

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.

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 .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”?

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

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

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

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

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.

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

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 G.S. 90-51 was repealed.

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.

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

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

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.

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, from using an activity kitchen when an institution's activity kitchen
12 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 ~~(1)(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. 152.
- 34 (10) "Garbage" means as defined at G.S. 130A-290(7).
- 35 (11) "Good repair" means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall
36 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 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" includes the following establishments providing that provide room or board and for
14 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 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 ~~as~~ defined at G.S. 130A-290(28).
- 7 (21) “Registered Environmental Health Specialist” or “REHS” means as defined at G.S. 90-51(4).
- 8 (22) “Regulatory authority” means the Department or authorized agent of the Department.
- 9 (23) “Rehabilitation kitchen” means a kitchen used solely for the purpose of providing supervised
10 therapeutic activities to residents, including occupational or physical therapy. Food prepared in a
11 rehabilitation kitchen shall not be consumed by anyone who is not a participant in the therapeutic
12 activity being conducted in the rehabilitation kitchen.
- 13 (24) “Resident” means an individual residing in or being served by the institution, including patients.
14 This term does not include an institution’s employees or a resident’s guests.
- 15 ~~(6) “Patient” means a patient or resident living in an institution as defined in this Section.~~
- 16 ~~(7) “Person” shall mean an individual, firm, association, organization, partnership, business trust,~~
17 ~~corporation, or company.~~
- 18 ~~(8) “Personal Hygiene” means maintenance of personal health, including grooming, brushing teeth,~~
19 ~~showering, applying makeup, or washing/drying face, hands, and body.~~
- 20 ~~(9) “Potentially hazardous food” means any food or ingredient, natural or synthetic, in a form capable~~
21 ~~of supporting the growth of infectious or toxigenic microorganisms, including Clostridium~~
22 ~~botulinum. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and~~
23 ~~treated foods of plant origin. The term does not include foods that have a pH level of 4.6 or below~~
24 ~~or a water activity (Aw) value of 0.85 or less.~~
- 25 ~~(10)(25) “Sanitize” means as defined a bactericidal treatment that meets the temperature and chemical~~
26 ~~concentration levels in 15A NCAC 18A .2619. .2600~~
- 27 ~~(11) “Soiled utility room” means a room or area with fixtures used for cleaning and disinfecting soiled~~
28 ~~patient care items.~~
- 29 (26) “Solid waste” means as defined at G.S. 130A-290(35).
- 30 (27) “Time/Temperature Control for Safety Food” or “TCS Food” means as defined in 15A NCAC 18A
31 .2600.
- 32 (28) “Yard trash” means as defined at G.S. 130A-290(45).

34 *History Note: Authority G.S. 130A-235;*
35 *Eff. February 1, 1976;*
36 *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.*

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.

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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, what constitutes a "construction plan" under this Rule?

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 .1302 is readopted 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 plans for an institution shall be submitted by the licensee
5 to the local health department for the county in which the institution is located, serving as the regulatory authority, for
6 review and approval before beginning construction. Construction plans shall be approved by the regulatory authority
7 when the plans comply with the Rules of this Section.

8

9 *History Note: Authority G.S. 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.*

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.

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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.

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?

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

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

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

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 .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 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) an explanation for all points deducted during the inspection and scoring;
15 (4)(5) the institution's operating status and the score; and
16 (5)(6) the signature of the Registered Environmental Health Specialist who conducted the inspection;
17 authorized agent of the Department. and
18 (7) the date on which the inspection was conducted.

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

34
35 *History Note: Authority G.S. 130A-235;*
36 *Eff. February 1, 1976;*
37 *Readopted Eff. December 1, 1977;*

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

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 .1305 is readopted as published in 36:23 NCR 1823-1835 as follows:

2

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

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

9

10 *History Note: Authority G.S. 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.*

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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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..."

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

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

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

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

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

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

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

19 *Eff. February 1, 1976;*

20 *Readopted Eff. December 5, 1977;*

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

22 *Readopted October 1, 2022.*

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

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1307

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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?*

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

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

2

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

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

12

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

14 *Eff. February 1, 1976;*

15 *Readopted Eff. December 5, 1977;*

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

17 *Readopted Eff. October 1, 2022.*

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

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1308

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

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

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

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

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

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

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

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

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

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 and~~
11 ~~repair of toilet, handwashing~~ handwashing, and bathing facilities shall ~~be assessed equal a value of~~
12 ~~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) of this Section regarding disposal of mop water shall equal no more than
9 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.
- 36 (31) Violation of Rule .1318(b) ~~.1318(d)~~ of this Section regarding feeding syringes, oral suction ~~catheters~~
37 catheters, and tube-feeding bags shall be assessed equal a value of no more than two points.

- 1 (32) Violation of Rule .1319(a) of this Section regarding furnishings ~~cleaning and repair of furniture and~~
2 ~~use of mattress covers~~ shall be assessed equal a value of no more than one point. ~~two points.~~
- 3 (33) Violation of Rule .1319(b) of this Section regarding linens and linen storage ~~changes and handling~~
4 ~~of soiled laundry~~ shall be assessed equal a value of no more than one point. ~~two points.~~
- 5 (34) Violation of Rule .1319(c) ~~.1319~~ of this Section regarding laundry areas and equipment, ~~cleaning~~
6 ~~and sanitizing of laundry, and storage and handling of clean laundry~~ shall be assessed equal a value
7 ~~of no more than three~~ two points.
- 8 (35) Violation of Rule .1319(d) ~~.1319(e)~~ of this Section regarding laundry repair, storage, cleaning and
9 ~~disinfection of patient contact items~~ shall be assessed equal a value of no more than ~~no more than~~
10 one point.
- 11 (36) Violation of Rule .1319(e) ~~.1320~~ of this Section regarding laundry areas ~~approval, cleaning and~~
12 ~~sanitizing food contact items~~ shall be assessed equal a value of no more than one point. ~~two points.~~
- 13 (37) ~~Violation of Rule .1319(f) of this Section regarding mobility equipment shall equal no more than~~
14 ~~one point.~~
- 15 (37)(38) Violation of Rule .1320(a) ~~.1320~~ of this Section regarding food service equipment ~~approved uses of~~
16 ~~activity kitchens~~ shall be assessed equal a value of no more than one point.
- 17 (39) ~~Violation of Rule .1320(b) of this Section regarding cleaning and sanitization of utensils shall equal~~
18 ~~no more than three points.~~
- 19 (38)(40) Violation of Rule .1320(c) ~~.1320(b)~~ of this Section regarding handwashing lavatories in
20 ~~foodhandling areas~~ shall be assessed equal a value of no more than two points.
- 21 (41) ~~Violation of Rule .1320(d) of this Section regarding cooking and baking equipment surfaces shall~~
22 ~~equal no more than one point.~~
- 23 (39)(42) Violation of Rule .1321(a) of this Section regarding food sources and supplies shall be assessed
24 equal a value of no more than three ~~four~~ points.
- 25 (40)(43) Violation of Rule .1321(b) of this Section regarding storage, labeling, and condition ~~disposition~~ of
26 ~~food brought by employees or visitors~~ shall be assessed equal a value of no more than one point.
- 27 (41) ~~Violation of Rule .1322 of this Section regarding milk and milk products shall be assessed a value~~
28 ~~of two points.~~
- 29 (42)(44) Violation of Rule .1323(a) of this Section regarding food protection ~~protection, temperature control~~
30 ~~and time in lieu of temperature~~ shall be assessed equal a value of no more than four points.
- 31 (43)(45) Violation of Rule .1323(b) of this Section regarding hot and cold food storage equipment ~~and display~~
32 ~~units and thermometers~~ shall be assessed equal a value of no more than one point.
- 33 (44)(46) Violation of Rule .1323(c) of this Section regarding food storage shall be assessed equal a value of
34 no more than one point.
- 35 (45)(47) Violation of Rule .1323(d) of this Section regarding control of live animals in food service areas
36 shall be assessed equal a value of no more than two points.

1 ~~(46)~~(48) Violation of Rule .1324(a) of this Section regarding employee clothing ~~and tobacco use while~~
2 ~~handling food~~ shall be assessed ~~equal a value of no more than two points. one point.~~

3 ~~(47)~~(49) Violation of Rule ~~.1324(a)(1)-(5) .1324(a) or (b)~~ of this Section regarding employee ~~hand washing~~
4 ~~handwashing and hand antiseptics~~ shall be assessed ~~equal a value of no more than~~ three points.

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

7 ~~(48)~~(51) Violation of Rule .1324(c) of this Section regarding exclusion of persons with certain diseases and
8 conditions ~~infections~~ from food service work shall be assessed ~~equal a value of no more than four~~
9 ~~two~~ points.

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

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

14 *Eff. February 1, 1976;*

15 *Readopted Eff. December 5, 1977;*

16 *Amended Eff. February 1, 2004; August 1, ~~2002-2002~~;*

17 *Readopted Eff. October 1, 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?

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

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

2

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

4 (a) ~~All The~~ floors in ~~intensive care units, bathrooms, showers, hydrotherapy areas, operating rooms, soiled utility~~
5 ~~rooms and laundry areas~~ an institution shall be made of smooth, non-absorbent materials and ~~so constructed as to be~~
6 ~~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, if Carpeting~~ carpet is installed in an institution then the carpet shall be
9 ~~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-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.*

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.

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 7, are "ceiling attachments" defined elsewhere and applicable here?

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

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

1 15A NCAC 18A .1310 is readopted 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, shall be kept clean and in good repair.

8

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

10 *Eff. February 1, 1976;*

11 *Readopted Eff. December 5, 1977;*

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

13 *Readopted Eff. October 1, 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.

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

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

1 15A NCAC 18A .1311 is readopted 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 ~~85° F~~ 85
11 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-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.*

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?

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

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

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

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

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.

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

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

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

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

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 .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 residents and staff. ~~These facilities, and laundry facilities when provided,~~ shall be
6 kept clean and in good repair.

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

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

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

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

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

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

29
30 *History Note: Authority G.S. 130A-235;*
31 *Eff. February 1, 1976;*
32 *Readopted Eff. December 5, 1977;*
33 *Amended Eff. March 1, 2003 (see S.L. 2002-160); September 1, 1990;*
34 *Temporary Amendment Eff. June 1, 2003;*
35 *Amended Eff. February 1, 2004.2004;*
36 *Readopted Eff. October 1, 2022.*

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.

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 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?

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

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

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

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

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 .1313 is readopted 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 heating facilities shall be provided. Hot and cold running water under pressure shall be
16 ~~provided to food preparation areas, and to any other areas where water is required~~ in sufficient quantities to carry out
17 all operations. Hot water shall be provided at temperatures between 105 degrees Fahrenheit and 116 degrees
18 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 and disposal of bodily waste. This may include a plan for relocating residents to a~~
28 facility with a water supply that satisfies Paragraph (a) of this Rule. ~~The amount of water provided for uses other than~~
29 ~~drinking may be reduced if the plan includes alternatives for water use for services such as laundry and dishwashing.~~
30 If an institution's primary water supply or back up water supply becomes non-potable then the water sources within
31 the institution, such as sink faucets, assessment determines that tap water is not to be used for drinking, sources shall
32 be prominently labeled or hooded to restrict prevent their use and the administrator shall provide potable water for use
33 by the institution's residents and employees, shall be provided.

34
35 *History Note: Authority G.S. 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.*

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.

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 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".

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

1 15A NCAC 18A .1315 is readopted 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 be used to wash mops and dispose of the water used for mopping.

8

9 *History Note: Authority G.S. 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.*

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.

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

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

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.

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-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.*

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”?

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

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 .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 [card] cart to prevent the sharps contained from spilling, ~~spillage.~~

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

19

20 *History Note: Authority G.S. 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.*

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".

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

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

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 shall be kept
6 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;

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

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-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.*

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.

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, is there a definition or reference for “domestic food service equipment”?

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

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

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

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

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 .1320 is readopted 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 International. ~~utensils and equipment. At nutrition~~
26 stations, dish machines listed with NSF International shall meet this provision.

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

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

1 *History Note: Authority G.S. 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;*
5 *Temporary Amendment Eff. June 1, 2003;*
6 *Amended Eff. February 1, ~~2004~~2004;*
7 *Readopted Eff. October 1, 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."

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.

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 .1321 is readopted 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 be~~
7 ~~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 shall not be required for food items stored in employee-designated or
13 individual resident's refrigerators or rooms.

14

15 *History Note: Authority G.S. 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.*

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.

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, I'm not sure I understand what you mean by "Time as public health control..." Can you explain?

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

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

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

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

1 15A NCAC 18A .1323 is readopted 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 accompanying police or security officers in offices and dining, sales, and storage areas,
32 and sentry dogs running loose in outside fenced areas;
- 33 (3) Service animals accompanying individuals with disabilities in areas that are not used for food
34 preparation; and In areas that are not used for food preparation such as dining and sales areas,
35 support animals such as guide dogs that are trained to assist an employee or other person who is
36 handicapped, are controlled by the handicapped employee or person, and are not allowed to be on
37 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-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.*

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”.

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”.

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.

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.

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

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.

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

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

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

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?

Brian Liebman
Commission Counsel

Date submitted to agency: September 6, 2022

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.

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

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.

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

1 15A NCAC 18A .1324 is readopted 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):

- 7 (1) before beginning work;
- 8 (2) after each visit to the toilet;
- 9 (3) before and after ~~patient resident~~ 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 in a handwashing sink using the handwashing method required for
15 food employees in Section .2600 of this Subchapter. When hands are visibly soiled, routine handwashing shall include
16 a vigorous rubbing together of all surfaces of lathered hands for at least 10 seconds followed by thorough rinsing
17 under a stream of water and drying with individual disposable towels or hand drying devices. When hands are ~~not~~
18 ~~visibly soiled, clean,~~ the use of alcohol-based hand antiseptics with alcohol-based hand rubs shall be acceptable for
19 decontamination of hands. In the event of interruption of the institution's water supply or when in settings where
20 handwashing facilities are ~~inadequate or~~ inaccessible, hand decontamination can be achieved by using detergent
21 containing ~~towelettes toweletts~~ and alcohol-based hand ~~rubs.~~ antiseptics.

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

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

34
35 *History Note: Authority G.S. 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, ~~1990-1990~~;*
2 *Readopted Eff. October 1, 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.

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 .1327 is readopted as published in 36:23 NCR 1823-1835 as follows:

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

4 For purposes of this Section, 15A NCAC 13B .1200, 15A NCAC 18A .1700, 15A NCAC 18A .2600, and 15A NCAC
5 18C, are hereby incorporated by reference, including any subsequent amendments or editions, and available free of
6 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-235;*
34 *Eff. March 1, 2003 (See S.L. 2002-160)-2002-160);*
35 *Readopted Eff. October 1, 2022.*