

10A NCAC 13G .1601 is readopted with changes as published in 39:06 NCR 282-316 as follows:

SECTION .1600 – STAR RATED CERTIFICATES

10A NCAC 13G .1601 SCOPE DEFINITIONS

~~(a) This Section applies to all licensed family care homes for two to six residents that have been in operation for more than one year.~~

~~(b) As used in this Section a "rated certificate" means a certificate issued to a family care home on or after January 1, 2009 and based on the factors contained in G.S. 131D-10.~~

(a) As used in this Section, the following definitions shall apply:

(1) “Demerits” means points which are subtracted from a facility’s star rating calculation as set forth in the requirements of Rule .1604 of this Section.

(2) “Merits” means points which are added to a facility’s star rating calculation as set forth in the requirements of Rule .1604 of this Section.

(3) “Standard deficiency” means a citation issued by the Division of Health Service Regulation to a facility for failure to comply with licensure rules and statutes governing adult care homes and the non-compliance does not meet the criteria ~~for~~ of a Type A1, Type A2 or Type B violation defined in G.S. 131D-34.

(4) “Star rated certificate” means a certificate issued by the Division of Health Service Regulation that includes a numerical score and corresponding number of stars issued to an adult care home based on the factors contained in G.S. 131D-10.

(5) “Star rating” means the numerical ~~score~~ score and corresponding number of stars a facility receives based on the factors contained in G.S. 131D-10.

(6) “Star rating worksheet” means a document issued by the Division of Health Service Regulation which demonstrates how a facility’s star rating was ~~calculated.~~ calculated in accordance with G.S. 131D-10(e) and Section .1600 of this Subchapter.

(7) “Type A1 violation” means the term as defined in G.S. 131D-34.

(8) “Type A2 violation” means the term as defined in G.S. 131D-34.

(9) “Type B violation” means the term as defined in G.S. 131D-34.

History Note: Authority G.S. 131D-4.5; 131D-10;

Eff. July 3, 2008; 2008;

Readopted Eff. August 1, 2025.

10A NCAC 13G .1602 is readopted with changes as published in 39:06 NCR 282-316 as follows:

10A NCAC 13G .1602 ISSUANCE OF ~~RATED CERTIFICATES~~ A STAR RATING

(a) A star rated certificate and worksheet shall be issued to a facility by the Division of Health Service Regulation within 45 days ~~completion of a new rating calculation pursuant to Rule .1604 of this Subchapter.~~ from the date that the Division mails the survey or inspection report to the facility, except when a [timely] request has been made by the facility under G.S. 131D-2.11 for informal dispute resolution. If a facility makes a [timely] request for informal dispute resolution, the Division of Health Service Regulation shall issue a star rating to the facility within 15 days from the date the Division mails the informal dispute decision to the facility.

(b) If the ownership of the facility changes, the ~~rated certificate~~ star rating in effect at the time of the change of ownership shall remain in effect until the next annual or biennial survey or until a new certificate is issued pursuant to Rule .1604(b) of this Subchapter.

(c) The star rated certificate and ~~any~~ worksheet the Division used to calculate the ~~rated certificate~~ rating shall be displayed in a location visible to the public.

(d) The star rating worksheet shall be posted on the Division of Health Service Regulation website.

~~(d)~~ (e) The facility may contest the ~~rated certificate~~ star rating by requesting a contested case hearing pursuant to Article 3 of G.S. 150B. The star rating ~~rated certificate~~ and any subsequent ~~certificates~~ star ratings shall remain in effect during any contested case hearing process.

History Note: Authority G.S. 131D-4.5; 131D-10;

Eff. July 3, ~~2008~~ 2008;

Readopted Eff. August 1, 2025.

10A NCAC 13G .1603 is readopted as published in 39:06 NCR 282-316 as follows:

**10A NCAC 13G .1603 STATUTORY AND RULE REQUIREMENTS AFFECTING STAR RATED
CERTIFICATES**

The following Statutes and Rules comprise the standards that contribute to rated certificates:

- (1) G.S. 131D-21 Declaration of Resident's Rights;
- (2) ~~10A NCAC 13G Section .0300~~ of this Subchapter The Building;
- (3) ~~Section .0400 of this Subchapter~~ Staff Qualifications;
- ~~(3)(4) 10A NCAC 13G Section .0700 of this Subchapter~~ Admission and ~~Discharge Requirements;~~
Discharge;
- ~~(4)(5) 10A NCAC 13G Section .0800 of this Subchapter~~ Resident Assessment and Care Plan;
- ~~(5)(6) 10A NCAC 13G Section .0900 of this Subchapter~~ Resident Care and Services;
- ~~(6)(7) 10A NCAC 13G Section .1000 of this Subchapter~~ Medications; and
- ~~(7)(8) 10A NCAC 13G Section .1300 of this Subchapter~~ Use of Physical Restraints and ~~Alternatives.~~
Alternatives; and
- (9) ~~Section .1700 of this Subchapter~~ Infection Prevention and Control.

*History Note: Authority G.S. 131D-4.5; 131D-10;
Eff. July 3, ~~2008~~. 2008;
Readopted Eff. August 1, 2025.*

10A NCAC 13G .1604 is readopted as published in 39:06 NCR 282-316 as follows:

10A NCAC 13G .1604 RATING CALCULATION

(a) Ratings shall be based on:

- (1) Inspections completed pursuant to G.S. ~~131D-2(b)(1a)~~; 131D-2.11(a) and (a1);
- (2) Statutory and Rule requirements listed in Rule .1603 of this Section;
- (3) Type A A1, Type A2, or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
- (4) Other items listed in Subparagraphs (c)(1) and (c)(2) of this Rule.

(b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule .1602(a) of this Section.

(c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual or biennial inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:

(1) Merit Points

- (A) If the facility corrects ~~citations~~ a standard deficiency of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, ~~which are not related to the identification of a Type A violation or an uncorrected Type B violation~~, the facility shall receive 1.25 merit points for each corrected deficiency;
- (B) ~~If the facility receives citations on its annual inspection with no Type A or Type B violations and the rating from the annual inspection is one or zero stars, the facility may request Division of Health Service Regulation to conduct a follow up inspection not less than 60 days after the date of the annual inspection. A follow up inspection shall be completed depending upon the availability of Division of Health Service Regulation staff. As determined by the follow up review, the facility shall receive 1.25 merit points for each corrected deficiency;~~ If the facility corrects a citation for which a Type B violation was identified, the facility shall receive 1.75 merit points;
- (C) ~~If the facility corrects the citation for which a Type A violation was identified, the facility shall receive 2.5 merit points and shall receive an additional 2.5 merit points following the next annual inspection if no further Type A violations are identified;~~ If the facility corrects a previously uncorrected Type B violation, the facility shall receive 1.75 merit points;
- (D) ~~If the facility corrects a previously uncorrected Type B violation, the facility shall receive 1.25 merit points;~~ If the facility corrects the citation for which a Type A1 or Type A2 violation was identified, the facility shall receive 5 merit points;
- (E) If the facility corrects a previously uncorrected Type A1 or A2 violation, the facility shall receive 5 merit points;

- (F) If the facility's admissions have been suspended, the facility shall receive 5 merit points if the suspension is removed;
- (G) If the facility's license is restored to a full license after being downgraded to a provisional license, the facility shall receive 5 merit points;
- (H) If the facility participates in any quality improvement program pursuant to G.S. 131D-10, the facility shall receive 2.5 merit points;
- (G) ~~If the facility receives NC NOVA special licensure designation, the facility shall receive 2.5 merit points;~~
- (I) If the facility establishes an ongoing resident council which meets at least quarterly, the facility shall receive .5 merit point;
- (J) If the facility establishes an ongoing family council which meets at least quarterly, the facility shall receive .5 merit point;
- (K) If the facility's designated on-site staff member who directs the facility's infection control activities in accordance with G.S. 131D-4.4A has completed the "Infection Control in Long Term Care Facilities" course offered by the University of North Carolina Statewide Program for Infection Control and Epidemiology (SPICE) every two years, the facility shall receive .5 merit point;
- (L) ~~On or after the effective date of this Rule, if~~ If the facility permanently installs a generator or has a contract with a generator provider to provide emergency power for essential functions of the facility, the facility shall receive 2 merit points. For purposes of this Section, Rule, essential functions mean those functions necessary to maintain the health or safety of residents during power outages greater than 6 hours. hours and include the fire alarm system, heating, lighting, refrigeration for medication storage, minimal cooking, elevators, medical equipment, computers, door alarms, special locking systems, sewage and well operation where applicable, sprinkler system, and telephones. If the facility has an existing permanently installed generator or an existing contract with a generator provider, the facility shall receive 1 merit point for maintaining the generator in working order or continuing the contract with a generator provider; ~~and~~
- (M) ~~On or after the effective date of this Rule, if~~ If the facility installs automatic sprinklers in compliance with the North Carolina Building Code, and maintains the system in working order, the facility shall receive 3 merit points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit points for subsequent ratings for maintaining the automatic sprinklers in good working order. order; and
- (N) If the facility engages the services of a third-party company to conduct resident and family satisfaction surveys at least annually for the purpose of improving resident care, the facility shall receive 1 merit point. Resident and family satisfaction surveys shall not be conducted by any employees of the facility, or a third-party company affiliated with the facility. The

satisfaction survey results shall be made available upon request and in a location accessible to residents and visitors in the facility.

(2) Demerit Points

- (A) For each ~~standard deficiency citation~~ of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;
- (B) For each citation of a Type A ~~A1 or Type A2~~ violation, the facility shall receive a demerit of 10 ~~points; points, and if the Type A1 or Type A2 violation remains uncorrected as result of a follow-up inspection, the facility shall receive an additional demerit of 10 points;~~
- (C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected as the result of a follow-up inspection, the facility shall receive an additional demerit of 3.5 points;
- (D) If the facility's admissions are suspended, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to ~~G.S. 131D-4.2, G.S. 131D-2.7,~~ the facility shall not receive any demerit points; ~~and~~
- (E) If the facility's license is downgraded to a provisional license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 10 points;
- ~~(F)~~(F) If the facility receives a notice of revocation against its ~~license, license pursuant to G.S. 131D-2.7,~~ the facility shall receive a demerit of 31 ~~points; points; and~~
- (G) If the facility's license is summarily suspended pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points.

(d) Facilities shall be given a rating of zero to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:

- (1) Four stars shall be assigned to any facility whose score is 100 points or greater on two consecutive annual or biennial inspections;
- (2) Three stars shall be assigned for scores of 90 to 99.9 points, or for any facility whose score is 100 points or greater on one annual or biennial inspection;
- (3) Two stars shall be assigned for scores of 80 to 89.9 points;
- (4) One star shall be assigned for scores of 70 to 79.9 points; and
- (5) Zero stars shall be assigned for scores of 69.9 points or lower.

*History Note: Authority G.S. 131D-4.5; 131D-10;
Eff. July 3, 2008; 2008;
Readopted Eff. August 1, 2025.*

1 10A NCAC 13G .1605 is readopted as published in 39:06 NCR 282-316 as follows:

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3 **10A NCAC 13G .1605 CONTENTS OF STAR RATED CERTIFICATE**

4 (a) The certificate shall contain a rating determined pursuant to Rule .1604 of this Subchapter.

5 (b) The certificate or accompanying worksheet from which the score is derived shall contain a breakdown of the point
6 merits and demerits by the factors listed in Rules .1603 and .1604(c) of this Subchapter in a manner that the public
7 can determine how the rating was assigned and the factors that contributed to the rating.

8 ~~(c) The certificate shall be printed on the same type of paper that is used to print the facility's license.~~

9 ~~(d)~~(c) The Division of Health Service Regulation shall issue the certificate pursuant to Rule .1602 of this Subchapter.

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11 *History Note: Authority G.S. 131D-4.5; 131D-10;*

12 *Eff. July 3, ~~2008~~ 2008;*

13 *Readopted Eff. August 1, 2025.*