

Burgos, Alexander N

Subject: FW: Technical Changes - MCC rules 10A NCAC 13F & 13G

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Sent: Monday, February 13, 2023 10:57 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Technical Changes - MCC rules 10A NCAC 13F & 13G

Thank you!

Nadine Pfeiffer
Rules Review Manager
Division of Health Service Regulation
[NC Department of Health and Human Services](#)

Office: 919-855-3811
Fax: 919-733-2757
nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building
2701 Mail Service Center
Raleigh, NC 27699-2701

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Monday, February 13, 2023 10:55 AM
To: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Technical Changes - MCC rules 10A NCAC 13F & 13G

Nadine,

I just wanted to confirm that these two rules are ready for the February RRC Meeting on Thursday. I will be recommending approval for both.

Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

809 Ruggles Drive, Edgerton Building
2701 Mail Service Center
Raleigh, NC 27699-2701

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Burgos, Alexander N

Subject: FW: Technical Changes - MCC rules 10A NCAC 13F & 13G
Attachments: 10A NCAC 13F .0904.docx; 10A NCAC 13G .0904.docx

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Sent: Monday, February 6, 2023 11:19 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Technical Changes - MCC rules 10A NCAC 13F & 13G

Hi Lawrence,
Please see the attached rules with the corrected hx notes as you identified.

Nadine Pfeiffer
Rules Review Manager
Division of Health Service Regulation
[NC Department of Health and Human Services](#)

Office: 919-855-3811
Fax: 919-733-2757
nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building
2701 Mail Service Center
Raleigh, NC 27699-2701

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Monday, February 6, 2023 10:56 AM
To: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Technical Changes - MCC rules 10A NCAC 13F & 13G

Nadine,

These look good. Thank you for making the requested changes. Only remaining issue:

History Note: Authority G.S. 131D-2.1(4); 131D-2.16; 131D-4.4; 143B-165;

On both 13F and 13G .0904, the statutes need to be in numerical order. Also, you have “131D-4-4” and I think you meant to put “131D-4.4”.

Please fix on both rules. Then, submit your final version to oah.rules@oah.nc.gov.

Thank you,
Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings

1 10A NCAC 13F .0904 is readopted with changes as published in 36:24 NCR 1933-1937 as follows:

2
3 **10A NCAC 13F .0904 NUTRITION AND FOOD SERVICE**

4 (a) Food Procurement and Safety in Adult Care Homes:

- 5 (1) ~~The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination.~~
6 Facilities with a licensed capacity of 7 to 12 residents shall ensure food services comply with Rules
7 Governing the Sanitation of Residential Care Facilities set forth in 15A NCAC 18A .1600 which
8 are hereby incorporated by reference, including subsequent amendments, assuring storage,
9 preparation, and serving food and beverage under sanitary conditions.
- 10 (2) ~~All food and beverage being procured, stored, prepared or served by the facility shall be protected~~
11 ~~from contamination.~~ Facilities with a licensed capacity of 13 or more residents shall ensure food
12 services comply with Rules Governing the Sanitation of [Restaurants and Other Foodhandling
13 Establishments] Hospitals, Nursing Homes, Adult Care Homes and Other Institutions set forth in
14 15A NCAC 18A .1300 which are hereby incorporated by reference, including subsequent
15 amendments, assuring storage, preparation, and serving of food and beverage under sanitary
16 conditions.
- 17 (3) ~~All meat processing shall occur~~ Only meat processed at a USDA-approved processing ~~plant.~~ plant
18 shall be served.
- 19 (4) There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable
20 food in the facility based on the ~~menus,~~ menus established in Paragraph (c) of this Rule for both
21 regular and therapeutic diets. For the purpose of this rule “perishable food” is food that is likely to
22 spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees
23 Fahrenheit or below and “non-perishable food” is food that can be stored at room temperature and
24 is not likely to spoil or decay within seven days.

25 (b) Food Preparation and Service in Adult Care Homes:

- 26 (1) ~~Sufficient staff, space [space,] and equipment shall be provided for safe and sanitary food storage,~~
27 ~~preparation [preparation,] and service.~~
- 28 (2)(1) Table service shall include a napkin and non-disposable place setting consisting of at least a knife,
29 fork, spoon, ~~plate~~ plate, and beverage containers. ~~Exceptions may be made on an individual basis~~
30 ~~and shall be based on documented needs or preferences of the resident.~~
- 31 (3)(2) Hot foods shall be served hot and cold foods shall be served ~~cold,~~ cold as set forth in Rule 15A
32 NCAC 18A .1620(a) for facilities with a licensed capacity of 7 to 12 residents and as set forth in
33 Rule 15A NCAC 18A .1323 Food Protection in Activity Kitchens, Rehabilitation Kitchens, and
34 Nourishment Stations for facilities with a licensed capacity of 13 or more residents, which are
35 hereby incorporated by reference, including subsequent amendments.
- 36 (4)(3) If residents require feeding assistance, food shall be maintained at serving temperature until
37 assistance is provided.

1 (c) Menus in Adult Care Homes:

- 2 (1) Menus shall be prepared at least one week in advance with serving quantities specified and in
3 accordance with the ~~Daily Food Requirements~~ daily food requirements in Paragraph (d) of this Rule.
- 4 (2) Menus shall be maintained in the kitchen and identified as to the current menu day and cycle for
5 any given day for guidance of food service staff.
- 6 (3) Any substitutions made in the menu shall be of equal nutritional value, in order to maintain the daily
7 dietary requirements in Subparagraph (d)(3) of this Rule. appropriate for therapeutic ~~diets~~ diets, and
8 documented ~~[and]~~ in records maintained in the kitchen to indicate the foods actually served to
9 residents.
- 10 (4) Menus shall be planned to take into account the food preferences ~~and customs~~ of the residents.
11 residents as documented on the Resident Register.
- 12 (5) Menus as ~~served and invoices or~~ served, invoices, and other receipts ~~of~~ for food or beverage
13 purchases shall be maintained in the facility for 30 days.
- 14 (6) Menus for all therapeutic diets shall be planned or reviewed by a ~~registered dietitian.~~ licensed
15 dietitian/nutritionist. The facility shall maintain verification of the ~~registered dietitian's~~ licensed
16 dietitian/nutritionist's approval of the therapeutic ~~diets which shall include an original signature by~~
17 ~~the registered dietitian and the registration number of the dietitian.~~ diets.
- 18 (7) The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered
19 therapeutic ~~diets~~ diet for guidance of food service staff.

20 (d) Food Requirements in Adult Care Homes:

- 21 (1) Each resident shall be served a minimum of three nutritionally ~~adequate,~~ adequate meals based on
22 the requirements in Subparagraph (d)(3) of this [Rule,] palatable meals [to the residents.] Rule.
23 Meals shall be served a day at regular hours times comparable to normal meal times in the
24 community. There shall be with at least 10 hours between the breakfast and evening meals.
- 25 (2) Foods and beverages ~~that are appropriate to residents' diets~~ shall be offered in accordance with each
26 residents' prescribed diet or made available to all residents as snacks between each meal for a total
27 of three snacks per day and shown on the menu as snacks.
- 28 (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary
29 guidelines for Americans 2020-2025, which are hereby incorporated by reference including
30 subsequent amendments and editions. These guidelines can be found at
31 [https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-](https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf)
32 2025.pdf for no ~~cost and~~ include the following: cost.
- 33 (A) ~~Homogenized whole milk, low-fat milk, skim milk or buttermilk:~~ [Dairy and dairy
34 alternatives: milk, yogurt, cheese, low-lactose or lactose-free dairy products, fortified soy
35 beverages, and soy yogurt.] One cup (8 ounces) of pasteurized milk [dairy or dairy
36 alternatives] at least twice [three times] a day. [Milk served shall be pasteurized.]
37 Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for

drinking purposes due to risk of bacterial contamination during mixing and the lower nutritional value of the product if too much water is used. ~~only.~~

(B) ~~Fruit: Two servings of fruit (one serving equals 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit). [fruit; examples of one serving are as follows: 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit.] One serving shall be a citrus fruit or a single strength juice in which there is 100% of the recommended dietary allowance of vitamin C in each six ounces of juice. The second fruit serving shall be of another variety of fresh, dried [dried,] or canned fruit.~~

(C) ~~Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; examples of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable.] One of these shall be a dark green, leafy [leafy,] or deep yellow [vegetables] three times a week.~~

(D) ~~Eggs: One whole egg or substitute (e.g., 2 egg whites or ¼ cup of pasteurized egg product) [such as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a week at breakfast.~~

(E) ~~Protein: Two to three ounces of pure cooked meat at least two times a day for a minimum of 4 ounces. A substitute (e.g., [(such as) 4 tablespoons of peanut butter, 1 cup of cooked dried peas or beans [beans,] or 2 ounces of pure cheese) may be served three times a week but not more than once a day, unless requested by the resident.~~

Note: ~~[For the purposes of this Rule,] Bacon is considered to be fat and not meat for the purposes of this Rule. [does not meet the protein requirement for meat.]~~

(F) ~~Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a bagel, English muffin [English muffin,] or hamburger bun; one 1 ½ ounce muffin, 1 ounce roll, 2 ounce biscuit or 2 ounce piece of cornbread; ½ cup cooked rice or cereal (e.g., [(such as) oatmeal or grits]; ¾ cup ready to eat cereal; or one waffle, pancake [pancake,] or tortilla that is six inches in diameter. Cereals and breads offered as snacks may be included in meeting this requirement.~~

(G) ~~Fats: Include butter, oil, margarine [margarine,] or items consisting primarily of one of these (e.g., such as icing or gravy) [these, such as icing or gravy.]~~

(H) ~~Water and Other Beverages: Water shall be served to each resident at each meal, in addition to other beverages.~~

(4) Water shall be served to each resident at each meal, in addition to other beverages.

(e) Therapeutic Diets in Adult Care Homes:

- 1 (1) All therapeutic diet orders including thickened liquids shall be in writing from the resident's
 2 physician. Where applicable, the therapeutic diet order shall be specific to calorie, ~~gram~~ gram, or
 3 consistency, such as for ~~calorie-controlled~~ calorie-controlled ADA diets, low sodium ~~diets~~ diets, or
 4 thickened liquids, unless there are written orders ~~which~~ that include the definition of any therapeutic
 5 diet identified in the facility's therapeutic menu approved by a ~~registered dietitian~~, licensed
 6 dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a physician
 7 or other delegated provider physician, physician assistant, nurse practitioner, or a licensed
 8 dietitian/nutritionist as delegated by the physician that is part of the treatment for a disease or
 9 clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or
 10 potassium), or to provide mechanically altered food when indicated.
- 11 (2) Physician orders for nutritional supplements shall be in writing from the resident's physician and be
 12 ~~brand-specific~~, brand-specific, unless the facility has defined a house supplement in its
 13 communication to the physician, and shall specify quantity and frequency.
- 14 (3) The facility shall maintain ~~an accurate and~~ a current listing of residents with physician-ordered
 15 therapeutic diets for guidance of food service staff.
- 16 (4) All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as
 17 ordered by the resident's physician.
- 18 (f) Individual Feeding Assistance in Adult Care Homes:
- 19 (1) ~~Sufficient~~ The facility shall provide staff ~~shall be available~~ for individual feeding assistance as
 20 ~~needed~~, in accordance to residents' needs.
- 21 (2) Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall
 22 be unhurried and in a manner that maintains or enhances each resident's dignity and respect.
- 23 (g) Variations from the required three meals or time intervals between meals to meet individualized needs or
 24 preferences of residents shall be documented in the resident's record. Each resident shall receive three meals in
 25 accordance with resident preferences as documented in the resident's record.

26

27 *History Note:* Authority G.S. 131D-2.1(4); 131D-2.16; 131D-4.4; 143B-165;
 28 *Eff. January 1, 1977;*
 29 *Readopted Eff. October 31, 1977;*
 30 *Amended Eff. April 1, 1984;*
 31 *Temporary Amendment Eff. July 1, 2003;*
 32 *Amended Eff. June 1, 2004. 2004.*
 33 *Readopted Eff. March 1, 2023.*

1 10A NCAC 13G .0904 is readopted with changes as published in 36:24 NCR 1933-1937 as follows:

2
3 **10A NCAC 13G .0904 NUTRITION AND FOOD SERVICE**

4 (a) Food Procurement and Safety in Family Care Homes:

- 5 (1) ~~The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination.~~
6 Food services shall comply with Rules Governing the Sanitation of Residential Care Facilities ~~[as~~
7 ~~promulgated by the Commission for Public Health]~~ set forth in 15A NCAC 18A .1600 which are
8 hereby incorporated by reference, including subsequent amendments, assuring storage, preparation,
9 and serving food under sanitary conditions. ~~[Copies of these Rules can be accessed online at~~
10 ~~<https://ehs.nepublichealth.com/rules.htm>, at no cost.]~~
- 11 (2) ~~All food and beverage being procured, stored, prepared or served by the facility shall be protected~~
12 ~~from contamination.~~
- 13 ~~(3)(2)~~ All meat processing shall occur Only meat processed at a USDA-approved processing ~~plant.~~ plant
14 shall be served.
- 15 ~~(4)(3)~~ There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable
16 food in the facility based on the ~~menus,~~ menus established in Paragraph (c) of this Rule, for both
17 regular and therapeutic diets. For the purpose of this rule “perishable food” is food that is likely to
18 spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees
19 Fahrenheit or below and “non-perishable food” is food that can be stored at room temperature and
20 is not likely to spoil or decay within seven days.

21 (b) Food Preparation and Service in Family Care Homes:

- 22 ~~(1)~~ Sufficient staff, space [space,] and equipment shall be provided for safe and sanitary food storage,
23 preparation [preparation,] and service.
- 24 ~~(2)(1)~~ Table service shall include a napkin and non-disposable place setting consisting of at least a knife,
25 fork, spoon, ~~plate~~ plate, and beverage containers. ~~Exceptions may be made on an individual basis~~
26 ~~and shall be based on documented needs or preferences of the resident.~~
- 27 ~~(3)(2)~~ Hot foods shall be served hot and cold foods shall be served ~~cold.~~ cold as set forth in Rule 15A
28 NCAC 18A .1620(a) which is hereby incorporated by reference, including subsequent amendments.
- 29 ~~(4)(3)~~ If residents require feeding assistance, food shall be maintained at serving temperature until
30 assistance is provided.

31 (c) Menus in Family Care Homes:

- 32 (1) Menus shall be prepared at least one week in advance with serving quantities specified and in
33 accordance with the ~~Daily Food Requirements~~ daily food requirements in Paragraph (d) of this Rule.
- 34 (2) Menus shall be maintained in the kitchen and identified as to the current menu day ~~and cycle for~~
35 ~~any given day~~ for guidance of food service staff.
- 36 (3) Any substitutions made in the menu shall be of equal nutritional value, in order to maintain the daily
37 dietary requirements in Subparagraph (d)(3) of this Rule, appropriate for therapeutic ~~diets~~ diets, and

documented ~~[and] in records maintained in the kitchen~~ to indicate the foods actually served to residents.

- (4) Menus shall be planned to take into account the food preferences ~~and customs~~ of the residents. residents as documented on the Resident Register.
- (5) Menus as ~~served and invoices or~~ served, invoices, and other receipts ~~of~~ for food or beverage purchases shall be maintained in the facility for 30 days.
- (6) Menus for all therapeutic diets shall be planned or reviewed by a ~~registered dietitian.~~ licensed dietitian/nutritionist. The facility shall maintain verification of the ~~registered dietitian's~~ licensed dietitian/nutritionist's approval of the therapeutic diets ~~which shall include an original signature by the registered dietitian and the registration number of the dietitian.~~ diets.
- (7) The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered therapeutic ~~diets~~ diet for guidance of food service staff.

(d) Food Requirements in Family Care Homes:

- (1) Each resident shall be served a minimum of three nutritionally ~~adequate,~~ adequate meals based on the requirements in Subparagraph (d)(3) of this [Rule,] palatable meals [to the residents.] Rule. Meals shall be served a day at regular ~~hours~~ times comparable to normal meal times in the community. ~~There shall be with~~ at least 10 hours between the breakfast and evening meals.
- (2) Foods and beverages ~~that are appropriate to residents' diets~~ shall be offered in accordance with each residents' prescribed diet or made available to all residents as snacks between each meal for a total of three snacks per day and shown on the menu as snacks.
- (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary Guidelines for Americans 2020-2025, which are hereby incorporated by reference, including subsequent amendments and editions. These guidelines can be found at https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf, at no [cost and] include the following: cost.
 - (A) ~~Homogenized whole milk, low fat milk, skim milk or buttermilk; [Dairy and dairy alternatives: milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy beverages, and soy yogurt.] One cup (8 ounces) of pasteurized milk [dairy or dairy alternatives] at least twice [three times] a day. [Milk served shall be pasteurized.] Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for drinking purposes due to risk of bacterial contamination during mixing and the lower nutritional value of the product if too much water is used. [only.]~~
 - (B) ~~Fruit: Two servings of fruit (one serving equals 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit). [fruit; examples of one serving are as follows: 6 ounces of juice; ½ of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit.] One serving shall be a citrus fruit or a single strength juice in which there is 100% of the recommended dietary allowance of vitamin C in each~~

1 ~~six ounces of juice. The second fruit serving shall be of another variety of fresh, dried~~
 2 ~~[dried,] or canned fruit.~~

3 (C) ~~Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned~~
 4 ~~vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; examples~~
 5 ~~of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable~~
 6 ~~juice; or 1 cup of raw vegetable.] One of these shall be a dark green, leafy [leafy,] or deep~~
 7 ~~yellow [vegetables] three times a week.~~

8 (D) ~~Eggs: One whole egg or substitute (e.g., 2 egg whites or ¼ cup of pasteurized egg product)~~
 9 ~~[such as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a week at~~
 10 ~~breakfast.~~

11 (E) ~~Protein: Two to three ounces of pure cooked meat at least two times a day for a minimum~~
 12 ~~of 4 ounces. A substitute (e.g., [(such as] 4 tablespoons of peanut butter, 1 cup of cooked~~
 13 ~~dried peas or beans or 2 ounces of pure cheese) may be served three times a week but not~~
 14 ~~more than once a day, unless requested by the resident.~~

15 ~~Note: [For the purposes of this Rule,] Bacon is considered to be fat and not meat for the~~
 16 ~~purposes of this Rule. [does not meet the protein requirement for meat.]~~

17 (F) ~~Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or~~
 18 ~~grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a~~
 19 ~~bagel, English muffin or hamburger bun; one 1 ½ ounce muffin, 1 ounce roll, 2 ounce~~
 20 ~~biscuit or 2 ounce piece of cornbread; ½ cup cooked rice or cereal (e.g., [(such as] oatmeal~~
 21 ~~or grits); ¾ cup ready to eat cereal; or one waffle, pancake [pancake,] or tortilla that is six~~
 22 ~~inches in diameter. Cereals and breads offered as snacks may be included in meeting this~~
 23 ~~requirement.~~

24 (G) ~~Fats: Include butter, oil, margarine [margarine,] or items consisting primarily of one of~~
 25 ~~these (e.g., icing or gravy) [these, such as icing or gravy.]~~

26 (H) ~~Water and Other Beverages: Water shall be served to each resident at each meal, in~~
 27 ~~addition to other beverages.~~

28 (4) ~~Water shall be served to each resident at each meal, in addition to other beverages.~~

29 (e) Therapeutic Diets in Family Care Homes:

- 30 (1) All therapeutic diet orders including thickened liquids shall be in writing from the resident's
 31 physician. Where applicable, the therapeutic diet order shall be specific to caloric, ~~gram~~ gram, or
 32 consistency, such as for ~~calorie controlled~~ calorie-controlled ADA diets, low sodium ~~diets~~ diets, or
 33 thickened liquids, unless there are written orders ~~which that~~ include the definition of any therapeutic
 34 diet identified in the facility's therapeutic menu approved by a ~~registered dietitian.~~ licensed
 35 dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a physician
 36 or other delegated provider physician, physician assistant, nurse practitioner, or a licensed
 37 dietician/nutritionist as delegated by the physician that is part of the treatment for a disease or

1 clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or
 2 potassium), or to provide mechanically altered food when indicated.

3 (2) Physician orders for nutritional supplements shall be in writing from the resident's physician and be
 4 ~~brand-specific,~~ brand-specific, unless the facility has defined a house supplement in its
 5 communication to the physician, and shall specify quantity and frequency.

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 9 ordered by the resident's physician.

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11 (1) ~~Sufficient~~ The facility shall provide staff ~~shall be available~~ for individual feeding assistance as
 12 ~~needed.~~ in accordance with residents' needs.

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 14 be unhurried and in a manner that maintains or enhances each resident's dignity and respect.

15 (g) Variations from the required three meals or time intervals between meals to meet individualized needs or
 16 preferences of residents shall be documented in the resident's record. Each resident shall receive three meals in
 17 accordance with resident preferences as documented in the resident's record.

18
 19 *History Note:* Authority G.S. 131D-2.1(4); 131D-2.16; 131D-4.4; 143B-165;

20 *Eff. January 1, 1977;*

21 *Amended Eff. October 1, 1977; April 22, 1977;*

22 *Readopted Eff. October 31, 1977;*

23 *Amended Eff. August 3, 1992; July 1, 1990; September 1, 1987; April 1, 1987;*

24 *Temporary Amendment Eff. July 1, 2003;*

25 *Amended Eff. June 1, ~~2004.~~ 2004.*

26 *Readopted Eff. March 1, 2023.*

Burgos, Alexander N

From: Pfeiffer, Nadine
Sent: Friday, January 27, 2023 3:19 PM
To: Duke, Lawrence
Cc: Burgos, Alexander N
Subject: Technical Changes - MCC rules 10A NCAC 13F & 13G
Attachments: 10A NCAC 13F .0904.docx; 10A NCAC 13G .0904.docx; Technical Change Requests 13F-G Response Feb RRC.docx

Lawrence,

We were notified of the technical changes on December 7, 2022 pursuant to G.S. 150B-21.10 for the following rules: 10A NCAC 13F .0904 and 10A NCAC 13G .0904. In preparation for the February 16, 2023 RRC meeting, attached to this email you will find the amended text for those rules as requested in the Request for Technical Change document received, as well as the Agency's responses to the concerns raised in the "Request for Changes" document as seen in bold black font on the document.

Should you have any questions regarding the attachments, or should you have any follow up questions or concerns, please feel free to contact me.

Thank you,

Nadine Pfeiffer

Rules Review Manager

Division of Health Service Regulation

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

Office: 919-855-3811

Fax: 919-733-2757

nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building
2701 Mail Service Center
Raleigh, NC 27699-2701

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1 10A NCAC 13F .0904 is readopted with changes as published in 36:24 NCR 1933-1937 as follows:

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3 **10A NCAC 13F .0904 NUTRITION AND FOOD SERVICE**

4 (a) Food Procurement and Safety in Adult Care Homes:

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7 Governing the Sanitation of Residential Care Facilities set forth in 15A NCAC 18A .1600 which
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20 food in the facility based on the ~~menus,~~ menus established in Paragraph (c) of this Rule for both
21 regular and therapeutic diets. For the purpose of this rule “perishable food” is food that is likely to
22 spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees
23 Fahrenheit or below and “non-perishable food” is food that can be stored at room temperature and
24 is not likely to spoil or decay within seven days.

25 (b) Food Preparation and Service in Adult Care Homes:

- 26 (1) ~~Sufficient staff, space [space,] and equipment shall be provided for safe and sanitary food storage,~~
27 ~~preparation [preparation,] and service.~~
- 28 (2)(1) Table service shall include a napkin and non-disposable place setting consisting of at least a knife,
29 fork, spoon, ~~plate~~ plate, and beverage containers. ~~Exceptions may be made on an individual basis~~
30 ~~and shall be based on documented needs or preferences of the resident.~~
- 31 (3)(2) Hot foods shall be served hot and cold foods shall be served ~~cold,~~ cold as set forth in Rule 15A
32 NCAC 18A .1620(a) for facilities with a licensed capacity of 7 to 12 residents and as set forth in
33 Rule 15A NCAC 18A .1323 Food Protection in Activity Kitchens, Rehabilitation Kitchens, and
34 Nourishment Stations for facilities with a licensed capacity of 13 or more residents, which are
35 hereby incorporated by reference, including subsequent amendments.
- 36 (4)(3) If residents require feeding assistance, food shall be maintained at serving temperature until
37 assistance is provided.

1 (c) Menus in Adult Care Homes:

- 2 (1) Menus shall be prepared at least one week in advance with serving quantities specified and in
3 accordance with the ~~Daily Food Requirements~~ daily food requirements in Paragraph (d) of this Rule.
- 4 (2) Menus shall be maintained in the kitchen and identified as to the current menu day and cycle for
5 any given day for guidance of food service staff.
- 6 (3) Any substitutions made in the menu shall be of equal nutritional value, in order to maintain the daily
7 dietary requirements in Subparagraph (d)(3) of this Rule. appropriate for therapeutic ~~diets~~ diets, and
8 documented ~~[and]~~ in records maintained in the kitchen to indicate the foods actually served to
9 residents.
- 10 (4) Menus shall be planned to take into account the food preferences ~~and customs~~ of the residents.
11 residents as documented on the Resident Register.
- 12 (5) Menus as ~~served and invoices or~~ served, invoices, and other receipts ~~of~~ for food or beverage
13 purchases shall be maintained in the facility for 30 days.
- 14 (6) Menus for all therapeutic diets shall be planned or reviewed by a ~~registered dietitian.~~ licensed
15 dietitian/nutritionist. The facility shall maintain verification of the ~~registered dietitian's~~ licensed
16 dietitian/nutritionist's approval of the therapeutic ~~diets which shall include an original signature by~~
17 ~~the registered dietitian and the registration number of the dietitian.~~ diets.
- 18 (7) The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered
19 therapeutic ~~diets~~ diet for guidance of food service staff.

20 (d) Food Requirements in Adult Care Homes:

- 21 (1) Each resident shall be served a minimum of three nutritionally ~~adequate,~~ adequate meals based on
22 the requirements in Subparagraph (d)(3) of this [Rule,] palatable meals [to the residents.] Rule.
23 Meals shall be served a day at regular hours times comparable to normal meal times in the
24 community. There shall be with at least 10 hours between the breakfast and evening meals.
- 25 (2) Foods and beverages ~~that are appropriate to residents' diets~~ shall be offered in accordance with each
26 residents' prescribed diet or made available to all residents as snacks between each meal for a total
27 of three snacks per day and shown on the menu as snacks.
- 28 (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary
29 guidelines for Americans 2020-2025, which are hereby incorporated by reference including
30 subsequent amendments and editions. These guidelines can be found at
31 [https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-](https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf)
32 2025.pdf for no ~~cost and~~ include the following: cost.
- 33 (A) ~~Homogenized whole milk, low fat milk, skim milk or buttermilk:~~ [Dairy and dairy
34 alternatives: milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy
35 beverages, and soy yogurt.] One cup (8 ounces) of pasteurized milk [dairy or dairy
36 alternatives] at least twice [three times] a day. [Milk served shall be pasteurized.]
37 Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for

drinking purposes due to risk of bacterial contamination during mixing and the lower nutritional value of the product if too much water is used. ~~only.]~~

(B) ~~Fruit: Two servings of fruit (one serving equals 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit). [fruit; examples of one serving are as follows: 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit.] One serving shall be a citrus fruit or a single strength juice in which there is 100% of the recommended dietary allowance of vitamin C in each six ounces of juice. The second fruit serving shall be of another variety of fresh, dried [dried,] or canned fruit.~~

(C) ~~Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; examples of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable.] One of these shall be a dark green, leafy [leafy,] or deep yellow [vegetables] three times a week.~~

(D) ~~Eggs: One whole egg or substitute (e.g., 2 egg whites or ¼ cup of pasteurized egg product) [such as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a week at breakfast.~~

(E) ~~Protein: Two to three ounces of pure cooked meat at least two times a day for a minimum of 4 ounces. A substitute (e.g., [(such as) 4 tablespoons of peanut butter, 1 cup of cooked dried peas or beans [beans,] or 2 ounces of pure cheese) may be served three times a week but not more than once a day, unless requested by the resident.~~

Note: ~~[For the purposes of this Rule,] Bacon is considered to be fat and not meat for the purposes of this Rule. [does not meet the protein requirement for meat.]~~

(F) ~~Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a bagel, English muffin [English muffin,] or hamburger bun; one 1 ½ ounce muffin, 1 ounce roll, 2 ounce biscuit or 2 ounce piece of cornbread; ½ cup cooked rice or cereal (e.g., [(such as) oatmeal or grits]; ¾ cup ready to eat cereal; or one waffle, pancake [pancake,] or tortilla that is six inches in diameter. Cereals and breads offered as snacks may be included in meeting this requirement.~~

(G) ~~Fats: Include butter, oil, margarine [margarine,] or items consisting primarily of one of these (e.g., such as icing or gravy) [these, such as icing or gravy.]~~

(H) ~~Water and Other Beverages: Water shall be served to each resident at each meal, in addition to other beverages.~~

(4) Water shall be served to each resident at each meal, in addition to other beverages.

(e) Therapeutic Diets in Adult Care Homes:

- 1 (1) All therapeutic diet orders including thickened liquids shall be in writing from the resident's
 2 physician. Where applicable, the therapeutic diet order shall be specific to calorie, ~~gram~~ gram, or
 3 consistency, such as for ~~calorie-controlled~~ calorie-controlled ADA diets, low sodium ~~diets~~ diets, or
 4 thickened liquids, unless there are written orders ~~which~~ that include the definition of any therapeutic
 5 diet identified in the facility's therapeutic menu approved by a ~~registered dietitian~~ licensed
 6 dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a physician
 7 or other delegated provider physician, physician assistant, nurse practitioner, or a licensed
 8 dietitian/nutritionist as delegated by the physician that is part of the treatment for a disease or
 9 clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or
 10 potassium), or to provide mechanically altered food when indicated.
- 11 (2) Physician orders for nutritional supplements shall be in writing from the resident's physician and be
 12 ~~brand-specific~~, brand-specific, unless the facility has defined a house supplement in its
 13 communication to the physician, and shall specify quantity and frequency.
- 14 (3) The facility shall maintain ~~an accurate and~~ a current listing of residents with physician-ordered
 15 therapeutic diets for guidance of food service staff.
- 16 (4) All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as
 17 ordered by the resident's physician.
- 18 (f) Individual Feeding Assistance in Adult Care Homes:
- 19 (1) ~~Sufficient~~ The facility shall provide staff ~~shall be available~~ for individual feeding assistance as
 20 ~~needed~~ in accordance to residents' needs.
- 21 (2) Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall
 22 be unhurried and in a manner that maintains or enhances each resident's dignity and respect.
- 23 (g) Variations from the required three meals or time intervals between meals to meet individualized needs or
 24 preferences of residents shall be documented in the resident's record. Each resident shall receive three meals in
 25 accordance with resident preferences as documented in the resident's record.

26

27 *History Note:* Authority G.S. 131D-2.1(4); 131D-4-4; 131D-2.16; 143B-165;
 28 *Eff. January 1, 1977;*
 29 *Readopted Eff. October 31, 1977;*
 30 *Amended Eff. April 1, 1984;*
 31 *Temporary Amendment Eff. July 1, 2003;*
 32 *Amended Eff. June 1, 2004. 2004.*
 33 *Readopted Eff. March 1, 2023.*

1 10A NCAC 13G .0904 is readopted with changes as published in 36:24 NCR 1933-1937 as follows:

2
3 **10A NCAC 13G .0904 NUTRITION AND FOOD SERVICE**

4 (a) Food Procurement and Safety in Family Care Homes:

- 5 (1) ~~The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination.~~
6 Food services shall comply with Rules Governing the Sanitation of Residential Care Facilities ~~as~~
7 ~~promulgated by the Commission for Public Health~~ set forth in 15A NCAC 18A .1600 which are
8 hereby incorporated by reference, including subsequent amendments, assuring storage, preparation,
9 and serving food under sanitary conditions. ~~[Copies of these Rules can be accessed online at~~
10 ~~<https://ehs.nepublichealth.com/rules.htm>, at no cost.]~~
- 11 (2) All food and beverage being procured, stored, prepared or served by the facility shall be protected
12 from contamination.
- 13 ~~(3)(2)~~ All meat processing shall occur Only meat processed at a USDA-approved processing ~~plant.~~ plant
14 shall be served.
- 15 ~~(4)(3)~~ There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable
16 food in the facility based on the ~~menus,~~ menus established in Paragraph (c) of this Rule, for both
17 regular and therapeutic diets. For the purpose of this rule “perishable food” is food that is likely to
18 spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees
19 Fahrenheit or below and “non-perishable food” is food that can be stored at room temperature and
20 is not likely to spoil or decay within seven days.

21 (b) Food Preparation and Service in Family Care Homes:

- 22 ~~(1)~~ Sufficient staff, space [space,] and equipment shall be provided for safe and sanitary food storage,
23 preparation [preparation,] and service.
- 24 ~~(2)(1)~~ Table service shall include a napkin and non-disposable place setting consisting of at least a knife,
25 fork, spoon, ~~plate~~ plate, and beverage containers. ~~Exceptions may be made on an individual basis~~
26 ~~and shall be based on documented needs or preferences of the resident.~~
- 27 ~~(3)(2)~~ Hot foods shall be served hot and cold foods shall be served ~~cold.~~ cold as set forth in Rule 15A
28 NCAC 18A .1620(a) which is hereby incorporated by reference, including subsequent amendments.
- 29 ~~(4)(3)~~ If residents require feeding assistance, food shall be maintained at serving temperature until
30 assistance is provided.

31 (c) Menus in Family Care Homes:

- 32 (1) Menus shall be prepared at least one week in advance with serving quantities specified and in
33 accordance with the ~~Daily Food Requirements~~ daily food requirements in Paragraph (d) of this Rule.
- 34 (2) Menus shall be maintained in the kitchen and identified as to the current menu day ~~and cycle for~~
35 ~~any given day~~ for guidance of food service staff.
- 36 (3) Any substitutions made in the menu shall be of equal nutritional value, in order to maintain the daily
37 dietary requirements in Subparagraph (d)(3) of this Rule, appropriate for therapeutic ~~diets~~ diets, and

documented ~~[and] in records maintained in the kitchen~~ to indicate the foods actually served to residents.

- (4) Menus shall be planned to take into account the food preferences ~~and customs~~ of the residents. residents as documented on the Resident Register.
- (5) Menus as ~~served and invoices or~~ served, invoices, and other receipts ~~of~~ for food or beverage purchases shall be maintained in the facility for 30 days.
- (6) Menus for all therapeutic diets shall be planned or reviewed by a ~~registered dietitian, licensed dietitian/nutritionist.~~ licensed dietitian/nutritionist. The facility shall maintain verification of the ~~registered dietitian's licensed dietitian/nutritionist's~~ approval of the therapeutic diets ~~which shall include an original signature by the registered dietitian and the registration number of the dietitian.~~ diets.
- (7) The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered therapeutic ~~diets~~ diet for guidance of food service staff.

(d) Food Requirements in Family Care Homes:

- (1) Each resident shall be served a minimum of three nutritionally ~~adequate, adequate~~ adequate meals based on ~~the requirements in Subparagraph (d)(3) of this [Rule,] palatable meals [to the residents.] Rule.~~ Meals shall be served a day at regular hours times comparable to normal meal times in the community. There shall be with at least 10 hours between the breakfast and evening meals.
- (2) Foods and beverages ~~that are appropriate to residents' diets~~ shall be offered in accordance with each residents' prescribed diet or made available to all residents as snacks between each meal for a total of three snacks per day and shown on the menu as snacks.
- (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary Guidelines for Americans 2020-2025, which are hereby incorporated by reference, including subsequent amendments and editions. These guidelines can be found at https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf, at no [cost and] include the following: cost.
 - (A) ~~Homogenized whole milk, low fat milk, skim milk or buttermilk; [Dairy and dairy alternatives: milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy beverages, and soy yogurt.] One cup (8 ounces) of pasteurized milk [dairy or dairy alternatives] at least twice [three times] a day. [Milk served shall be pasteurized.] Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for drinking purposes due to risk of bacterial contamination during mixing and the lower nutritional value of the product if too much water is used. [only.]~~
 - (B) ~~Fruit: Two servings of fruit (one serving equals 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit). [fruit; examples of one serving are as follows: 6 ounces of juice; ½ of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit.] One serving shall be a citrus fruit or a single strength juice in which there is 100% of the recommended dietary allowance of vitamin C in each~~

1 ~~six ounces of juice. The second fruit serving shall be of another variety of fresh, dried~~
2 ~~[dried,] or canned fruit.~~

3 (C) ~~Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned~~
4 ~~vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; examples~~
5 ~~of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable~~
6 ~~juice; or 1 cup of raw vegetable.] One of these shall be a dark green, leafy [leafy,] or deep~~
7 ~~yellow [vegetables] three times a week.~~

8 (D) ~~Eggs: One whole egg or substitute (e.g., 2 egg whites or ¼ cup of pasteurized egg product)~~
9 ~~[such as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a week at~~
10 ~~breakfast.~~

11 (E) ~~Protein: Two to three ounces of pure cooked meat at least two times a day for a minimum~~
12 ~~of 4 ounces. A substitute (e.g., [(such as] 4 tablespoons of peanut butter, 1 cup of cooked~~
13 ~~dried peas or beans or 2 ounces of pure cheese) may be served three times a week but not~~
14 ~~more than once a day, unless requested by the resident.~~

15 ~~Note: [For the purposes of this Rule,] Bacon is considered to be fat and not meat for the~~
16 ~~purposes of this Rule. [does not meet the protein requirement for meat.]~~

17 (F) ~~Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or~~
18 ~~grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a~~
19 ~~bagel, English muffin or hamburger bun; one 1 ½ ounce muffin, 1 ounce roll, 2 ounce~~
20 ~~biscuit or 2 ounce piece of cornbread; ½ cup cooked rice or cereal (e.g., [(such as] oatmeal~~
21 ~~or grits); ¾ cup ready to eat cereal; or one waffle, pancake [pancake,] or tortilla that is six~~
22 ~~inches in diameter. Cereals and breads offered as snacks may be included in meeting this~~
23 ~~requirement.~~

24 (G) ~~Fats: Include butter, oil, margarine [margarine,] or items consisting primarily of one of~~
25 ~~these (e.g., icing or gravy) [these, such as icing or gravy.]~~

26 (H) ~~Water and Other Beverages: Water shall be served to each resident at each meal, in~~
27 ~~addition to other beverages.~~

28 (4) ~~Water shall be served to each resident at each meal, in addition to other beverages.~~

29 (e) Therapeutic Diets in Family Care Homes:

- 30 (1) All therapeutic diet orders including thickened liquids shall be in writing from the resident's
31 physician. Where applicable, the therapeutic diet order shall be specific to caloric, ~~gram~~ gram, or
32 consistency, such as for ~~calorie controlled~~ calorie-controlled ADA diets, low sodium ~~diets~~ diets, or
33 thickened liquids, unless there are written orders ~~which that~~ include the definition of any therapeutic
34 diet identified in the facility's therapeutic menu approved by a ~~registered dietitian.~~ licensed
35 dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a physician
36 or other delegated provider physician, physician assistant, nurse practitioner, or a licensed
37 dietician/nutritionist as delegated by the physician that is part of the treatment for a disease or

1 clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or
 2 potassium), or to provide mechanically altered food when indicated.

3 (2) Physician orders for nutritional supplements shall be in writing from the resident's physician and be
 4 ~~brand-specific,~~ brand-specific, unless the facility has defined a house supplement in its
 5 communication to the physician, and shall specify quantity and frequency.

6 (3) The facility shall maintain ~~an accurate and~~ a current listing of residents with physician-ordered
 7 therapeutic diets for guidance of food service staff.

8 (4) All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as
 9 ordered by the resident's physician.

10 (f) Individual Feeding Assistance in Family Care Homes:

11 (1) ~~Sufficient~~ The facility shall provide staff ~~shall be available~~ for individual feeding assistance as
 12 ~~needed.~~ in accordance with residents' needs.

13 (2) Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall
 14 be unhurried and in a manner that maintains or enhances each resident's dignity and respect.

15 (g) Variations from the required three meals or time intervals between meals to meet individualized needs or
 16 preferences of residents shall be documented in the resident's record. Each resident shall receive three meals in
 17 accordance with resident preferences as documented in the resident's record.

18
 19 *History Note:* Authority G.S. 131D-2.1(4); 131D-4.4; 131D-2.16; 143B-165;

20 *Eff. January 1, 1977;*

21 *Amended Eff. October 1, 1977; April 22, 1977;*

22 *Readopted Eff. October 31, 1977;*

23 *Amended Eff. August 3, 1992; July 1, 1990; September 1, 1987; April 1, 1987;*

24 *Temporary Amendment Eff. July 1, 2003;*

25 *Amended Eff. June 1, ~~2004.~~ 2004.*

26 *Readopted Eff. March 1, 2023.*

Burgos, Alexander N

Subject: FW: Request to extend the period of review - MCC rules 10A NCAC 13F & G

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Sent: Monday, January 9, 2023 10:29 AM

To: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>

Cc: Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Kinsey, Libby <libby.kinsey@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: Request to extend the period of review - MCC rules 10A NCAC 13F & G

Nadine,

Thank you for checking in on these rules and letting me know your plan. That works for me. I look forward to working on these rules with you once your responses are ready.

Lawrence Duke

Counsel, NC Rules Review Commission

Office of Administrative Hearings

(984) 236-1938

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>

Sent: Wednesday, January 4, 2023 3:21 PM

To: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Cc: Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Kinsey, Libby <libby.kinsey@dhhs.nc.gov>

Subject: Request to extend the period of review - MCC rules 10A NCAC 13F & G

Good Afternoon, Lawrence,

Happy New Year! Just to follow up on the status on the Medical Care Commission rules 10A NCAC 13F .0904 and 10A NCAC 13G .0905 we requested to extend the period of review at the December 15, 2022 RRC meeting. We are still working on the technical changes for those rules so we will not be submitting anything to you for the January RRC meeting. We will definitely send you our technical changes by your deadline date of February 3, 2023 for the February 16, 2022 RRC meeting.

Nadine Pfeiffer

Rules Review Manager

Division of Health Service Regulation

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

Office: 919-855-3811

Fax: 919-733-2757

nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building

2701 Mail Service Center

Raleigh, NC 27699-2701

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: RRC - 10A NCAC 13F & 13G

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Sent: Friday, December 16, 2022 12:24 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC - 10A NCAC 13F & 13G

Thank you!

Nadine Pfeiffer
Rules Review Manager
Division of Health Service Regulation
[NC Department of Health and Human Services](#)

Office: 919-855-3811
Fax: 919-733-2757
nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building
2701 Mail Service Center
Raleigh, NC 27699-2701

Burgos, Alexander N

From: Duke, Lawrence
Sent: Friday, December 16, 2022 11:45 AM
To: Pfeiffer, Nadine
Cc: Burgos, Alexander N
Subject: RRC - 10A NCAC 13F & 13G
Attachments: 12.2022 - Medical Care Commission - Extension Letter.pdf

Good morning,

Attached, please find a letter of extension for the above captioned rules. Please let me know if you have any questions or concerns.

Thank you,

Lawrence Duke



Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
Lawrence.Duke@osh.nc.gov
(984) 236-1938

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: Request to extend the period of review

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>

Sent: Tuesday, December 13, 2022 11:35 AM

To: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Cc: Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Milliken, Emery <emery.milliken@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kinsey, Libby <libby.kinsey@dhhs.nc.gov>

Subject: RE: Request to extend the period of review

Thank you very much, Lawrence, for letting me know the deadlines for the upcoming meetings for us to get the responses to the technical changes back to you. I will definitely keep you informed to our progress on these rules and which RRC meeting we wish to take these rules to.

I appreciate your assistance with this matter. Have a wonderful day!

Nadine Pfeiffer

Rules Review Manager

Division of Health Service Regulation

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

Office: 919-855-3811

Fax: 919-733-2757

nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building

2701 Mail Service Center

Raleigh, NC 27699-2701

state official.

Burgos, Alexander N

Subject: FW: Request to extend the period of review

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>

Sent: Tuesday, December 13, 2022 11:35 AM

To: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Cc: Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Milliken, Emery <emery.milliken@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kinsey, Libby <libby.kinsey@dhhs.nc.gov>

Subject: RE: Request to extend the period of review

Thank you very much, Lawrence, for letting me know the deadlines for the upcoming meetings for us to get the responses to the technical changes back to you. I will definitely keep you informed to our progress on these rules and which RRC meeting we wish to take these rules to.

I appreciate your assistance with this matter. Have a wonderful day!

Nadine Pfeiffer

Rules Review Manager

Division of Health Service Regulation

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

Office: 919-855-3811

Fax: 919-733-2757

nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building

2701 Mail Service Center

Raleigh, NC 27699-2701

state official.

Burgos, Alexander N

Subject: FW: Request to extend the period of review

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Sent: Tuesday, December 13, 2022 11:19 AM

To: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>

Cc: Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Milliken, Emery <emery.milliken@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kinsey, Libby <libby.kinsey@dhhs.nc.gov>

Subject: RE: Request to extend the period of review

Ms. Pfeiffer,

Thank you for sending this request. I'll recommend approval of the extension to the Commission. This will require that these rules come before the RRC either in January or, at the latest, in February. Please response to the requests for changes either by January 6, 2023, if you would like these rules to be on the January meeting agenda, or, at the latest, February 3, 2023.

Let me know if you have any questions.

Lawrence Duke

Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

Burgos, Alexander N

From: Pfeiffer, Nadine
Sent: Monday, December 12, 2022 3:32 PM
To: Duke, Lawrence
Cc: Lamphere, Megan; Jones, Shalisa R; Milliken, Emery; Burgos, Alexander N; Kinsey, Libby
Subject: Request to extend the period of review

Lawrence,

On behalf of the N.C. Medical Care Commission, this is a request to extend the period of review from the December 15, 2022 Rules Review Commission meeting pursuant to G.S. 150B-21.10 for the Licensing of Adult Care Home rule in 10A NCAC 13F and the Licensing of Family Care Home rule in 10A NCAC 13G. The reason for this request is to allow for more time to address the technical change requests issued by you on December 7, 2022. Please let me know if this extension is approved.

Thank you.

Nadine Pfeiffer

Rules Review Manager

Division of Health Service Regulation

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

Office: 919-855-3811

Fax: 919-733-2757

nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building

2701 Mail Service Center

Raleigh, NC 27699-2701

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Burgos, Alexander N

From: Pfeiffer, Nadine
Sent: Wednesday, December 7, 2022 1:22 PM
To: Duke, Lawrence
Cc: Burgos, Alexander N
Subject: RE: Medical Care Commission - 10A NCAC 13F&G - Rules Review Commission

Thank you. I will share this document with our Adult Care Licensure Section team responsible for writing these rules for their input in responding to your technical change requests and comments.

Nadine Pfeiffer
Rules Review Manager
Division of Health Service Regulation
[NC Department of Health and Human Services](#)

Office: 919-855-3811
Fax: 919-733-2757
nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building
2701 Mail Service Center
Raleigh, NC 27699-2701

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Wednesday, December 7, 2022 1:14 PM
To: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Medical Care Commission - 10A NCAC 13F&G - Rules Review Commission

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Medical Care Commission for the December 2022 Rules Review Commission meeting. The RRC will formally review these Rules at its meeting on Thursday, December 15, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

I have attached my requests for changes. Please submit these revised Rules and form to me via email, no later than 5:00 p.m. on Monday, December 12, 2022. In the meantime, please let me know if you have any questions or concerns.

Thank you,
Lawrence Duke

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
Lawrence.Duke@oah.nc.gov
(984) 236-1938

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