handwashing method specified.

Methods for washing hands are set out in Chapter 2 of the Food Code, Part 2-301.12. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600.

<https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 48-49 (p. 69-70 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

In (b), lines 17-19, is the agency requiring hands to be washed and then decontaminated? Or if hands are visibly clean, decontamination alone is required? It isn’t clear how the first two sentences of (b) work together. Please clarify.

We have revised the language to clarify.

In (b), line 20, please define “inaccessible”.

We revised the language to clarify.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

In (b), lines 20-21, this clause is unclear. It sounds as if you're requiring the use of detergent, which contains towelettes, which makes no sense. I suggest a hyphen between "detergent" and "containing", or a rephrase to "towelettes containing detergent" if it is the intended meaning for the towelettes to contain detergent.

We revised the language to clarify.

Similarly, are you requiring the towelettes to contain alcohol-based antiseptics?

We revised the language to clarify.

Also, to be clear, if these are indeed two different things, you're requiring the use of a towelette AND a hand antiseptic?

Yes – both. We revised the language to clarify.

In (b), line 21, define "alcohol-based". Is there a minimum amount required?

We revised the language to clarify.

Also, with respect to (b), generally, does this conflict with provisions of .1312 (d), with respect to handwashing facilities and the use of an approved hand hygiene program?

These requirements do not conflict. Employees will be required to clean their hands in accordance with this rule even under a hand hygiene program.

In (c), lines 22-23, please identify the work restrictions or exclusion in Section .2600. A quick review of .2600 does not reveal any work restrictions or exclusion.

Requirements for exclusion and restriction are set out in Chapter 2 of the Food Code, Parts 2-201.12 and 2-201.13. The NC Food Code Manual integrates the FDA Food Code with changes and additions as set out in 15A NCAC 18A .2600.

<https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf> See p. 36-47 (p. 57-68 of the pdf). If a more specific reference is needed, will you please assist us in crafting language?

In (d) line 29, , is there a definition or reference for "personal protective equipment"?

This term of art is well-known with our regulated public. The equipment needed will depend on the particular situation.

In (d), lines 30-31, please consider: "... and a written procedure for employees to follow when responding to vomitus or fecal matter on institution surfaces." I think the "event" language is redundant.

We made this change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: September 6, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1327

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally, to the Rule, the agency uses the phrase "For purposes of this Section..." However, the purposes of the Section have not been defined. Thus, simply incorporating other sections does not make those sections applicable to Institutions (as defined in .1301). If those sections are already applicable to institutions, then they do not need to be incorporated here. If they are not applicable, then some additional language is need in this Rule to make them applicable. It appears that that agency is depending upon context alone to make the incorporated sections applicable, when the agency could make it clear.

In the past, the RRC counsel office has suggested an incorporation by reference rule as a way to group incorporation by reference language in one place, rather than repeating it throughout rule text. We have revised the language to clarify. If you prefer that incorporation by reference be included instead in each place that these references are mentioned, we would be happy to make that change and this rule could be repealed.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

1 15A NCAC 18A .1301 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **SECTION .1300 - SANITATION OF HOSPITALS, NURSING HOMES, ADULT CARE HOMES, AND**
4 **OTHER INSTITUTIONS**

5
6 **15A NCAC 18A .1301 DEFINITIONS**

7 The following definitions shall apply throughout this ~~Section in the interpretation and enforcement of this~~ Section:

- 8 (1) “Activity kitchen” means a kitchen that is available to residents of an institution and their guests for
9 the purpose of preparing food for individual or group activities. Nothing in this Section shall prohibit
10 residents or employees of a residential care facility, as that term is defined at 15A NCAC 18A
11 ~~[-1601(8),] .1601~~ or their ~~guests~~ guests, from using an activity kitchen when an institution’s
12 activity kitchen is in the same building where a residential care facility is located.
- 13 (2) “Administrator” means the person designated by the licensee to be responsible for the daily
14 operation of the institution.
- 15 (3) “Ancillary kitchen” means a kitchen that is used by the institution’s employees for meal preparation
16 and other work to support the dietary kitchen. Ancillary kitchens shall meet the requirements of 15A
17 NCAC 18A .2600.
- 18 (4) “Bed linens” means bed sheets, pillowcases, mattress covers, blankets, and duvets covers.
- 19 (5) “Clean” means that an object or surface has been made free of garbage, solid waste, soil, dust, hair,
20 dander, food, bodily fluids and secretions, and feces.
- 21 (6) “Department” means the North Carolina Department of Health and Human Services.
- 22 (7) “Dietary kitchen” means the primary kitchen in the institution that is used to provide meals and
23 nutrition services to the institution’s residents, employees, and guests. Dietary kitchens shall meet
24 the requirements of 15A NCAC 18A .2600.
- 25 ~~(4)(8)~~ “(8) “Disinfect” means a ~~non-sporicidal~~ process used on inanimate surfaces to destroy or irreversibly
26 inactivate ~~infectious fungi- fungi, viruses, and bacteria but not necessarily their spores by using an~~
27 EPA registered disinfectant in accordance with the disinfectant’s product label.
- 28 ~~(2)~~ “(2) “Environmental Health Specialist” means a person authorized by the Department of Environment
29 and Natural Resources under G.S. 130A-6 to enforce environmental health rules adopted by the
30 Commission for Public Health.
- 31 (9) “EPA registered disinfectant” means a disinfectant as defined at 40 C.F.R. 158.2203 that has been
32 registered with the United States Environmental Protection Agency (“EPA”) in accordance with 40
33 C.F.R. ~~[452]~~ 152, which are hereby incorporated by reference, including any subsequent
34 amendments or editions, and available free of charge at <https://www.ecfr.gov/>.
- 35 (10) “Garbage” means as defined at G.S. 130A-290(7).
- 36 (11) “Good repair” means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall
37 operate in accordance with the manufacturer’s instructions.

1 (12) “Hand Hygiene Program” means a written plan implemented in an institution in the absence of hand
2 washing facilities as set forth in this Section. The licensee or the licensee’s designee shall submit
3 the hand hygiene program plan to the local health department for the county in which the institution
4 is located, serving as the regulatory authority, for approval prior to [the] implementing the hand
5 hygiene program. The regulatory authority shall notify the institution or the institution’s designee
6 in writing of the decision to approve or not to approve the hand hygiene program plan. In
7 determining whether to approve the hand hygiene program, the regulatory authority shall consider
8 the following:

9 (a) the type and frequency of activities carried out at the institution that involve employee or
10 resident contact with bodily fluids [excretions] or secretions; and

11 (b) the number of handwashing facilities on each wing or floor of an institution’s building or
12 buildings. .

13 ~~(3)~~(13) "Institution" means includes the following establishments ~~providing that provide~~ room or board and
14 for which a license or certificate of payment must be obtained from the Department: Department of
15 Health and Human Services, other than those operated exclusively by the State of North Carolina:

16 (a) hospital, as defined in G.S. 131E-76 including doctors' clinics with food preparation
17 facilities;

18 (b) nursing home, as defined in G.S. 131E-101;

19 (c) ~~sanitarium, sanatorium, and any similar an~~ establishment, other than ~~a~~ hospital and nursing
20 home, for the recuperation and treatment of 13 or more persons suffering from ~~physical~~
21 physical, behavioral, or mental health disorders; conditions;

22 (d) ~~adult care home, providing custodial care on a 24 hour basis for 13 or more persons,~~
23 including homes for the aged; as defined at G.S. 131D-2.1;

24 (e) ~~orphanage, or children's home providing care on a 24 hour basis for 13 or more children.~~
25 residential child care facility, as defined at G.S. 131D-10.2(13); and

26 (f) facilities that provide room and board to individuals but are exempt from licensure under
27 G.S. 131D-10.4(1).

28 ~~However, the~~ This term shall not include a child day care facility, facility as defined in G.S. 110-
29 86(3), an adult day service facility as defined in 15A NCAC 18A .3300 .3300, or a residential care
30 facility as defined in 15A NCAC 18A .1600.

31 ~~(4) —“Department of Environment and Natural Resources” shall mean the Secretary, or his authorized~~
32 ~~representative.~~

33 (14) “Licensing agency” means the North Carolina Department of Health and Human Services, Division
34 of Health Service Regulation.

35 (15) “Linens” means bath towels, hand drying towels, and bed linens.

36 ~~(5)~~(16) "Local health director" department” means shall mean local health director as defined in G.S. 130A-
37 2(5). 130A-2(6) or his authorized representative.

- 1 (17) “Non-community water supply” means a noncommunity water system as defined at G.S. 130A-
2 313(10).
- 3 (18) “Nourishment station” means an area where commercially packaged food that is used to provide
4 nourishment to an institution’s residents, employees, or guests is stored.
- 5 (19) “Pest” means as defined at G.S. 143-460(26a).
- 6 (20) “Refuse” means ~~a~~as defined at G.S. 130A-290(28).
- 7 (21) “Registered Environmental Health Specialist” or “REHS” means as defined at G.S. 90A-51(4). ~~90-~~
8 ~~51(4).~~
- 9 (22) “Regulatory authority” means the Department or authorized agent of the Department.
- 10 (23) “Rehabilitation kitchen” means a kitchen used solely for the purpose of providing supervised
11 therapeutic activities to residents, including occupational or physical therapy. Food prepared in a
12 rehabilitation kitchen shall not be consumed by anyone who is not a participant in the therapeutic
13 activity being conducted in the rehabilitation kitchen.
- 14 (24) “Resident” means an individual residing in or being served by the institution, including patients.
15 This term does not include an institution’s employees or a resident’s guests.
- 16 ~~(6) “Patient” means a patient or resident living in an institution as defined in this Section.~~
- 17 ~~(7) “Person” shall mean an individual, firm, association, organization, partnership, business trust,~~
18 ~~corporation, or company.~~
- 19 ~~(8) “Personal Hygiene” means maintenance of personal health, including grooming, brushing teeth,~~
20 ~~showering, applying makeup, or washing/drying face, hands, and body.~~
- 21 ~~(9) “Potentially hazardous food” means any food or ingredient, natural or synthetic, in a form capable~~
22 ~~of supporting the growth of infectious or toxigenic microorganisms, including Clostridium~~
23 ~~botulinum. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and~~
24 ~~treated foods of plant origin. The term does not include foods that have a pH level of 4.6 or below~~
25 ~~or a water activity (Aw) value of 0.85 or less.~~
- 26 ~~(10)(25) “Sanitize” means as defined a bactericidal treatment that meets the temperature and chemical~~
27 ~~concentration levels in 15A NCAC 18A .2619. .2600~~
- 28 ~~(11) “Soiled utility room” means a room or area with fixtures used for cleaning and disinfecting soiled~~
29 ~~patient care items.~~
- 30 (26) “Solid waste” means as defined at G.S. 130A-290(35).
- 31 (27) “Time/Temperature Control for Safety Food” or “TCS Food” means as defined in 15A NCAC 18A
32 .2600.
- 33 (28) “Yard trash” means as defined at G.S. 130A-290(45).

34

35 *History Note:* Authority G.S. 130A-29; 130A-235;
36 Eff. February 1, 1976;
37 Readopted Eff. December 5, 1977;

1 *Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998; February 1, 1997; September 1,*
2 *1990; March 1, 1988;*
3 *Temporary Amendment Eff. June 1, 2003;*
4 *Amended Eff. February 1, ~~2004~~2004;*
5 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1302 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1302 APPROVAL OF PLANS**

4 ~~In addition to any other licensure requirements, Construction documents, as defined in 10A NCAC 13B .3001, plans~~
5 for an institution shall be submitted by the licensee to the local health department for the county in which the institution
6 is located, serving as the regulatory authority, for review and approval before beginning construction. Construction
7 documents [plans] shall be approved by the regulatory authority when the plans comply with the Rules of this Section.

8

9 *History Note: Authority G.S. 130A-29; 130A-235;*

10 *Eff. February 1, 1976;*

11 *Readopted Eff. December 5, 1977;*

12 *Amended Eff. March 1, 2003 (see S.L. 2002-160); April 1, 1997; September 1, 1990; June 30,*

13 *~~1980-1980;~~*

14 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1304 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1304 INSPECTIONS**

4 (a) Institutions shall be ~~graded~~ inspected once ~~each in a six months~~ month period by the local health department for
5 the county in which the institution is located, serving as the regulatory authority, and food services at Dietary kitchens
6 within institutions that prepare and serve meals to 13 or more patients or residents shall be inspected at least once each
7 quarter, in accordance with G.S. 130A-235(a1) or 10A NCAC 46 .0213, as applicable.

8 (b) The grading inspection of institutions shall be ~~done~~ documented on inspection forms furnished by the Department
9 to local health departments. The form shall contain include the following information:

10 (1) the name and address of the ~~facility;~~ institution;

11 (2) the name of the ~~person in charge of the facility;~~ licensee;

12 ~~(3) the standards of [a description of the institution's] construction and operation [standards] as listed~~
13 ~~[described] in [Rules] .1309 .1324 of this Section;~~

14 ~~(4)~~ (3) an explanation for all points deducted during the inspection and scoring;

15 ~~(4)(5)~~ the institution's [operating status and] the score; score calculated in accordance with Rule .1308 of
16 this Section; and

17 ~~(5)(6)~~ the signature of the Registered Environmental Health Specialist who conducted the inspection;
18 authorized agent of the Department. and

19 ~~(7)(6)~~ the date on which the inspection was conducted.

20 (c) ~~Whether or not a permit is required under G.S. 130A-248, inspections of food preparation and central dining areas~~
21 ~~in institutions serving meals to 13 or more patients or residents~~ The inspection of dietary kitchens, [kitchens and]
22 ancillary kitchens, [kitchens] and [associated dining] areas for dining associated with the dietary kitchen or ancillary
23 kitchen shall be documented separately using the inspection forms and grading system used for grading restaurants as
24 specified in current "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A
25 NCAC 18A .2661 and .2662. .2600. When grading the food preparation and central dining areas of institutional food
26 services that are not required to obtain a permit under G.S. 130A-248, the provisions of Rule .1323(d) of this Section
27 shall supercede the provisions of Rule 15A NCAC 18A .2610(e) regarding animals in dining areas. Except as required
28 by G.S. 130A-247 through 250, food services at institutions shall not be required to obtain foodhandling establishment
29 permits. Facilities that the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments"
30 are made effective by the rules of this Section that were Dietary [kitchens] kitchens, ancillary kitchens, and [associated
31 dining] areas for dining associated with the dietary kitchen or ancillary kitchen in operation before March 1, 2003 may
32 shall be allowed to continue to use equipment and construction in use on that date if no imminent hazard as defined at
33 G.S. 130A-2(3) exists. Points shall not be deducted from the food service sanitation score for existing equipment that
34 is kept clean and performs the task for which it is used. Replacement When such equipment is replaced, the
35 replacement equipment for these facilities shall comply with 15A NCAC 18A .2600 .2654.

36
37 *History Note:* Authority G.S. 130A-29; 130A-235;

1 *Eff. February 1, 1976;*
2 *Readopted Eff. December 1, 1977;*
3 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; June 30, 1980;*
4 *Temporary Amendment Eff. June 1, 2003;*
5 *Amended Eff. February 1, ~~2004-2004~~;*
6 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1305 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1305 GRADING RESIDENTIAL CARE FACILITIES IN INSTITUTIONS**

4 ~~¶ When an institution is located in the same building or on [the same property] contiguous parcels of land as includes~~
5 ~~one or more residential care facilities each providing that provide room or board for 12 persons or fewer, the residential~~
6 ~~care facilities shall be inspected and graded separately from the institution and in accordance with rules in 15A NCAC~~
7 ~~18A .1600. .1600 shall apply and grading of the residential care facilities shall be in accordance with the residential~~
8 ~~care and these Rules do not apply.~~

9

10 *History Note:* Authority G.S. . **130A-29;** 130A-235;

11 *Eff. February 1, 1976;*

12 *Readopted Eff. December 5, 1977;*

13 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990-1990~~;*

14 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1306 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1306 PUBLIC DISPLAY OF GRADE CARD**

4 (a) ~~Whenever~~ When an inspection of an institution is ~~made, inspected,~~ the regulatory authority ~~Environmental Health~~
5 ~~Specialist shall designate the location where the~~ remove the existing grade card shall be posted. ~~card, issue a new~~
6 grade card, and post the new The grade card shall be located where ~~it may be readily observed by the public upon~~
7 ~~entering the facility. the public has an unobstructed view of the grade card upon entering the institution.~~ The
8 ~~administrator shall be responsible for keeping the grade card posted at the location designated by the Environmental~~
9 ~~Health Specialist at all times. If the administrator objects to the location designated by the Environmental Health~~
10 ~~Specialist, then the administrator may suggest an alternative location which meets the criteria of this Rule. The posted~~
11 grade card shall be black text on a white background. The section of text on the grade card that lists the numeric score
12 and the alphabetic grade shall be 1.5 ~~includes~~ inches in height.

13 (b) ~~Private institutions are inspected and graded by Environmental Health Specialists employed by the local health~~
14 ~~departments, under the direction of the local health directors. When~~ [and] an [inspection of an] institution is inspected,
15 [conducted,] the regulatory authority shall remove any existing grade card, issue a new grade card, and post the new
16 grade card in accordance with Paragraph (a) of this Rule. The administrator shall keep the grade card posted at the
17 designated location at all times.

18
19 *History Note:* Authority G.S. 130A-29; 130A-235;
20 *Eff. February 1, 1976;*
21 *Readopted Eff. December 5, 1977;*
22 *Amended Eff. March 1, 2003 (see S.L. 2002-160); July 1, ~~1986-1986;~~*
23 *Readopted October 1, 2022.*

1 15A NCAC 18A .1307 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1307 REINSPECTIONS**

4 The administrator may request a reinspection for the purpose of raising the alphabetical grade. If the administrator
5 requests a reinspection for the purpose of raising the alphabetical grade. Upon [the] receipt of a request from [of] the
6 management [administrator,] the regulatory authority shall conduct for a reinspection for the purpose of raising the
7 alphabetical grade in accordance with the Rules of this Section. of the institution, the Environmental Health Specialist
8 The administrator shall submit the request for reinspection to the local health department, serving as the regulatory
9 authority, for the county in which the institution is located. The regulatory authority shall make an unannounced
10 inspection after the lapse of a reasonable period of time, not to exceed within 30 days- calendar days from the date on
11 which the request for reinspection is made. The alphabetical grade that is assessed based on the reinspection shall
12 replace the institution's most recently assessed alphabetical grade. Following a reinspection, a new grade card shall
13 be issued and posted in accordance with Rule .1306 of this Section.

14

15 *History Note: Authority G.S. 130A-29; 130A-235;*

16 *Eff. February 1, 1976;*

17 *Readopted Eff. December 5, 1977;*

18 *Amended Eff. March 1, 2003 (see S.L. ~~2002-160~~;2002-160);*

19 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1308 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1308 ~~APPROVED INSTITUTIONS AND SCORING SYSTEM~~**

4 (a) The ~~sanitation~~ grading of all institutions shall be based on a sanitation system of scoring as follows:

- 5 (1) ~~wherein all~~ institutions receiving a score of at least 90 percent or greater shall be awarded Grade A;
- 6 (2) ~~all~~ institutions receiving a score of at least 80 percent and less than 90 percent shall be awarded
- 7 Grade B;
- 8 (3) ~~all~~ institutions receiving a score of at least 70 percent and less than 80 percent shall be awarded
- 9 Grade C; and
- 10 (4) ~~all~~ institutions receiving a score of less than 70 percent do not meet the minimum sanitation
- 11 ~~standards.~~ standards and shall not receive a grade.

12 (b) If an institution or an ~~institutional food service~~ [an] institution's dietary kitchen fails to earn ~~maintain~~ a sanitation

13 score of at least 70 percent, ~~or if the Environmental Health Specialist determines that conditions found at the institution~~

14 ~~at the time of any inspection are dangerous to the health of residents or the public, the Environmental Health Specialist~~

15 the regulatory authority shall notify the licensing agency within 24 ~~hours.~~ hours of completing the inspection and shall

16 provide a A copy of the inspection report ~~documenting the dangerous conditions shall be sent~~ to the licensing agency

17 within two working business days following of the date of the inspection.

18 (b)(c) ~~Sanitation scores for institutions shall be determined by an Environmental Health Specialist authorized by the~~

19 ~~Department by completing an inspection report Form DENR 1213. The sanitation score is a percentage compliancee~~

20 ~~determined by deducting points from 100 percent for each item found not to be in compliance with the Rules of this~~

21 ~~Section. Deductions for sanitation scores shall be based on [actual] violations of the Rules of this Section that are~~

22 ~~observed during the inspection. The regulatory authority authorized Environmental Health Specialist shall deduct~~

23 ~~take zero, one-half, or a full or half credit deduction for non-compliant items based on the severity or the recurring~~

24 ~~nature severity, pervasiveness and persistence of the rule violation. The percentage point value of each item is~~

25 ~~determined as follows:~~

- 26 (1) Violation of Rule .1309 of this Section regarding ~~cleanability~~ the cleanliness and repair of floors
- 27 and ~~carpet~~ provision of floor drains shall be assessed a value of equal no more than two points.
- 28 (2) ~~Violation of Rule .1309 of this Section regarding cleaning and maintenance of floors and carpet~~
- 29 ~~shall be assessed a value of two points.~~
- 30 (3) ~~(2)~~ Violation of Rule ~~.1310~~ .1310(a) of this Section regarding ~~cleanability and repair~~ of walls and
- 31 ceilings shall be assessed equal a value of no more than two points.
- 32 (3) ~~Violation of Rule .1310(b) of this Section regarding ceiling attachments shall equal no more than~~
- 33 one point.
- 34 (4) Violation of Rule .1311(a) of this Section regarding lighting levels shall be assessed equal a value
- 35 of no more than two points. ~~one point.~~

- 1 (5) Violation of Rule .1311(b) ~~or (c)~~ of this Section regarding ~~ambient air temperatures and cleaning~~
2 ~~cleanliness~~ of ventilation equipment shall ~~be assessed equal a value of no more than two points; one~~
3 ~~point.~~
- 4 (6) ~~Violation of Rule .1311(c) of this Section regarding ambient air temperatures shall equal no more~~
5 ~~than two points.~~
- 6 (6) ~~Violation of Rule .1311(d) of this Section regarding moisture control shall be assessed a value of~~
7 ~~three points.~~
- 8 (7) ~~Violation of Rule .1311(e) of this Section regarding control of indoor smoke exposure shall be~~
9 ~~assessed a value of two points.~~
- 10 (8)(7) Violation of [Rules] .1312(a), (b), or (f) Rule .1312(a) of this Section regarding ~~location, cleaning~~
11 ~~and repair of toilet, handwashing~~ handwashing, and bathing facilities shall ~~be assessed equal a value~~
12 ~~of no more than two points.~~
- 13 (9)(8) Violation of Rule .1312(b) of this Section regarding ~~toilet rooms~~ storage and signage shall be
14 ~~assessed equal a value of no more than one point.~~
- 15 (10)(9) Violation of Rule .1312(c) of this Section regarding bedpans, urinals, bedside ~~commodes~~
16 commodes, and emesis basins shall ~~be assessed equal a value of no more than one point.~~
- 17 (11) ~~Violation of Rule .1312(e) or (d) of this Section regarding provision, accessibility and use of hand~~
18 ~~sinks shall be assessed a value of two points.~~
- 19 (12)(10) Violation of Rule .1312(d) of this Section regarding ~~equipment for~~ handwashing facilities shall be
20 ~~assessed equal a value of no more than three points.~~
- 21 (13)(11) Violation of Rule .1312(e) of this Section regarding disinfectants ~~hot water temperature at lavatory~~
22 ~~and bathing facilities shall be assessed equal a value of no more than two points.~~
- 23 (14)(12) Violation of Rule .1312(f) of this Section regarding bathing facilities ~~accessibility and mixing of~~
24 ~~cleaning and disinfectant agents shall be assessed equal a value of no more than three two points.~~
- 25 (15)(13) Violation of Rule .1313(a) ~~or (d)~~ of this Section regarding water supply ~~and cross connections~~ shall
26 ~~be assessed equal a value no more than~~ of four points.
- 27 (14) ~~Violation of Rule .1313(b) of this Section regarding water sampling shall equal no more than two~~
28 ~~points.~~
- 29 (15) ~~Violation of Rule .1313(c) of this Section regarding cross-connections shall equal no more than two~~
30 ~~points.~~
- 31 (16) Violation of Rule .1313(d) ~~.1313 (e) or (f)~~ of this Section regarding ~~quantity of hot and cold water~~
32 ~~and backup water supply plans shall be assessed equal a value of no more than three two points.~~
- 33 (17) ~~Violation of Rule .1313(e) of this Section regarding back up water supply plans shall equal no more~~
34 ~~than one point.~~
- 35 (17)(18) Violation of Rule .1314(a) of this Section regarding cleaning and maintenance ~~cleaning, repair and~~
36 ~~flow regulation~~ of drinking fountains shall be assessed equal a value of no more than one point, two
37 ~~points.~~

- 1 ~~(18)~~(19) Violation of Rule ~~.1314(a)~~ .1314(b) of this Section regarding drinking utensils used for service of
2 water and ice shall ~~be assessed equal a value of no more than~~ two points.
- 3 ~~(19)~~(20) Violation of Rule ~~.1314(b)~~ .1314(c) of this Section regarding protection of ice ~~and cleaning and~~
4 ~~repair of ice making and handling equipment and utensils~~ shall ~~be assessed equal a value of no more~~
5 ~~than~~ two points.
- 6 ~~(20)~~(21) Violation of Rule ~~.1315~~ .1315(a) of this Section regarding ~~wastewater~~ sewage disposal shall ~~be~~
7 ~~assessed equal a value of no more than~~ four points.
- 8 (22) Violation of Rule ~~[.1315(a)]~~ .1315(b) of this Section regarding disposal of mop water shall ~~equal no~~
9 ~~more than three points~~.
- 10 ~~(21)~~(23) Violation of Rule .1316(a) ~~.1316(a), (b) or (c)~~ of this Section regarding solid waste storage ~~and~~
11 ~~container cleaning facilities~~ shall ~~be assessed equal a value of no more than one point, four points~~.
- 12 ~~(22)~~(24) Violation of Rule ~~.1316(d)~~ .1316(b) of this Section regarding refuse, recyclables, and returnables
13 solid waste disposal and control of insect breeding or nuisance shall ~~be assessed equal a value of no~~
14 ~~more than one point, two points~~.
- 15 ~~(23)~~(25) Violation of Rule ~~.1316(e)~~ .1316(c) of this Section regarding containers and container washing
16 facilities handling and disposal of medical wastes shall ~~be assessed equal a value of no more than~~
17 ~~one point, two points~~.
- 18 ~~(24)~~(26) Violation of Rule .1316(d) of this Section regarding cleaning and maintenance of the premises shall
19 equal no more than two points.
- 20 (27) Violation of Rule .1316(e) of this Section regarding handling and disposal of medical waste shall
21 equal no more than two points.
- 22 (28) Violation of Rule .1317(a) of this Section regarding pest control ~~exclusion of vermin~~ shall ~~be~~
23 ~~assessed equal a value of no more than one point, three points~~.
- 24 ~~(25)~~(29) Violation of Rule .1317(b) of this Section regarding storage and handling of pesticides shall ~~be~~
25 ~~assessed equal a value of no more than~~ two points.
- 26 ~~(26)~~ Violation of Rule .1317(c) of this Section regarding cleaning and maintenance of premises shall ~~be~~
27 ~~assessed a value of two points~~.
- 28 ~~(27)~~ Violation of Rule .1317(e) or (f) of this Section regarding pet maintenance shall ~~be assessed a value~~
29 ~~of two points~~.
- 30 ~~(28)~~ Violation of Rule .1318(a) of this Section regarding storage areas shall ~~be assessed a value of one~~
31 ~~point~~.
- 32 ~~(29)~~ Violation of Rule .1318(b) of this Section regarding mop sinks shall ~~be assessed a value of one~~
33 ~~point~~.
- 34 (30) Violation of Rule .1318(a) ~~.1318(c)~~ of this Section regarding medication carts shall ~~be assessed~~
35 equal a value of no more than two points.

- 1 (31) Violation of Rule .1318(b) ~~.1318(d)~~ of this Section regarding feeding bags, tubes, syringes, and oral
2 suction catheters [eatheters,] and tube feeding bags shall be assessed equal a value of no more than
3 two points.
- 4 (32) Violation of Rule .1319(a) of this Section regarding furnishings cleaning and repair of furniture and
5 use of mattress covers shall be assessed equal a value of no more than one point. ~~two points.~~
- 6 (33) Violation of Rule .1319(b) of this Section regarding linens and linen storage ~~changes and handling~~
7 ~~of soiled laundry~~ shall be assessed equal a value of no more than one point. ~~two points.~~
- 8 (34) Violation of Rule .1319(c) ~~.1319~~ of this Section regarding laundry areas and equipment, cleaning
9 and sanitizing of laundry, and storage and handling of clean laundry shall be assessed equal a value
10 of no more than three ~~two~~ points.
- 11 (35) Violation of Rule .1319(d) ~~.1319(e)~~ of this Section regarding laundry repair, storage, cleaning and
12 disinfection of patient contact items shall be assessed equal a value of no more than ~~no more than~~
13 one point.
- 14 (36) Violation of Rule .1319(e) ~~.1320~~ of this Section regarding laundry areas ~~approval, cleaning and~~
15 ~~sanitizing food contact items~~ shall be assessed equal a value of no more than one point. ~~two points.~~
- 16 ~~(37)~~ Violation of Rule .1319(f) of this Section regarding mobility equipment shall equal no more than
17 one point.
- 18 ~~(37)(38)~~ Violation of Rule .1320(a) ~~.1320~~ of this Section regarding food service equipment ~~approved uses of~~
19 ~~activity kitchens~~ shall be assessed equal a value of no more than ~~one point.~~
- 20 ~~(39)~~ Violation of Rule .1320(b) of this Section regarding cleaning and sanitization of utensils shall equal
21 no more than three points.
- 22 ~~(38)(40)~~ Violation of Rule .1320(c) ~~.1320(b)~~ of this Section regarding handwashing lavatories facilities ~~in~~
23 ~~foodhandling areas~~ shall be assessed equal a value of no more than ~~two points.~~
- 24 ~~(41)~~ Violation of Rule .1320(d) of this Section regarding cooking and baking equipment surfaces shall
25 equal no more than one point.
- 26 ~~(39)(42)~~ Violation ~~of of~~ Rule .1321(a) of this Section regarding food sources and supplies shall be assessed
27 equal a value of no more than three ~~four~~ points.
- 28 ~~(40)(43)~~ Violation of Rule .1321(b) of this Section regarding storage, labeling, and condition ~~disposition of~~
29 ~~food brought by employees or visitors~~ shall be assessed equal a value of no more than ~~one point.~~
- 30 ~~(41)~~ Violation of Rule .1322 of this Section regarding milk and milk products shall be assessed a value
31 of two points.
- 32 ~~(42)(44)~~ Violation of Rule .1323(a) of this Section regarding food protection ~~protection, temperature control~~
33 ~~and time in lieu of temperature~~ shall be assessed equal a value of no more than ~~four points.~~
- 34 ~~(43)(45)~~ Violation of Rule .1323(b) of this Section regarding hot and cold food storage holding ~~equipment~~
35 ~~and display units and thermometers~~ shall be assessed equal a value of no more than ~~one point.~~
- 36 ~~(44)(46)~~ Violation of Rule .1323(c) of this Section regarding food storage shall be assessed equal a value of
37 no more than ~~one point.~~

1 ~~(45)(47)~~ Violation of Rule .1323(d) of this Section regarding ~~control of live animals in food service areas~~
2 shall be assessed ~~equal a value of no more than~~ two points.

3 ~~(46)(48)~~ Violation of Rule .1324(a) of this Section regarding employee clothing ~~and tobacco use while~~
4 ~~handling food~~ shall be assessed ~~equal a value of no more than two points. one point.~~

5 ~~(47)(49)~~ Violation of Rule ~~.1324(a)(1)-(5) .1324(a) or (b)~~ of this Section regarding employee ~~hand washing~~
6 ~~handwashing and hand antisepsis~~ shall be assessed ~~equal a value of no more than~~ three points.

7 ~~(50)~~ Violation of Rule .1324(b) of this Section regarding employee handwashing shall equal no more
8 ~~than three points.~~

9 ~~(48)(51)~~ Violation of Rule .1324(c) of this Section regarding exclusion of persons with ~~certain diseases and~~
10 ~~conditions infections~~ from food service work shall be assessed ~~equal a value of no more than four~~
11 ~~two~~ points.

12 ~~(52)~~ Violation of Rule .1324(d) of this Section regarding cleaning supplies and written procedures for
13 ~~responding to vomiting or diarrheal events~~ shall equal no more than two points.

14
15 *History Note:* Authority G.S. 130A-29; 130A-235;
16 Eff. February 1, 1976;
17 Readopted Eff. December 5, 1977;
18 Amended Eff. February 1, 2004; August 1, ~~2002~~; 2002;
19 Readopted Eff. October 1, 2022.

1 15A NCAC 18A .1309 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1309 FLOORS**

4 (a) ~~All~~ Except as permitted by Paragraph (b) of this Rule, the ~~[The]~~ floors in intensive care units, bathrooms, showers,
5 hydrotherapy areas, operating rooms, soiled utility rooms and laundry areas an institution shall be made of smooth,
6 non-absorbent materials and ~~so constructed as to be easy to clean.~~ shall be kept clean and in good repair.

7 ~~(b) Floors shall be free of obstacles to cleaning, and shall be kept clean and in good repair. Notwithstanding the~~
8 ~~foregoing in Paragraph (a) of this Rule, carpet is permitted if it is~~ Carpeting carpet is installed in an institution then
9 the carpet ~~shall be maintained~~ kept clean, odor free, ~~dry~~ and in good repair.

10 ~~(b) In all rooms in which floors are subjected to flooding type cleaning, floors shall be of nonabsorbent materials,~~
11 ~~shall be sloped to drain and be provided with floor drains.~~

12

13 *History Note:* Authority G.S. 130A-29; 130A-235;

14 *Eff. February 1, 1976;*

15 *Readopted Eff. December 5, 1977;*

16 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990-1990;~~*

17 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1310 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1310 WALLS AND CEILINGS**

4 (a) The interior walls of the institution, including doors, windows and window trim, and ceilings ~~of all rooms and~~
5 ~~areas shall be kept clean and in good repair. All walls shall be easily cleanable and shall have washable surfaces to~~
6 ~~the highest level reached by splash or spray in rooms or areas where such occur.~~

7 (b) [Ceiling attachments, including light fixtures and fans,] Light fixtures, fans, conduits, and heating, ventilation,
8 and air conditioning vents shall be kept clean and in good repair.

9

10 *History Note: Authority G.S. 130A-29; 130A-235;*

11 *Eff. February 1, 1976;*

12 *Readopted Eff. December 5, 1977;*

13 *Amended Eff. March 1, 2003 (see S.L. ~~2002-160~~); 2002-160;*

14 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1311 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1311 LIGHTING, LIGHTING AND VENTILATION AND MOISTURE CONTROL**

4 (a) ~~All~~ The areas interior to an institution's building or buildings shall be ~~provided~~ equipped with ~~sufficient~~
5 ~~illumination to effectively perform all operations, including cleaning, and shall have~~ at least 10 foot candles of light
6 at 30 inches above the ~~floor. floor in all areas other than food service areas. Food service areas shall be lighted as~~
7 ~~required for restaurants in "Rules Governing The Sanitation of Restaurants and other Foodhandling Establishments"~~
8 ~~15A NCAC 18A .2600.~~

9 (b) Ventilation equipment shall be kept clean and in good repair.

10 (c) Ambient indoor air temperatures shall be maintained ~~in the range of 65° F~~ [65 degrees Fahrenheit to] at or below
11 ~~85° F. 85 degrees Fahrenheit.~~

12 (d) ~~Moisture shall be controlled such that there is no evidence of microbial growth on interior surfaces and objects.~~

13 (e) ~~Indoor smoking, including the carrying of any lit cigarette, pipe, cigar, or other similar product containing tobacco~~
14 ~~or other substances shall be restricted to dedicated smoking rooms. Smoking rooms shall be ventilated to prevent~~
15 ~~environmental tobacco smoke from moving into other occupied portions of the building. There shall be no obligation~~
16 ~~to establish such smoking rooms.~~

17

18 *History Note:* Authority G.S. 130A-29; 130A-235;

19 *Eff. February 1, 1976;*

20 *Readopted Eff. December 5, 1977;*

21 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1986; October 1,*
22 *~~1985-1985;~~*

23 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1312 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1312 TOILET: HANDWASHING: ~~LAUNDRY:~~ AND BATHING FACILITIES**

4 (a) All institutions shall ~~provide~~ be provided with toilet, handwashing, and bathing facilities that are ~~conveniently~~
5 ~~located and readily~~ accessible to available for use by residents and staff. These facilities, ~~and laundry facilities when~~
6 ~~provided~~, shall be kept clean and in good repair.

7 (b) ~~Toilet facilities shall comply with the requirements of the state agency licensing the facility.~~ Toilet rooms
8 Bathrooms shall not be used for storage of items not currently in use. ~~storage.~~ ~~Fixtures and furnishings shall be kept~~
9 ~~clean and in good repair.~~ Durable, legible signs A sign shall be posted ~~or stenciled conspicuously~~ in each toilet room
10 for ~~food service~~ institution employees directing them to wash their hands after each visit to the toilet room and before
11 returning to work.

12 (c) Institutions where bedpans, bedside commodes, urinals, ~~urinals~~ or emesis basins are used shall provide facilities
13 for emptying, cleaning, and disinfecting bedpans, [beside] bedside commodes, urinals, ~~urinals~~ and emesis basins.
14 Bedpans, bedside commodes, urinals, shared diaper changing surfaces, ~~urinals~~ and emesis basins that have been used
15 by a resident shall be ~~cleaned after each use~~ kept clean and shall be disinfected before use by other patients, ~~residents.~~
16 ~~Where bedpans are cleaned in patient rooms, bedpan cleaning facilities shall consist of a water closet with bedpan~~
17 ~~lugs or spray arms. Where facilities for cleaning bedpans are not provided in patient rooms, bedpans shall be taken to~~
18 ~~a soiled utility room and be cleaned and disinfected using an EPA registered hospital disinfectant after each use.~~
19 ~~Where~~ When disposable bedpans, emesis basins, and urinals ~~bedpans~~ are reused, they shall be labeled with the [date
20 of first use and] so that they are associated with an individual resident. Disposable bedpans, emesis basins, and urinals
21 ~~patient's name and date and shall not be used by more than one resident.~~ patient. ~~Bedside commodes shall be cleaned~~
22 ~~after each use and shall be cleaned and disinfected before use by successive patients. Hand sinks shall not be used for~~
23 ~~cleaning bedpans or bedside commodes.~~

24 (d) Handwashing facilities shall be located in an institution in accordance with 10A NCAC 13B .5411, 10A NCAC
25 13D .3201, 10A NCAC 13F .0305, .1304, and 10A NCAC 13K .1109, .1204, [40A NCAC 13B, 10A NCAC 13D,
26 40A NCAC 13F, and 10A NCAC 13K,] as applicable. Institutions that do not have a handwashing facility located in
27 all areas required by this Paragraph shall not be required to install handwashing facilities if the institution has an
28 approved hand hygiene program, ~~accessible to all areas where personnel may be exposed to bodily excretions or~~
29 ~~secretions and in sterile supply processing areas, medication rooms, laundry areas, and soiled utility rooms. Any area~~
30 ~~where personnel may be exposed to bodily excretions or secretions shall have handwashing facilities located in the~~
31 ~~same room or have a doorway connecting to an adjacent room or corridor containing handwashing facilities. All~~
32 ~~lavatories~~ Hand washing facilities shall be supplied equipped with ~~hot and cold~~ running water through a and a
33 tempering mixing device, ~~faucet,~~ or with tempered warm water, soap, and sanitary towels or hand drying devices.
34 ~~Facilities in operation prior to March 1, 2003 that do not have handwashing lavatories in all areas required shall not~~
35 ~~be required to install additional lavatories if an approved hand hygiene program is used. Hand hygiene programs shall~~
36 ~~be approved by the Environmental Health Specialist case by case based on type and frequency of activities involving~~
37 ~~contamination with bodily excretions or secretions, use of gloves to reduce contamination, availability of pre-~~

1 ~~moistened detergent wipes for hand cleaning, use of alcohol rubs or other skin antiseptics, and availability of~~
2 ~~handwashing facilities on the same wing or floor of the building.~~ Handwashing facilities shall be supplied with soap
3 and [sanitary] disposable towels or hand-drying devices, provided in kitchens and any other food preparation areas in
4 addition to any lavatories provided at employees' toilet rooms. Sinks used for washing utensils and equipment shall
5 not be accepted as a substitute for required handwashing facilities. Handwash lavatories Handwashing facilities shall
6 be used only for handwashing. Lavatories provided for use of patients or residents shall be used only for handwashing,
7 personal hygiene, rinsing feeding tubes and obtaining water. Lavatories used for handwashing or personal hygiene
8 and shall not be used for disposal of body bodily fluids or washing items that are not clean, cleaning soiled linens.
9 Lavatories in medication rooms used primarily for handwashing can be used for other purposes, such as disposal of
10 medications, which do not interfere with effective handwashing. Notwithstanding the foregoing sentence,
11 handwashing facilities provided for use in a resident's room may be used for personal hygiene, rinsing feeding tubes,
12 obtaining drinking water, and disposal of medications in accordance with the manufacturer's instructions or non-TCS
13 liquids as long as the handwashing facility is kept clean and is disinfected daily. Employees shall be permitted to use
14 handwashing facilities [in medication storage rooms] to dispose of medications in accordance with the manufacturer's
15 instructions.

16 (e) ~~Water heating facilities shall provide hot water within the temperature range of 100 degrees F to 116 degrees F at~~
17 ~~all lavatories and bathing facilities.~~ EPA registered disinfectants shall be used in accordance with the manufacturer's
18 instructions. When EPA registered disinfectants are mixed and prepared by institution employees, a measuring device,
19 chemical testing device, or the methods and devices [proscribed] prescribed by the chemical manufacturer shall be
20 used to prepare the concentration of chemicals in accordance with the disinfectant's label and the manufacturer's
21 instructions.

22 (f) ~~Bathing facilities as required by the licensing agency shall be provided, maintained and kept clean. Bathing~~
23 ~~facilities shall be supplied equipped with hot and cold running water and a mixing device, or a~~ tempering device.
24 ~~Shared bathing~~ Bathing equipment that has contact with a resident's patient's skin and is used by more than one
25 resident shall be kept clean ~~cleaned with detergent~~ and shall be disinfected ~~an EPA registered hospital disinfectant~~
26 ~~between patient resident uses.~~ Equipment located within a bathing facility that uses a pump to move water shall be
27 kept clean in accordance with the manufacturer's instructions. ~~Manufacturer's instructions shall be followed for~~
28 ~~cleaning equipment with pumps.~~ A supply of cleaning and disinfectant agents shall be accessible to bathing areas.
29 ~~Where disinfectants are mixed on site, the concentration of the mix shall be assured by use of a metering pump,~~
30 ~~measuring device or chemical test kit.~~

31
32 *History Note:* Authority G.S. 130A-29; 130A-235;
33 Eff. February 1, 1976;
34 Readopted Eff. December 5, 1977;
35 Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
36 Temporary Amendment Eff. June 1, 2003;
37 Amended Eff. February 1, ~~2004~~2004;

1 15A NCAC 18A .1313 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1313 WATER SUPPLY**

4 (a) Water supplies at institutions shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A ~~.1700.~~ .1700. as
5 applicable.

6 ~~(b) Non community public water supplies shall be listed with the Public Water Supply Section, Division of~~
7 ~~Environmental Health.~~

8 ~~(c)~~ (b) In institutions that use a non-community water supply, a sample of water shall be collected by the Department
9 ~~at least~~ once a year and submitted to the ~~Division of~~ North Carolina State Laboratory of Public Health Services or
10 other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 41C .0102
11 ~~Department~~ to perform bacteriological examinations.

12 ~~(d)~~ (c) An institution's water supply plumbing shall not include ~~Cross connections~~ cross-connections as set out in 15A
13 NCAC 18C .0102(c)(8). ~~with sewage lines, non potable water supplies, or other potential sources of contamination~~
14 ~~are prohibited.~~

15 ~~(e)~~ (d) Hot water Water Institutions shall provide water heating facilities. facilities shall be provided. Hot and cold
16 running water under pressure shall be provided ~~to food preparation areas, and to any other areas where water is required~~
17 in sufficient quantities to carry out all operations. Hot water shall be provided at temperatures between 105 degrees
18 Fahrenheit and 116 degrees Fahrenheit at handwashing and bathing facilities.

19 ~~(f)~~ (e) The ~~local health department~~ administrator shall be immediately ~~notified~~ notify the licensing agency and the
20 local health department that serves the county in which the institution is located if the institution's primary water
21 supply is interrupted for more than four consecutive hours. ~~Each~~ The institution shall have a written plan to obtain a
22 backup water supply in the event that the institution's primary water supply is lost interrupted for more than four
23 consecutive hours. The written plan shall identify a backup water supply or alternate source of water plan shall that
24 provides provide for two liters of potable water per day per resident and institution employee person for drinking,
25 drinking and potable water for ~~The backup water supply plan shall include a plan for either relocating residents or~~
26 ~~providing an alternative source of water for essential functions such as food preparation, hand washing, bathing,~~
27 cleaning, dishwashing, laundry laundry, and disposal of bodily waste. This may include a plan for relocating residents
28 to a facility with a water supply that satisfies Paragraph (a) of this Rule. ~~The amount of water provided for uses other~~
29 ~~than drinking may be reduced if the plan includes alternatives for water use for services such as laundry and~~
30 ~~dishwashing.~~ If an institution's primary water supply or back up water supply becomes [non potable] unsafe for
31 human consumption then the water sources within the institution, such as sink faucets, ~~assessment determines that tap~~
32 water is not to be used for drinking, sources shall be prominently labeled or hooded to restrict prevent their use and
33 the administrator shall provide potable water for use by the institution's residents and employees. shall be provided.

34
35 *History Note:* Authority G.S. 130A-29; 130A-235;

36 *Eff. February 1, 1976;*

37 *Readopted Eff. December 5, 1977;*

1 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990; July 1, 1986;*
2 *Temporary Amendment Eff. June 1, 2003;*
3 *Amended Eff. February 1, ~~2004~~, 2004;*
4 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1314 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1314 DRINKING WATER FACILITIES: ICE HANDLING**

4 (a) Drinking fountains shall be ~~of sanitary angle jet design, kept clean~~ clean, and ~~in good repair, properly regulated.~~
5 ~~All multi-use utensils used for service of water in patients' rooms, including glasses, pitchers, and drinking tubes, shall~~
6 ~~be cleaned and sanitized before being used by any other individuals. Disposable water pitchers shall be marked with~~
7 ~~the patient's name, used only by that patient and shall be disposed of and replaced when visibly soiled.~~

8 (b) Multi-use utensils for service of water and ice shall be kept clean and in good repair and shall be sanitized before
9 being provided to a resident for use. Disposable, single service utensils shall be used by only one person.

10 (c) Ice shall be ~~handled, transported, stored, and dispensed in such a manner as to be protected against contamination.~~
11 physical, chemical, and biological contamination and shall be kept clean. Ice machines, buckets, ~~other containers,~~ and
12 scoops shall be ~~cleaned on a regular schedule such that they are kept clean and free of scum, rust, mold or other~~
13 ~~contamination. Ice machines, buckets, other containers and scoops shall be maintained in good repair.~~ repair and
14 shall be protected from the elements, splash, drip, dust, vermin, other contamination, and from use by unauthorized
15 personnel. Ice machines and storage chests ~~which are~~ accessible to patients residents, guests, or the public shall
16 provide ice through automatic ice dispensing equipment ~~which prevents the contamination of stored ice.~~ and shall not
17 permit ice to be accessed using a scoop or bucket.

18

19 *History Note:* Authority G.S. 130A-29; 130A-235;

20 *Eff. February 1, 1976;*

21 *Readopted Eff. December 5, 1977;*

22 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990~~1990;*

23 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1315 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1315 LIQUID WASTES**

4 (a) All ~~wastewater~~ sewage originating from the institution shall be disposed of ~~in accordance~~ using a publicly operated
5 sewage treatment plant or an individual sewage disposal system that meets the requirements of Section .1900 of this
6 Subchapter. with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.

7 (b) Mop basins or mop sinks shall only be used to wash mops and dispose of the water used for mopping.

8

9 *History Note:* Authority G.S. 130A-29; 130A-235;

10 *Eff. February 1, 1976;*

11 *Amended Eff. July 1, 1977;*

12 *Readopted Eff. December 5, 1977;*

13 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990-1990~~;*

14 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1316 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1316 SOLID WASTES WASTES: ~~PREMISES;~~ PREMISES MEDICAL WASTES**

4 (a) All solid wastes containing food scraps or other ~~decomposable~~ putrescible materials ~~shall, prior to disposal, shall~~
5 be kept in leak-proof, non-absorbent ~~containers, such as standard garbage cans,~~ containers which shall be kept covered
6 with tight-fitting lids ~~when filled or stored, or~~ when not in use. ~~continual use; provided that such containers need not~~
7 ~~be covered when stored in a special vermin proofed room, such as a refrigerated garbage room, or enclosure.~~

8 (b) ~~All dry rubbish (including scrap paper, cardboard boxes, packing crates, etc.)~~ Refuse, recyclables, and returnables
9 shall be stored in containers, rooms, or areas ~~designated areas.~~ for the storage of refuse, recyclables, and returnables.

10 (c) The ~~rooms, enclosures,~~ designated rooms ~~areas,~~ and containers described in Paragraph (b) of this Rule shall be
11 adequate for the storage of all solid wastes accumulating on the premises. have the capacity to store the institution's
12 refuse, recyclables, and returnables and shall be kept clean. Cleaning facilities for ~~waste~~ containers used to store food
13 scraps, putrescible materials, refuse, recyclables, and returnables shall be provided. ~~Containers, rooms, or designated~~
14 ~~areas shall be kept clean.~~

15 (d) ~~All solid wastes shall be disposed of with sufficient frequency and in such a manner as to prevent insect breeding~~
16 ~~or public health nuisances.~~ An institution's exterior premises, including parking lots, lawns, and walkways, and
17 interior premises within the institution's building or buildings, shall be kept free of garbage, solid waste, yard trash,
18 and ~~[conditions that attract or harbor pests.]~~ pest harborages.

19 (e) Medical wastes shall be handled and disposed of as required in North Carolina "Solid Waste Management Rules"
20 15A NCAC 13B .1200. ~~.1200~~ Medical Waste Management.

21
22 *History Note:* Authority G.S. 130A-29; 130A-235;

23 *Eff. February 1, 1976;*

24 *Readopted Eff. December 5, 1977;*

25 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990.~~1990;*

26 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1317 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1317 VERMIN PEST CONTROL: PREMISES: ANIMAL MAINTENANCE**
4 **PESTICIDES**

5 (a) ~~Effective measures shall be taken to keep flies, rodents, cockroaches, and other vermin out of the establishment~~
6 ~~and to prevent their breeding or presence on the premises. All openings~~ Pests shall not be present in an institution's
7 ~~building or buildings. Openings to the outside of an institution's building or buildings~~ the outer air shall be protected
8 ~~against the entrance of flies and other flying insects by equipped with self-closing doors, doors that are flush with the~~
9 ~~door frame when closed, closed windows, 16 mesh or finer screening, window screening on windows that can be~~
10 ~~opened, or controlled air currents, or other effective means.~~ currents to prevent pests from entering the building or
11 buildings.

12 (b) Only ~~those~~ pesticides that are registered in accordance with 40 C.F.R. 152 and G.S. 143-442 shall be used to
13 control pests, which have been approved for a specific use and registered with the Environmental Protection Agency
14 and with the North Carolina Department of Agriculture in accordance with the "Federal Insecticide, Fungicide and
15 Rodenticide Act" and the "North Carolina Pesticide Law". Such pesticides Pesticides shall be used used, handled, and
16 stored as directed on in accordance with the instructions on the manufacturer's label. ~~label and shall be so handled and~~
17 ~~stored as to avoid health hazards.~~

18 (c) ~~The premises under control of the management shall be kept neat, clean, and free of litter. There shall be no fly~~
19 ~~or mosquito breeding places, rodent harborages, or undrained areas on the premises.~~

20 (d) ~~Cleaning shall minimize accumulation of feces and other allergens generated by insects and other vermin.~~

21 (e) ~~Animal pens, litter boxes, bird cages and other areas on the premises shall be cleaned to minimize accumulation~~
22 ~~of animal wastes, pet dander and allergens.~~

23 (f) ~~Copies of veterinary records for all resident pets shall be kept on the premises.~~

24
25 *History Note:* Authority G.S. 130A-29; 130A-235;

26 *Eff. February 1, 1976;*

27 *Readopted Eff. December 5, 1977;*

28 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990~~1990;*

29 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1318 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1318 MEDICAL SUPPLIES MISCELLANEOUS**

4 ~~(a) Suitable rooms or spaces shall be provided for the storage of all necessary equipment, furniture and supplies, and~~
5 ~~kept clean. All patient care or consumable items shall be stored at least eight inches above the floor to prevent water~~
6 ~~contamination from cleaning floors and shall not be stored below exposed sewer lines.~~

7 ~~(b) Mop receptors or sinks shall be provided and used for the cleaning of mops and the disposal of mop water. Other~~
8 ~~plumbing fixtures shall not be used for these purposes.~~

9 ~~(a)(e) Medication carts shall be kept clean, cleaned when visibly soiled. Food and utensils~~ Food, utensils, medications,
10 and [medication dispensing] equipment used on medication carts shall be kept clean, handled in a sanitary manner.
11 ~~Unused medication cups shall be kept covered or inverted. Sharps containers located on medication carts shall be~~
12 ~~attached~~ affixed or secured to the medication [cart] cart to prevent the sharps contained from spilling. ~~spillage.~~

13 ~~(b)(d) Feeding bags, [tubes] tubes, syringes~~ syringes, and oral suction catheters shall be stored and used in accordance
14 with the manufacturer's instructions, which are reused shall be labeled with the patient's name and date opened, shall
15 ~~be disassembled and rinsed after each use, and shall be disposed of within 24 hours of first use. Tube feeding bags~~
16 ~~shall be changed within the time period specified by the manufacturer. Oral suction catheters which are reused shall~~
17 ~~be flushed after each use and shall be disposed of within 24 hours of first use. Feeding syringes and oral suction~~
18 ~~catheters shall be stored in a clean container.~~

19

20 *History Note: Authority G.S. 130A-29; 130A-235;*

21 *Eff. February 1, 1976;*

22 *Readopted Eff. December 5, 1977;*

23 *Amended Eff. March 1, 2003 (see S.L. ~~2002-160~~, 2002-160);*

24 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1319 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1319 FURNISHINGS AND LAUNDRY PATIENT CONTACT ITEMS**

4 (a) ~~All furniture, bed springs, mattresses, sleeping mats, draperies, curtains, shades, venetian blinds, or other~~
5 ~~furnishings in institutions~~ Furnishings in an institution, including furniture, curtains, rugs, and **blinds** blinds, shall
6 be kept clean and in good repair. Mattresses shall be kept clean, dry, dry and in good repair. ~~odor free.~~

7 (b) ~~Clean bed linen~~ Bed linens that are provided by the institution for use by residents shall be free from holes and
8 ~~tears. A resident's bed linens in good repair shall be provided for each individual and shall be changed when no longer~~
9 ~~clean, soiled.~~ Soiled linen Linens that are not clean shall be placed in a covered container or bag devoted to this
10 purpose at the point of use and stored in the covered container or bag until sanitized in accordance with Paragraph (c)
11 of this Rule ~~and handled so as~~ to contain and minimize aerosolization of and exposure to any waste products. Such
12 covered containers or bags shall be kept clean between uses and labeled to indicate the contents. Linens that are not
13 clean shall be handled and stored separately from **cleaned and** sanitized linens. Soiled laundry shall be handled and
14 stored separately from clean laundry using separate cleanable carts or bags. Carts used for soiled laundry shall be
15 labeled for soiled laundry use only.

16 (c) Linens provided by the institution that are not clean shall be **cleaned and** sanitized in accordance with this
17 paragraph. When hot water in washing machines is used to sanitize linens provided by the institution, the washing
18 machines shall be operated in accordance with the manufacturer's instructions. When chemicals are used to sanitize
19 linens provided by the institution, linens shall be washed in accordance with the following:

20 (1) using a solution of at least 50 parts per million chlorine; **or**

21 (2) using laundry sanitizer that is registered in accordance with 40 C.F.R. 152 and that is used in
22 accordance with the manufacturer's **instructions; or** instructions.

23 **[(3) — using a chemical or laundering process that produces a 99.9 percent reduction of pathogens.]**

24 ~~If hot water is used, linen including sheets, pillow cases, absorbent pads, towels and wash cloths provided by the~~
25 ~~facility shall be washed with a detergent in water at least 71°C (160°F) for 25 minutes. If low temperature (less than~~
26 ~~71°C) laundry cycles are used, linens shall be washed in at least 50 parts per million chlorine or an EPA Listed laundry~~
27 ~~sanitizer shall be used in accordance with the manufacturer's instructions. This shall not preclude the approval of~~
28 ~~other chemicals or processes shown to produce a 99.9 percent reduction of the pathogens Staphylococcus aureus,~~
29 ~~Klebsiella pneumoniae and Pseudomonas aeruginosa on laundry. The wash temperatures and chemicals required for~~
30 ~~linens shall not apply to personal laundry provided and used by a resident. Clean linen shall be stored and handled in~~
31 ~~a separate room or area, or in another manner that will prevent contamination of clean linen. Laundry areas and~~
32 ~~equipment shall be kept clean.~~

33 (d) Clothing and linens that are provided by a resident for the resident's personal use shall be that resident's personal
34 laundry. Personal laundry that is not clean shall be kept separate from clean clothing and linens using covered
35 containers or bags that are labeled to indicate their contents and kept clean between uses. Containers or bags that are
36 used to hold personal laundry that is not clean shall not be used for **clean** personal laundry. When a resident's personal

1 laundry is combined with the personal laundry of one or more other residents and washed together by the institution,
2 the combined personal laundry shall be washed in accordance with Paragraph (c) of this Rule.

3 (e) Laundry areas and equipment shall be kept clean.

4 ~~(f)(e) Patient contact items~~ Wheelchairs, walkers, lifts, and other mobility equipment shall be kept clean and sanitized
5 between uses by different residents, in good repair. Soiled patient contact items shall be taken to a designated area
6 for cleaning and shall be stored separately from clean items. A room or area shall be provided for cleaning patient
7 contact equipment such as wheelchairs. Patient contact items such as diaper changing surfaces that become
8 contaminated during use shall be cleaned and disinfected after each use. Shared toys subject to mouthing shall be
9 washed and rinsed with soap and water and disinfected with 70 percent alcohol or 100 parts per million chlorine after
10 each day's use. Shared plush toys shall be laundered after each day's use. Shared toys that are not washable shall be
11 gas sterilized or disposed of when soiled.

12
13 *History Note: Authority G.S. 130A-29; 130A-235;*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. December 5, 1977;*

16 *Amended Eff. March 1, 2003 (see S.L. 2002-160); August 1, 1998; February 1, 1997; September 1,*
17 *1990;*

18 *Temporary Amendment Eff. June 1, 2003;*

19 *Amended Eff. February 1, ~~2004~~, 2004;*

20 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1320 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1320 ACTIVITY KITCHENS, REHABILITATION KITCHENS, AND NOURISHMENT**
4 **STATIONS FOOD SERVICE UTENSILS AND EQUIPMENT**

5 (a) All food service equipment and utensils shall be kept clean and in good repair. Institutions shall be allowed to use
6 domestic food service equipment in activity kitchens, rehabilitation kitchens, and nourishment stations. ~~used in~~
7 institutions for preparing meals for 13 or more people shall comply with the requirements of "Rules Governing the
8 Sanitation of Restaurants and Other Foodhandling Establishments" 15A NCAC 18A .2600. ~~Residential style~~
9 rehabilitation activity kitchens with domestic utensils and equipment may be used by groups of 12 or less people to
10 prepare meals only for members of the group. Potentially hazardous foods prepared in rehabilitation activity kitchens
11 shall not be served to groups of more than 12 people. This shall not preclude the use of an activity kitchen as a serving
12 area for meals catered from a main kitchen and served to groups of 13 or more people in connection with a planned
13 event from which the public is excluded. For planned events, the equipment in the activity kitchen may be used for
14 heating prepared foods received from a main kitchen or a commercial source. Bread machines, soup kettles and other
15 food-contact items used at nutrition stations shall be so constructed as to be easily cleanable.

16 (b) Utensils that have been used to prepare, serve, or consume food or drink shall be returned to the dietary kitchen
17 and shall be washed, rinsed, and sanitized. Notwithstanding the foregoing sentence, utensils may be washed, rinsed
18 and sanitized at ~~At~~ activity kitchens ~~or~~ kitchens, rehabilitation kitchens, and nourishment ~~nutrition stations, stations~~
19 provisions shall be made for cleaning all food service utensils and equipment and sanitizing utensils and equipment
20 not continuously subjected to high temperatures. Where utensils and equipment are not returned to a central kitchen
21 for cleaning, designated nutrition stations shall be ~~that are~~ equipped with the following:

- 22 (1) at least a two compartment sink with 24 inch drainboards or counter top space at each end of the
23 sink for handling ~~used utensils~~ ~~dirty items~~ and air drying clean and sanitized utensils. ~~items.~~ Sinks
24 The sinks shall be of sufficient size to submerge, wash, rinse and sanitize utensils; or
25 (2) a dishwashing machine approved by ~~[NSF] National Sanitation Foundation~~ International. ~~utensils~~
26 and equipment. ~~At nutrition stations, dish machines listed with NSF International shall meet this~~
27 provision.

28 (c) Any area where food is portioned, ~~serv~~ed, ~~serve~~d or handled shall be equipped with a ~~separate handwash lavatory~~
29 handwashing facility with a hot and cold mixing faucet, ~~soap, soap~~ and single-use individual towels or a hand-drying
30 hand-drying device. ~~Separate handwashing lavatories shall not be required for activity kitchens used only by groups~~
31 of 12 or less people.

32 (d)(e) ~~All kitchenware and~~ The food-contact surfaces of cooking and baking equipment, including microwave ovens,
33 shall be kept clean. ~~exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink,~~
34 and all food storage utensils, shall be cleaned after each use. ~~Cooking surfaces of equipment shall be cleaned at least~~
35 once each day. All utensils and food contact surfaces of equipment used in the preparation, service, display, or storage
36 of potentially hazardous foods shall be cleaned and sanitized prior to each use. ~~Non food contact surfaces of~~
37 equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

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8

History Note: Authority G.S. 130A-29; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. February 1, ~~2004~~2004;
Readopted Eff. October 1, 2022.

1 15A NCAC 18A .1321 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2

3 **15A NCAC 18A .1321 FOOD SUPPLIES**

4 (a) All food and food supplies provided by an institution ~~for consumption by residents~~ shall be from ~~sources that~~
5 ~~comply with North Carolina "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments"~~
6 ~~approved sources, stored, and handled as set forth in [Section] 15A NCAC 18A .2600 [of this Subchapter.]~~ and shall
7 ~~be clean, free from spoilage, free from adulteration and misbranding, and safe for human consumption.~~

8 (b) Food brought from home by employees or visitors of patients or residents shall be stored separately from the
9 institution's food supply ~~and shall be labeled with the name of the person to receive the food and the date the food was~~
10 ~~brought in and shall be kept only as long as it is clean, and free from spoilage. as described in Paragraph (a) of this~~
11 ~~Rule. Such food shall be labeled with the name of the resident or employee that the food belongs to and the date the~~
12 ~~food was brought into the institution. Labeling as required by this Rule~~ shall not be required for food items stored in
13 employee-designated or individual resident's refrigerators or rooms.

14

15 *History Note:* Authority G.S. 130A-29; 130A-235;

16 *Eff. February 1, 1976;*

17 *Readopted Eff. December 5, 1977;*

18 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;*

19 *Temporary Amendment Eff. June 1, 2003;*

20 *Amended Eff. February 1, ~~2004~~2004;*

21 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1323 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1323 FOOD PROTECTION IN ACTIVITY KITCHENS, REHABILITATION**
4 **KITCHENS, AND NOURISHMENT STATIONS**

5 (a) All TCS food shall be maintained at temperatures required by Section .2600 of this Subchapter during storage,
6 preparation, transportation, display, and service of the TCS food. Time as a public health control may be used as
7 specified in Section .2600 of this Subchapter, except that written procedures shall not be required. All food while
8 being stored, prepared, transported, displayed, and served, shall be protected from contamination. All perishable foods
9 shall be stored at temperatures which will protect against spoilage. All potentially hazardous food shall be maintained
10 at safe temperatures (45 degrees F. or below, or 140 degrees F. or above) except during necessary periods of
11 preparation and serving. Potentially hazardous foods served shall be either consumed or discarded within two hours
12 of being removed from temperature control. Medications shall be stored in a manner which will not contaminate food
13 or food products such as in separate covered containers or in separate refrigerators.

14 (b) Hot and cold holding equipment shall be used to maintain required temperatures for TCS food. Conveniently
15 located refrigeration units, hot food storage and display units and effective insulated units shall be provided as needed
16 to assure the maintenance of all food at required temperatures during storage, preparation, display, service, and
17 transportation. Each refrigeration unit shall be provided with an indicating thermometer that is accurate to ± 3 degrees
18 Fahrenheit or ± 1.5 degrees Celsius, of such type and so situated that the thermometer can be easily read except that
19 indicating thermometers shall not be required for food iced in coolers for transport.

20 (c) Containers of food ~~Food~~ shall be stored at least six inches above the floor, in a clean, dry location, and on clean
21 racks, dollies, slatted shelves, or other clean surfaces in such a manner as to be protected from splash or other
22 contamination.

23 (d) No live animals shall be allowed in any room where food is prepared or stored. Live animals shall be ~~allowed in~~
24 ~~dining areas if their presence will not result in contamination of food, clean equipment, utensils, linens, and unwrapped~~
25 ~~single service and single use articles in the following situations: permitted in an institution's dining areas in the~~
26 ~~following situations and only if the live animal does not come into physical contact with institution employees engaged~~
27 ~~in the preparation or handling of food, serving dishes, utensils, tableware, linens, unwrapped single service and single~~
28 ~~use articles, food contact surfaces, or other food service items:~~

- 29 (1) Fish or crustacea in aquariums or display tanks, or other animals in enclosed terrariums or glass
30 enclosed aviaries;
- 31 (2) **Patrol dogs** **Dogs** accompanying police or security officers in offices and dining, sales, and storage
32 areas, and **sentry** dogs **used for security purposes** running loose in outside fenced areas;
- 33 (3) **Service [animals] animals, as defined in 28 C.F.R. 36.104,** accompanying individuals with
34 **disabilities in areas that are not used for food preparation; and In areas that are not used for food**
35 **preparation such as dining and sales areas, support animals such as guide dogs that are trained to**
36 **assist an employee or other person who is handicapped, are controlled by the handicapped employee**
37 **or person, and are not allowed to be on seats or tables; and**

1 (4) Dogs (Canis lupus familiaris) and cats (Feliscatus) in outdoor dining areas provided that dogs and
2 cats are physically restrained and do not pass through any indoor dining areas of the facility. Pets in
3 the common dining areas of group residences at times other than during meals if:

4 ~~(A) Effective partitioning or self-closing doors prevent pets from entering food storage and~~
5 ~~food preparation areas;~~

6 ~~(B) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the~~
7 ~~common dining areas when pets are present; and~~

8 ~~(C) Dining areas including tables, countertops, and similar surfaces are cleaned after all pets~~
9 ~~have left the area and before the next meal service.~~

10 (e) Notwithstanding Paragraph (d) of this Rule, and except in accordance with applicable law, nothing in this Rule
11 shall prohibit an institution from restricting live animals in dining areas.

12
13 *History Note:* Authority G.S. 130A-29; 130A-235;

14 *Eff. February 1, 1976;*

15 *Readopted Eff. December 5, 1977;*

16 *Amended Eff. March 1, 2003 (see S.L. 2002-160); October 1, 1993; September 1, ~~1990-1990~~;*

17 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1324 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1324 EMPLOYEES**

4 (a) While ~~on duty, at work~~, all institution employees shall wear ~~visibly clean outer clothing, clothing and shall be~~
5 ~~clean as to their persons. No employee shall use tobacco in any form while engaged in the preparation and handling~~
6 ~~of food.~~ Employees shall wash or decontaminate their ~~hands:~~ hands as set forth in Paragraph (b) [(b):] immediately:

- 7 (1) before beginning work;
- 8 (2) after each visit to the toilet;
- 9 (3) before and after ~~patient resident~~ contact; contact, including [using an] oral [feeding] feeding; [tube;]
- 10 (4) after ~~contact with a source of microorganisms (body fluids and substances, mucous membranes,~~
11 ~~nonintact skin, inanimate objects that are likely to be contaminated); coughing, sneezing, using a~~
12 ~~handkerchief or disposable tissue, using tobacco, eating, or drinking; and~~
- 13 (5) after removing gloves.

14 (b) Institution employees shall wash their hands as required by Paragraph (a) of this Rule in a handwashing sink using
15 the handwashing method required for food employees in Section .2600 of this Subchapter. ~~When hands are visibly~~
16 ~~soiled, routine handwashing shall include a vigorous rubbing together of all surfaces of lathered hands for at least 10~~
17 ~~seconds followed by thorough rinsing under a stream of water and drying with individual disposable towels or hand~~
18 ~~drying devices.~~ When an employee's hands are ~~not~~ visibly soiled, clean, in lieu of handwashing, the employee may
19 [the] use [of] alcohol-based hand antiseptics that contain 65% or more ethyl alcohol or 70% or more isopropyl alcohol.
20 antiseptics with alcohol-based hand rubs shall be acceptable for decontamination of hands. In the event of interruption
21 of the institution's water supply or when in settings where handwashing facilities are not available for use, inadequate
22 or inaccessible, hand decontamination can be achieved by using a towelette detergent containing [towelettes] towelettes
23 containing detergent followed by and an alcohol-based hand antiseptic that contains 65% or more ethyl alcohol or
24 70% or more isopropyl alcohol. ~~ubs. [antiseptics.]~~

25 (c) Institution employees shall comply with the requirements for exclusion from work and restriction due to
26 communicable disease or illness required for food employees as set forth in Section .2600 of this Subchapter. ~~No~~
27 ~~person who has a communicable or infectious disease that can be transmitted by foods, or who knowingly is a carrier~~
28 ~~of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough~~
29 ~~or nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person~~
30 ~~contaminating food or food contact surfaces, with disease causing organisms or transmitting the illness to other~~
31 ~~persons.~~

32 (d) The institution shall have gloves, personal protective equipment, disinfectant, individual disposable towels, and a
33 coagulating agent on-site for employees to use and a written procedure for employees to follow when responding to
34 [vomiting or diarrheal events that involve the discharge of] vomitus or fecal matter on institution surfaces, [onto
35 surfaces in the institution.] The procedure shall specify the actions that employees shall take to minimize the exposure
36 of employees, residents, guests, food, and additional surfaces to vomitus or fecal matter.

1 *History Note:* Authority G.S. 130A-29; 130A-235;
2 *Eff. February 1, 1976;*
3 *Readopted Eff. December 5, 1977;*
4 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, ~~1990~~1990;*
5 *Readopted Eff. October 1, 2022.*

1 15A NCAC 18A .1327 is readopted with changes as published in 36:23 NCR 1823-1835 as follows:

2
3 **15A NCAC 18A .1327 INCORPORATED RULES**

4 **[For purposes of this] Where referenced in this** Section, 15A NCAC 13B .1200, 15A NCAC 18A .1700, 15A NCAC
5 18A .2600, and 15A NCAC 18C, are hereby incorporated by reference, including any subsequent amendments or
6 editions, and available free of charge at <http://reports.oah.state.nc.us/ncac.asp>.

7 ~~(a) The North Carolina "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A~~
8 ~~NCAC 18A .2600 are incorporated by reference including any subsequent amendments or editions. This material is~~
9 ~~available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health,~~
10 ~~2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632~~
11 ~~Mail Service Center, Raleigh, NC 27699-1632 at no cost.~~

12 ~~(b) The North Carolina "Rules Governing Public Water Systems" 15A NCAC 18C are incorporated by reference~~
13 ~~including any subsequent amendments or editions. This material is available for inspection at the Department of~~
14 ~~Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC.~~
15 ~~Copies may be obtained from Public Water Supply Section, 1634 Mail Service Center, Raleigh, NC 27699-1634 at~~
16 ~~no cost.~~

17 ~~(c) The North Carolina "Rules Governing Protection of Water Supplies" 15A NCAC 18A .1700 are incorporated by~~
18 ~~reference including any subsequent amendments or editions. This material is available for inspection at the~~
19 ~~Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard,~~
20 ~~Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632 Mail Service Center,~~
21 ~~Raleigh, NC 27699-1632 at no cost.~~

22 ~~(d) The North Carolina "Solid Waste Rules" 15A NCAC 13B .1200 Medical Waste Management are incorporated by~~
23 ~~reference including any subsequent amendments or editions. This material is available for inspection at the~~
24 ~~Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard,~~
25 ~~Raleigh, NC. Copies may be obtained from Solid Waste Section, 1646 Mail Service Center, Raleigh NC 27699-1646~~
26 ~~at a cost of nine dollars (\$9.00).~~

27 ~~(e) The North Carolina "Rules Governing Grade A Milk Sanitation" 15A NCAC 18A .1200 are incorporated by~~
28 ~~reference including any subsequent amendments or editions. This material is available for inspection at the~~
29 ~~Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard,~~
30 ~~Raleigh, NC. Copies may be obtained from Environmental Health Services Section, 1632 Mail Service Center,~~
31 ~~Raleigh, NC 27699-1632 at no cost.~~

32
33 *History Note:* Authority G.S. **130A-29;** 130A-235;
34 *Eff. March 1, 2003 (See S.L. 2002-160)-2002-160);*
35 *Readopted Eff. October 1, 2022.*

Burgos, Alexander N

From: Liebman, Brian R
Sent: Tuesday, October 11, 2022 9:19 AM
To: Niehaus, Virginia
Cc: Vail, Nathan T; Burgos, Alexander N; Barkley, John P
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

I am well, and I hope you are too!

If you want to go to November, that's fine. If you need another few days to try to make the October meeting, that's fine as well. Let me know.

If you're going to November, can you do November 4, 5:00 p.m.? That gives me the week before the meeting to review and possibly come back with any further changes we might need to make.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Monday, October 10, 2022 10:17 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

I hope you are doing well. I noticed your away message last week --- and so held off emailing you on Friday, in hopes that I might finish up with the rules by today. Unfortunately, we are a little short-handed at the moment and not quite done revising the rules. Please let me know what day you need to receive the rules to consider them for the November 17 RRC meeting.

Thanks,
Virginia

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
[NC Department of Health and Human Services](#)

Pronouns: she/her/hers

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, September 16, 2022 9:25 AM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

If you're aiming for October, can we shoot for Friday, 10/7, so that we'll have that entire week before the meeting to hammer out any lingering issues?

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Thursday, September 15, 2022 11:13 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

It was nice to see you today. Thank you for sending the extension letter. If we were aiming for the October meeting, when would we need to have the responses and revised rules to you?

Thanks,
Virginia

Virginia R. Niehaus, JD, MPH

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Thursday, September 15, 2022 2:46 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Virginia,

It was nice to see you today. Attached, please find a letter regarding the extension granted by RRC at today's meeting.

Please let me know whether you're anticipating coming back for the October or November meetings, and I'll set a new deadline.

Thanks,
Brian

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From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Friday, September 9, 2022 2:21 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

Great! Thank you for your assistance with this rule package.

Regards,
Virginia

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, September 9, 2022 2:16 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

No, there is no particular process, and I think this email will serve nicely as your request for an extension. I will recommend that RRC approve the request at next week's meeting.

Thanks,
Brian

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From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Friday, September 9, 2022 2:14 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

Our team has been working diligently to process the request for changes. However, due to the size of this rule package and the short turnaround, we would like to request an extension to review and respond to the request for changes. Is there a particular process for requesting the RRC extend the period of review under G.S. 150B-21.10?

Regards,
Virginia

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Sent: Tuesday, September 6, 2022 10:20 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

Thank you for the additional time until Monday afternoon. I have time scheduled with the SME team on Thursday. Once I have reviewed with them, I will have a better idea of whether an extension may be needed.

Thanks,
Virginia

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, September 6, 2022 10:12 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

I know Friday is a quick turnaround, and I'm very sorry these took a while to get back to you.

Would it help to push it to Monday afternoon?

Also, don't forget you have the option to ask for an extension which would give you an additional 2 months, roughly speaking.

Thanks,
Brian

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From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Tuesday, September 6, 2022 10:03:29 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Brian,

Thank you for your feedback on these rules. We will review the request for changes. September 9 is a quick turnaround. Is there flexibility on this deadline?

Thanks,
Virginia

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Tuesday, September 6, 2022 5:51 PM

To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: 15A NCAC 18A Requests for Changes - September 2022 RRC

Hi Virginia,

I'm the attorney who reviewed the Rules submitted by the Commission for Public Health for the September 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, September 15, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rule to me via email, no later than 5 p.m. on Friday, September 9, 2022.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

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Counsel to the North Carolina Rules Review Commission

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Burgos, Alexander N

Subject: FW: 15A NCAC 18A Requests for Changes - September 2022 RRC

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>

Sent: Thursday, September 15, 2022 11:13 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barkley, John P <jbarkley@ncdoj.gov>

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Burgos, Alexander N

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Cc: Vail, Nathan T; Burgos, Alexander N
Subject: RE: 15A NCAC 18A Requests for Changes - September 2022 RRC

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Please submit the revised Rule to me via email, no later than 5 p.m. on Friday, September 9, 2022.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

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