

10A NCAC 13B .6102 is readopted with changes as published in 33:05 NCR 493-498 as follows:

10A NCAC 13B .6102 ~~LIST OF REFERENCED CODES AND STANDARDS~~ GENERAL

The following codes and standards are adopted by reference including subsequent amendments. Copies of these publications can be obtained from the various organizations at the addresses listed:

- (1) ~~The North Carolina State Building Code, current edition, all volumes including subsequent amendments. Copies of this code may be purchased from the N.C. Department of Insurance Engineering and Codes Division located at 410 North Boylan Avenue, Raleigh, NC 27603 at a cost of two hundred fifty dollars (\$250.00).~~
- (2) ~~The National Fire Protection Association codes and standards listed in this Paragraph, current editions including subsequent amendments. Copies of these codes and standards may be obtained from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269 9101 at the cost shown for each code or standard listed.~~
 - (a) ~~10 Portable Fire Extinguishers (\$22.50)~~
 - (b) ~~12 Carbon Dioxide Extinguishing Systems (\$20.25)~~
 - (c) ~~12A Halon 1301 Fire Extinguishing Systems (\$22.25)~~
 - (d) ~~12B Halon 1211 Fire Extinguishing Systems (\$20.25)~~
 - (e) ~~13 Installation of Sprinkler Systems (\$28.50)~~
 - (f) ~~13D Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes (\$20.25)~~
 - (g) ~~13R Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height (\$20.25)~~
 - (h) ~~14 Installation of Standpipe and Hose Systems (\$20.25)~~
 - (i) ~~15 Water Spray Fixed Systems (\$20.25)~~
 - (j) ~~17 Dry Chemical Extinguishing Systems (\$20.25)~~
 - (k) ~~17A Wet Chemical Extinguishing Systems (\$16.75)~~
 - (l) ~~20 Installation of Centrifugal Fire Pumps (\$20.25)~~
 - (m) ~~22 Water Tanks for Private Fire Protection (\$22.25)~~
 - (n) ~~25 Water Based Fire Protection Systems (\$22.25)~~
 - (o) ~~30 Flammable and Combustible Liquids Code (\$22.25)~~
 - (p) ~~31 Installation of Oil Burning Equipment (\$20.25)~~
 - (q) ~~37 Stationary Combustion Engines and Gas Turbines (\$16.75)~~
 - (r) ~~45 Fire Protection for Laboratories Using Chemicals (\$20.25)~~
 - (s) ~~49 Hazardous Chemicals Data (\$26.50)~~
 - (t) ~~50 Bulk Oxygen Systems at Consumer Sites (\$16.75)~~
 - (u) ~~53 Fire Hazards in Oxygen Enriched Atmospheres (\$22.50)~~

1	(v)	54	National Fuel Gas Code	(\$26.50)
2	(w)	55	Compressed and Liquefied Gases in Portable Cylinders	(\$16.75)
3	(x)	58	Storage and Handling of Liquefied Petroleum Gases	(\$26.50)
4	(y)	59A	Liquefied Natural Gas (LNG)	(\$20.25)
5	(z)	72	National Fire Alarm Code	(\$32.25)
6	(aa)	80	Fire Doors and Windows	(\$22.50)
7	(bb)	82	Incinerators, Waste and Linen Handling Systems	
8			and Equipment	(\$16.75)
9	(cc)	88A	Parking Structures	(\$16.75)
10	(dd)	90A	Installation of Air Conditioning and Ventilating Systems	(\$20.25)
11	(ee)	90B	Installation of Warm Air Heating and Air Conditioning	
12			Systems	(\$16.75)
13	(ff)	92A	Smoke Control Systems	(\$20.25)
14	(gg)	92B	Smoke Management Systems in Malls, Atria, Large Areas	(\$20.25)
15	(hh)	96	Ventilation Control and Fire Protection of Commercial	
16			Cooking Operations	(\$20.25)
17	(ii)	99	Health Care Facilities	(\$32.25)
18	(jj)	99B	Hypobaric Facilities	(\$20.25)
19	(kk)	101	Safety to Life from Fire in Buildings and Structures	(\$39.50)
20	(ll)	101M	Alternative Approaches to Life Safety	(\$22.25)
21	(mm)	105	Smoke Control Door Assemblies	(\$16.75)
22	(nn)	110	Emergency and Standby Power Systems	(\$20.25)
23	(oo)	111	Stored Electrical Energy Emergency and Standby	
24			Power Systems	(\$16.75)
25	(pp)	204M	Smoke and Heat Venting	(\$20.25)
26	(qq)	220	Types of Building Construction	(\$16.75)
27	(rr)	221	Fire Walls and Fire Barrier Walls	(\$16.75)
28	(ss)	241	Construction, Alteration, and Demolition Operations	(\$20.25)
29	(tt)	251	Fire Tests of Building Construction and Materials	(\$20.25)
30	(uu)	255	Test of Surface Burning Characteristics of Building	
31			Materials	(\$16.75)
32	(vv)	321	Basic Classification of Flammable and Combustible	
33			Liquids	(\$16.75)
34	(ww)	325	Fire Hazard Properties of Flammable Liquids, Gases,	
35			and Volatile Solids	(\$22.25)
36	(xx)	407	Aircraft Fuel Servicing	(\$20.25)
37	(yy)	418	Roof top Heliport Construction and Protection	(\$16.75)

~~(zz) 704 Identification of the Fire Hazards of Materials (\$16.75)~~

~~(aaa) 705 Field Flame Test for Textiles and Films (\$16.75)~~

~~(bbb) 780 Lightning Protection Code (\$20.25)~~

~~(ccc) 801 Facilities Handling Radioactive Materials (\$20.25)~~

~~(3) American Society of Heating, Refrigerating & Air Conditioning Engineers Inc., (ASHRAE) HVAC APPLICATIONS, current edition including subsequent amendments. Copies of this document may be obtained from the American Society of Heating, Refrigerating & Air Conditioning Engineers, Inc. at 1791 Tullie Circle NE, Atlanta, GA 30329 at a cost of one hundred nineteen dollars (\$119.00).~~

~~(4) Rules and Statutes Governing the Licensure of Ambulatory Surgical Facilities, current edition including subsequent amendments. Copies of this document may be obtained from the N.C. Department of Health and Human Services, Division of Health Service Regulation, Licensure and Certification Section, 2711 Mail Service Center, Raleigh, NC 27699 2711 at a cost of three dollars (\$3.00).~~

(a) A new facility or any addition or alteration to an existing facility whose construction documents were approved by the Construction Section on or after April 1, 2019 shall comply with the requirements provided in the codes, regulations, rules, and standards incorporated by reference in Items (1) through (3) of Rule .6101 of this Section. An existing facility whose construction documents were approved by the Construction Section prior to April 1, 2019 shall comply with the ~~codes~~ codes, regulations, rules, and standards incorporated by reference in Items (1) through (3) of this Rule that were in effect at the time construction documents were approved by the Construction Section.

(b) The facility shall develop and maintain an emergency preparedness program as required by 42 CFR Part 482.15 Condition of Participation: Emergency Preparedness. The emergency preparedness program shall be developed with input from the local fire department and local emergency management agency. Documentation required to be maintained by 42 CFR Part 482.15 shall be maintained at the facility for at least three years and shall be made available to the Division during an inspection upon request.

(c) The facility shall comply with the "Rules Governing the Sanitation of Hospitals, Nursing Homes, Adult Care Homes, and Other Institutions," 15A NCAC 18A .1300 of the North Carolina Division of Public Health, Environmental Health Services Section.

*History Note: Authority G.S. 131E-79;
Eff. January 1, ~~1996~~. 1996;
Readopted Eff. April 1, 2019.*

10A NCAC 13B .6103 is readopted with changes as published in 33:05 NCR 493-498 as follows:

10A NCAC 13B .6103 APPLICATION OF PHYSICAL PLANT REQUIREMENTS EQUIVALENCY AND CONFLICTS WITH REQUIREMENTS

The physical plant requirements for each facility shall be applied as follows:

- (1) ~~New construction shall comply with the requirements of Section .6000 of this Subchapter;~~
- (2) ~~Existing buildings shall meet licensure and code requirements in effect at the time of construction, alteration, or modification;~~
- (3) ~~New additions, alterations, modifications, and repairs shall meet the technical requirements of Section .6000 of this Subchapter, however, where strict conformance with current requirements would be impractical, the authority having jurisdiction may approve alternative measures where the facility can demonstrate to the Division's satisfaction that the alternative measures do not reduce the safety or operating effectiveness of the facility;~~
- (4) ~~Rules contained in Section .6000 of this Subchapter are minimum requirements and not intended to prohibit buildings, systems or operational conditions that exceed minimum requirements;~~
- (5) ~~Equivalency: Alternate methods, procedures, design criteria, and functional variations from the physical plant requirements, because of extraordinary circumstances, new programs, or unusual conditions, may be approved by the authority having jurisdiction when the facility can effectively demonstrate to the Division's satisfaction, that the intent of the physical plant requirements are met and that the variation does not reduce the safety or operational effectiveness of the facility; and~~
- (6) ~~Where rules, codes, or standards have any conflict, the most stringent requirement shall apply.~~

(a) The Division may grant an equivalency to allow an alternate design or functional variation from the requirements in Rule .3102 and the Rules contained in Sections .6000 through .6200 of this Subchapter. The equivalency may be granted by the Division if a governing body submits a written equivalency request to the Division that **indicates** **states** the following:

- (1) the rule citation and the rule requirement that will not be met;
- (2) the justification for the equivalency; **and**
- (3) how the proposed equivalency meets the intent of the corresponding rule **requirement; and** **requirement.**
- (4) **a statement by the governing body that the**

In determining whether to grant an equivalency request **the Division shall consider whether the request will **not** reduce the safety and operational effectiveness of the facility design and layout. The governing body shall maintain a copy of the approved equivalence issued by the Division.**

(b) If the rules, codes, or standards contained in this Subchapter conflict, the most restrictive requirement shall apply.

*History Note: Authority G.S. 131E-79;
Eff. January 1, ~~1996~~. 1996;*

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Readopted Eff. April 1, 2019.