

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13A .0101

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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), lines 8-14, and elsewhere, capitalize "commission".

In (b)(1), line 16, replace "in" with "on". Add a comma after "which". Also, add a comma after "chairman" on line 17.

In (b)(2), line 20, replace "in" with "on". Line 21, how is "prior notice" "given" in this circumstance? To whom is the "prior notice" "given"?

In (c) line 25, add a comma after "meeting".

In (c) line 27, "until resolved by later action" is vague. Is the executive committee automatically reinstated once the disagreement is resolved by the Commission? Or does the Commission have to take specific action to reinstate the executive committee?

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13A .0101 is readopted as published in 40:12 NCR 984-986 as follows:

2
3 **CHAPTER 13 – NC MEDICAL CARE COMMISSION**
4 **SUBCHAPTER 13A – EXECUTIVE COMMITTEE**
5 **SECTION .0100 – EXECUTIVE COMMITTEE**
6

7 **10A NCAC 13A .0101 EXECUTIVE COMMITTEE**

- 8 (a) There shall be an executive committee of the North Carolina Medical Care Commission composed of five
9 members of the commission in addition to the chairman and vice-chairman of the commission. Three
10 members shall be appointed by a vote of the commission at the December meeting of each odd year and two
11 members shall be appointed by the chairman of the commission at the December meeting of each even year.
12 No member of the executive committee, except the chairman and vice-chairman, shall serve more than two
13 two-year terms in succession. The chairman and vice-chairman of the commission shall also be chairman and
14 vice-chairman of the executive committee.
- 15 (b) The functions of the executive committee shall be to:
- 16 (1) transact business in behalf of the commission, consistent with established policy, which in the
17 opinion of the chairman is of such urgency that action is required before the next regularly scheduled
18 commission meeting and the impact of the action would not justify the convening of a special
19 meeting of the commission;
- 20 (2) transact business in behalf of the commission when a quorum is not obtained at any commission
21 meeting for which prior notice of at least ten days has been given;
- 22 (3) review periodically the activities of the commission and the assignments and recommendations of
23 the various committees for the purpose of developing policy recommendations for commission
24 consideration.
- 25 (c) All actions of the executive committee shall be reviewed at the next commission meeting and if disagreement
26 is expressed by a simple majority of the members present and voting at any commission meeting in which a
27 quorum is present, the functions of the executive committee shall be suspended until resolved by later action
28 of the commission.
- 29 (d) The initial approval of all projects under the Health Care Facilities Act must be given by a quorum of the full
30 commission.
- 31 (e) A quorum of the executive committee shall consist of at least four members of the executive committee.

32
33 *History Note: Authority G.S. 131A-4; 143B-165; 143B-166;*

34 *Eff. January 1, 1989;*

35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
36 *~~2015-2015;~~*

37 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

38 *Readopted Eff. August 1, 2026-May 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13A .0202

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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

In (a), line 5, "10A NCAC 01" is not in the Code. Are you referring to Section .0100 within Subchapter 10A? Also, replace "adopted" with "incorporated".

Line 5, "G.S. 150B-14(c)" was repealed in 1991. Please revise.

In (3), line 17, "10A NCAC 01" is not in the Code.

Line 22, please provide a direct link to where the rules you're referring to can be accessed.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13A .0202 is readopted as published in 40:12 NCR 984-986 as follows:

2
3 **10A NCAC 13A .0202 RULEMAKING PROCEDURES**

4 (a) The rulemaking procedures for the Secretary of the Department of Health and Human Services codified in
5 10A NCAC 01 are hereby adopted by reference pursuant to G.S. 150B-14(c) to apply to the actions of the
6 Commission, with the following modifications:

7 (1) Correspondence related to the Commission’s rulemaking actions shall be submitted to:

8
9 APA/Rule-making Coordinator
10 Office of the Director
11 Division of Health Service Regulation
12 2701 Mail Service Center
13 Raleigh, North Carolina 27699-2701
14

15 (2) The Secretary’s designee shall mean the Director of the Division of Health Service Regulation
16 (hereinafter referred to as the Division).

17 (3) The “Division” shall be substituted for the “Office of General Counsel” in 10A NCAC 01.

18 (4) “Hearing officer” shall mean the Chairman of the Medical Care Commission or his designee.

19 (b) ~~Copies of 10A NCAC 01 may be inspected in the Division at the address shown in (a)(1) of this Rule. Copies~~
20 ~~may be obtained from the Office of Administrative Hearings, 424 North Blount Street, Raleigh, North~~
21 ~~Carolina, 27601. Rules codified in 10A NCAC 01 can be accessed free of charge at~~
22 ~~<http://reports.oah.state.nc.us>.~~

23
24 *History Note: Authority G.S. 143B-165; 150B-11; 150B-14;*
25 *Eff. November 1, 1989;*
26 *Pursuant to G.S. 150B-21.3A; rule is necessary without substantive public interest Eff. March 22,*
27 *2015-2015;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
29 *Readopted Eff. August 1, 2026-May 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13A .0203

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

In (b)(3), line 11, add “or her” to the end.

In (c), line 13, is “good cause” determined by a majority vote of the Commission? Please clarify how this is decided.

In (d), line 16, is “may” or “shall” intended? The language and structure of (d) are unclear. “May” the Commission “refuse to issue a declaratory ruling” if (1)-(4) are all met? It’s unclear to me what is required of the petitioner and who has the burden of proof in (1)-(4).

Line 18, what is the meaning of “the circumstances are so changed”? Please be clear or delete this phrase.

Line 19, what is contained in the “rulemaking record”?

In (g), line 31, change “may” to “shall” or specify how the Commission will decide if notice is provided. How will notice be completed? Will the notice be emailed to an interested persons list?

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13A .0203 is readopted as published in 40:12 NCR 984-986 as follows:

2
3 **10A NCAC 13A .0203 DECLARATORY RULINGS**

- 4 (a) The Commission shall have the power to make declaratory rulings. All requests for declaratory rulings shall
5 be written and submitted to: Chairman, Medical Care Commission, 2701 Mail Service Center, Raleigh,
6 North Carolina, 27699-2701.
- 7 (b) All requests for a declaratory ruling must include the following information:
8 (1) name and address of the petitioner;
9 (2) statute or rule to which petition relates;
10 (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its
11 potential application to him;
12 (4) the consequence of a failure to issue a declaratory ruling.
- 13 (c) Whenever the Commission believes for good cause that the issuance of a declaratory ruling will not serve
14 the public interest, it may refuse to issue one. When good cause is deemed to exist, the Commission will
15 notify the petitioner of the decision in writing stating reasons for the denial of a declaratory ruling.
- 16 (d) The Commission may refuse to consider the validity of a rule and therefore refuse to issue a declaratory
17 ruling:
18 (1) unless the petitioner shows that the circumstances are so changed since adoption of the rule that
19 such a ruling would be warranted;
20 (2) unless the rulemaking record evidences a failure by the agency to consider specified relevant
21 factors;
22 (3) if there has been similar controlling factual determination in a contested case, or if the factual
23 context being raised for a declaratory ruling was specifically considered upon adoption of the
24 rule being questioned as evidence by the rulemaking record;
25 (4) if circumstances stated in the request or otherwise known to the agency show that a contested
26 case hearing would presently be appropriate.
- 27 (e) Where a declaratory ruling is deemed to be in the public interest, the Commission will issue the ruling within
28 60 days of receipt of the petition.
- 29 (f) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedure as
30 may be appropriate in a particular case.
- 31 (g) The Commission may issue notice to persons who might be affected by the ruling that written comments may
32 be submitted or oral presentations received at a scheduled hearing.
- 33 (h) A digital record of all declaratory ruling procedures will be maintained for as long as the ruling has validity.
34 This record will contain:
35 (1) the original request,
36 (2) reasons for refusing to issue a ruling,
37 (3) all written memoranda and information submitted,

1 (4) any written minutes or audio tape or other record of the oral hearing, and

2 (5) a statement of the ruling.

3 This record will be maintained in a digital file at the Director's office at Division of Health Service Regulation, ~~2701~~
4 ~~Mail Service Center, Raleigh, North Carolina, 27699-2701~~ and will be available for public inspection during regular
5 ~~office hours.~~ 1915 Health Services Way, Raleigh, North Carolina, 27607, and will be available for public inspection
6 during regular office hours.

7
8 *History Note: Authority G.S. 143B-165; 150B-4;*

9 *Eff. November 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
11 *2015-2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

13 *Readopted Eff. August 1, 2026-May 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2001

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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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:

Line 8, add a comma after “intimidation”.

Line 12, replace “any” with “their”. Add “can” before “cause”.

Lines 12-13, consider beginning with, “Forms of abuse include verbal, sexual, physical, and mental, including abuse...”

Lines 16-18, please add “at no cost” or “free of charge”. Also, see this recently circulated guidance memo on incorporating C.F.R.’s by reference. [RRC Draft Guidance on Incorporation Links \(002\)](#)

Line 22, replace “Administrator” with “Nursing Home Administrator”.

Line 33, capitalize “combination home”. Add “(1a)” to the cited G.S.

Page 3, line 3, “42 CFR 483.35” only needs to be incorporated by reference once.

Line 4, add “(6)” to the end of the cited G.S.

Line 16, delete “rules, laws, and regulations as set forth in” since it’s unnecessary and unclear.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2001 is amended as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .2000 – GENERAL INFORMATION**

4
5 **10A NCAC 13D .2001 DEFINITIONS**

6 In addition to the definitions set forth in G.S. 131E-101, the following definitions shall apply throughout this
7 Subchapter:

- 8 (1) "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or
9 punishment with resulting physical harm, pain, or mental anguish. Abuse also includes the willful
10 deprivation by an individual, including a caretaker, of goods or services that are necessary to attain
11 or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents,
12 irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It
13 includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or
14 enabled through the use of technology. Willful, as used in this definition of abuse, means the
15 individual must have acted deliberately, not that the individual must have intended to inflict injury
16 or harm. This definition is as defined in 42 CFR § 483.5, which is incorporated by reference,
17 including subsequent amendments. The Code of Federal Regulations may be accessed at
18 <https://www.ecfr.gov>.
- 19 (2) "Accident" means an unplanned event resulting in the injury or wounding of a patient or other
20 individual.
- 21 (3) "Addition" means an extension or increase in floor area or height of a building.
- 22 (4) "Administrator" as defined in G.S. 90-276(4).
- 23 (5) "Alteration" means any construction or renovation to an existing structure other than repair,
24 maintenance, or addition.
- 25 ~~(6) "Brain injury long term care" means an interdisciplinary, intensive maintenance program for patients~~
26 ~~who have incurred brain damage caused by external physical trauma and who have completed a~~
27 ~~primary course of rehabilitative treatment and have reached a point of no gain or progress for more~~
28 ~~than three consecutive months. Brain injury long term care is provided through a medically~~
29 ~~supervised interdisciplinary process and is directed toward maintaining the individual at the optimal~~
30 ~~level of physical, cognitive, and behavioral functions.~~
- 31 ~~(7)~~(6) "Capacity" means the maximum number of patient or resident beds for which the facility is licensed
32 to maintain at any given time.
- 33 ~~(8)~~(7) "Combination facility" means a combination home as defined in G.S. 131E-101.
- 34 ~~(9)~~(8) "Comprehensive, inpatient rehabilitation program" means a program for the treatment of persons
35 with functional limitations or chronic disabling conditions who have the potential to achieve a
36 significant improvement in activities of daily living, including bathing, dressing, grooming,
37 transferring, eating, and using speech, language, or other communication systems. A

1 comprehensive, inpatient rehabilitation program utilizes a coordinated and integrated,
2 interdisciplinary approach, directed by a physician, to assess patient needs and to provide treatment
3 and evaluation of physical, psychosocial, and cognitive deficits.

4 ~~(10)~~(9) "Department" means the North Carolina Department of Health and Human Services.

5 ~~(11)~~(10) "Director of nursing" means a registered nurse who has authority and responsibility for all nursing
6 services and nursing care.

7 ~~(12)~~(11) "Discharge" means a physical relocation of a patient to another health care setting; the discharge of
8 a patient to his or her home; or the relocation of a patient from a nursing bed to an adult care home
9 bed, or from an adult care home bed to a nursing bed.

10 ~~(13)~~(12) "Existing facility" means a facility currently licensed and built prior to the effective date of this
11 Rule.

12 ~~(14)~~(13) "Facility" means a nursing facility or combination facility as defined in this Rule.

13 ~~(15)~~(14) "Incident" means any accident, event, or occurrence that is unplanned, or unusual, and has caused
14 harm to a patient, or has the potential for harm.

15 ~~(16)~~ — "~~Inpatient rehabilitation facility or unit~~" means a free standing facility or a unit (unit pertains to
16 contiguous dedicated beds and spaces) within an existing licensed health service facility approved
17 in accordance with G.S. 131E, Article 9 to establish inpatient, rehabilitation beds and to provide a
18 comprehensive, inpatient rehabilitation program.

19 ~~(17)~~(15) "Interdisciplinary" means an integrated process involving representatives from disciplines of the
20 health care team.

21 ~~(18)~~(16) "Licensee" means the person, firm, partnership, association, corporation, or organization to whom
22 a license to operate the facility has been issued. The licensee is the legal entity that is responsible
23 for the operation of the business.

24 ~~(19)~~(17) "Medication error rate" means the measure of discrepancies between medication that was ordered
25 for a patient by the health care provider and medication that is administered to the patient. The
26 medication error rate is calculated by dividing the number of errors observed by the surveyor by the
27 opportunities for error, multiplied times 100.

28 ~~(20)~~(18) "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful,
29 temporary or permanent use of a patient's belongings or money without the patient's consent.

30 ~~(21)~~(19) "Neglect" means a failure to provide goods and services necessary to avoid physical harm, mental
31 anguish, or mental illness.

32 ~~(22)~~(20) "New facility" means a facility for which an initial license is sought, a proposed addition to an
33 existing facility, or a proposed remodeled portion of an existing facility that will be built according
34 to construction documents and specifications approved by the Department for compliance with the
35 standards established in Sections .3100, .3200, and .3400 of this Subchapter.

36 ~~(23)~~(21) "Nurse Aide" means a person who is listed on the N.C. Nurse Aide Registry and provides nursing
37 or nursing-related services to patients in a nursing home. A nurse aide is not a licensed health

1 professional. Nursing homes that participate in Medicare or Medicaid shall comply with 42 CFR
2 483.35, which is incorporated by reference, including subsequent amendments. The Code of Federal
3 Regulations may be accessed at <https://www.ecfr.gov>.

4 ~~(24)~~(22) "Nursing facility" means a nursing home as defined in G.S. 131E-101.

5 ~~(25)~~(23) "Patient" means any person admitted for nursing care.

6 ~~(26)~~(24) "Remodeling" means alterations, renovations, rehabilitation work, repairs to structural systems, and
7 replacement of building systems at a nursing or combination facility.

8 ~~(27)~~(25) "Repair" means reconstruction or renewal of any part of an existing building for the purpose of its
9 maintenance.

10 ~~(28)~~(26) "Resident" means any person admitted for care to an adult care home part of a combination facility.

11 ~~(29)~~(27) "Respite care" means services provided for a patient on a temporary basis, not to exceed 30 days.

12 ~~(30)~~(28) "Surveyor" means a representative of the Department who inspects nursing facilities and
13 combination facilities to determine compliance with rules, laws, and regulations as set forth in G.S.
14 131E-117; Subchapters 13D and 13F of this Chapter; and 42 CFR Part 483, Requirements for States
15 and Long Term Care Facilities.

16 ~~(31)~~(29) "Violation" means a failure to comply with rules, laws, and regulations as set forth in G.S. 131E-
17 117 and 131D-21; Subchapters 13D and 13F of this Chapter; or 42 CFR Part 483, Requirements for
18 States and Long Term Care Facilities, that relates to a patient's or resident's health, safety, or welfare,
19 or that creates a risk that death, or physical harm may occur.

20
21 *History Note: Authority G.S. 131E-104;*
22 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*
23 *Eff. January 1, 1996;*
24 *Readopted Eff. July 1, 2016;*
25 *Amended Eff. October 1, 2021; January 1, ~~2021-2021~~;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
27 *Amended Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2104

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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

In (c)(2), line 36, add "or", if that what's intended.

Page 2, line 7, "as soon as possible under the circumstances", is unclear and amorphous. Consider using "within one business day after the patient's relocation" or a different objective standard.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2104 is amended as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .2104 REQUIREMENTS FOR LICENSURE RENEWAL OR CHANGES**

4 (a) The Department shall renew the facility's license at the end of each calendar year, if the following occur:

5 (1) the licensee utilizes the online licensure website, <https://dhsreenterprise.nc.gov/#/>, to complete the
6 license renewal required fields and utilization data ~~The licensee maintains and submits to the~~
7 ~~Department, at least 30 days prior to the licensure expiration date, statistical data for the State's~~
8 ~~medical facilities plan and review for certificate of need determination. The Department shall~~
9 ~~provide forms annually to the facility for this purpose.~~

10 (2) ~~The~~ the facility is in conformance with G.S. 131E-102(c).

11 (3) ~~The~~ the combination facility ~~shall specify on the annual license renewal application with specifics~~
12 in its license renewal which rules for the adult care home beds it plans to comply for the upcoming
13 calendar year. The rule selection shall be effective for the duration of the renewed licensed year.
14 The facility may choose one of the following:

15 (A) nursing home licensure rules under this Subchapter;

16 (B) adult care home licensure rules under 10A NCAC 13F; or

17 (C) a combination of nursing home and adult care home licensure rules. The facility shall
18 identify in writing the specific rule governing compliance with the adult care home rules
19 and shall identify in writing the specific requirements governing compliance with the
20 nursing home rules.

21 (4) a special care unit disclosure for residents with Alzheimer's disease or other dementias is submitted,
22 when applicable; and

23 (5) an online licensure fee is paid.

24 (b) The facility shall notify the Nursing Home Licensure and Certification Section of the Division of Health Service
25 Regulation in writing and make changes in the licensure application at least 30 days prior to the occurrence of the
26 following:

27 (1) a change in the name or names under which the facility is presented to the public;

28 (2) a change in the legal identity (licensee) which has ownership responsibility and liability (such
29 information shall be submitted by the proposed new owner);

30 (3) a change in the licensed bed capacity; or

31 (4) a change in the location of the facility.

32 The Department shall issue a new license following notification and verification of data submitted.

33 (c) The facility shall notify the Nursing Home Licensure and Certification Section of the Division of Health Service
34 Regulation within one working day following the occurrence of:

35 (1) change in administration;

36 (2) change in the director of nursing;

37 (3) change in facility mailing address or telephone number;

1 ~~(4) — changes in magnitude or scope of services; or~~

2 ~~(5) — emergencies or situations requiring relocation of patients to a temporary location away from the~~
3 ~~facility.~~

4 (d) The facility shall notify the Nursing Home Licensure and Certification Section of the Division of Health
5 Service Regulation of emergencies or situations requiring relocation of patients to a temporary location away from
6 the facility before patients are moved, unless doing so is not reasonably possible. If not possible, the facility shall
7 notify the Section as soon as possible under the circumstances.

8
9 History Note: Authority *G.S. 131E-104; ~~131E-102; 131E-114;~~*

10 *Eff. January 1, 1996;*

11 *Amended Eff. September 1, 2006;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
13 *~~2015-2015;~~*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

15 *Amended Eff. ~~August 1, 2026- April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2105

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

In (b), lines 13-14, considering adding a period after "Regulation", delete "and", and start a new sentence with, "The increased bed capacity period may be extended by an additional 60 days."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2105 is amended as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2105 TEMPORARY CHANGE IN BED CAPACITY**

4 ~~(a) A continuing care retirement community, having an agreement to care for all residents regardless of level of care~~
5 ~~needs, may temporarily increase bed capacity by 10 percent or 10 beds, whichever is less, over the licensed bed~~
6 ~~capacity for a period up to 60 days following notification to and approval by the Division of Health Service Regulation~~
7 ~~and the period may be extended by an additional 60 days.~~

8 ~~(b)(a)~~ In an emergency situation, such as a natural disaster, a facility may exceed its licensed capacity as determined
9 by its disaster plan and as authorized by the Division of Health Service Regulation. Emergency authorizations shall
10 not exceed 60 days.

11 ~~(a)(b)~~ A continuing care retirement community, having an agreement to care for all residents regardless of level of
12 care needs, may temporarily increase bed capacity by 10 percent or 10 beds, whichever is less, over the licensed bed
13 capacity for a period up to 60 days following notification to and approval by the Division of Health Service Regulation
14 and the period may be extended by an additional 60 days.

15

16 (c) The Division shall authorize, in writing, a temporary increase in licensed beds in accordance with Paragraphs (a)
17 and (b) of this Rule, if it is determined that:

- 18 (1) the increase is not associated with a capital expenditure; and
- 19 (2) the increase would not jeopardize the health, safety and welfare of the patients.

20

21 *History Note: Authority G.S. 131E-104; 131E-112;*
22 *Eff. January 1, 1996;*
23 *Amended Eff. March 1, 2013;*
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
25 *2015-2015;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
27 *Amended Eff. August 1, 2026-April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2106

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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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:

Line 5, specify "the rules adopted under that law" that are intended.

In (b)(1) lines 8-9, make "provision" plural and specify "the rules promulgated under that article."

Line 10, what is meant by "third revisit."

In (e), lines 24 and 27, specify "the rules promulgated under that article."

Line 25, what is meant by "third revisit."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2106 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2106 DENIAL, AMENDMENT, OR REVOCATION OF LICENSE**

4 (a) The Department shall deny any licensure application upon becoming aware that the applicant is not in compliance
5 with G.S. 131E, Article 9 and the rules adopted under that law.

6 (b) The Department may amend a license by reducing it from a full license to a provisional license whenever the
7 Department finds that:

8 (1) the licensee has substantially failed to comply with the provision of G.S. 131E, Article 6 and the
9 rules promulgated under that article; and

10 (2) there is continued non-compliance after the third revisit.

11 (c) The Department shall give the licensee written notice of the amendment to the license. This notice shall be given
12 personally or by certified mail and shall set forth:

13 (1) the length of the provisional license;

14 (2) a reference to the statement of deficiencies that contains the facts;

15 (3) the statutes or rules alleged to be violated; and

16 (4) notice of the facility's right to a contested case hearing on the amendment of the license.

17 (d) The provisional license shall be effective as specified in the notice and shall be posted in a location within the
18 facility, accessible to public view, in lieu of the full license. The provisional license shall remain in effect until:

19 (1) the Department restores the licensee to full licensure status; or

20 (2) the Department revokes the licensee's license.

21 (e) The Department may revoke a license whenever:

22 (1) The Department finds that:

23 (A) the licensee has substantially failed to comply with the provisions of G.S. 131E, Article 6
24 and the rules promulgated under that article; and

25 (B) there continues to be non-compliance at the third revisit; or

26 (2) The Department finds that there has been any failure to comply with the provisions of G.S. 131E,
27 Article 6 and the rules promulgated under that article that endanger the health, safety or welfare of
28 the patients in the facility.

29 (f) The issuance of a provisional license is not a procedural prerequisite to the revocation of a license pursuant to
30 Paragraph (e) of this Rule.

31 (g) The Department may, in accordance with G.S. 131E-232, petition to have a temporary manager appointed to
32 operate a facility.

33

34 *History Note: Authority G.S. 131E-104;*

35 *Eff. January 1, 1996;*

36 *Amended Eff. January 1, 2013;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
2 *~~2015-2015;~~*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
4 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2107

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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, consider replacing “under the provisions of” with “pursuant to.”

In (d), line 16, add a comma after “hospitalization” and “facility”.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2107 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2107 SUSPENSION OF ADMISSION**

4 (a) The Department may suspend the admission of new patients to a facility when warranted under the provisions of
5 G.S. 131E-109(c).

6 (b) The Department shall notify the facility personally or by certified mail of the decision to suspend admissions.
7 Such notice shall include:

- 8 (1) a reference to the statement of deficiencies that contains the facts;
- 9 (2) citation of statutes and rules alleged to be violated; and
- 10 (3) notice of the facility’s right to a contested case hearing on the suspension.

11 (c) The suspension is effective on the date specified in the notice of suspension. The suspension shall remain effective
12 until the facility demonstrates to the Department that conditions are no longer detrimental to the health and safety of
13 the patients.

14 (d) The facility shall not admit new patients during the effective period of suspension.

15 (e) Patients requiring hospitalization during the effective period of suspension of admissions shall be readmitted after
16 hospitalization or on return from temporary care to the facility based on the availability of a bed and the ability of the
17 facility to provide necessary care. Upon return from the hospital, the requirements of G.S. 131E-130 apply.

18

19 *History Note: Authority G.S. 131E-104;*

20 *Eff. January 1, 1996;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
22 *2015-2015:*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

24 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2108

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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, add a comma after "revoke", delete the first "or", and add a comma after "license".

Line 5, please cite which statute(s) you're referring to in "G.S. 150B". Also, "10A NCAC 01" is not in the Code.

Line 7, add "their" before "full."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2108 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2108 PROCEDURE FOR APPEAL**

4 (a) The facility may appeal any decision of the Department to deny, revoke or alter a license or any decision to
5 suspend admissions by making such an appeal in accordance with G.S. 150B and 10A NCAC 01.

6 (b) A decision to issue a provisional license is stayed during the pendency of an administrative appeal and the licensee
7 may continue to display full license during the appeal.

8

9 *History Note: Authority G.S. 131E-104;*

10 *Eff. January 1, 1996;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
12 *~~2015-2015;~~*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

14 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2109

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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

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

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

In (c), lines 7-8, what is the process for patients to “object in writing to the release of information or review of records?” Is this governed by a law or rules that can be cited for transparency?

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2109 is amended as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2109 INSPECTIONS**

4 (a) The facility shall allow inspection by an authorized representative of the Department at any time.

5 (b) At the time of inspection, any authorized representative of the Department shall make his or her presence known
6 to the administrator or other person in charge who shall cooperate with the representative and facilitate the inspection.

7 (c) Inspections of medical records will be carried out in accordance with G.S. 131E-105. Patients shall have the right
8 to object in writing to the release of information or review of records.

9 (d) The administrator shall provide and make available to representatives of the Department financial and statistical
10 records required to verify compliance with all rules contained in this Subchapter.

11 (e) The Department shall mail send a written report to the facility within 10 working days from the date of the licensure
12 survey or complaint investigation exit conference. The report shall include statements of any deficiencies or violations
13 cited during the survey or investigation.

14 (f) The administrator shall prepare a written plan of correction and mail send it to the Department within 10 working
15 days following receipt of any statement of deficiencies or violations. The Department shall review and ~~accept or reject~~
16 make an approval decision for the plan of correction, with written notice given to the administrator within 10 working
17 days following receipt of the plan. correction.

18

19 *History Note: Authority G.S. 131E-104;*

20 *Eff. January 1, 1996;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
22 *2015-2015;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

24 *Amended Eff. August 1, 2026-April 1, 2026.*

25

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2201

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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

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

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

In (c), line 10, add "under their control" to the end.

Line 13, please delete "herein" as it's unnecessary.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2201 is readopted as published in 40:12 NCR 986-998 as follows:

2

3

SECTION .2200 – GENERAL STANDARDS OF ADMINISTRATION

4

10A NCAC 13D .2201 ADMINISTRATOR

6 (a) A facility shall be under the control of an administrator licensed by the North Carolina State Board of Examiners
7 for Nursing Home Administrators.

8 (b) If an administrator is not the sole owner of a facility, his or her authority and responsibility shall be defined in a
9 written agreement or in the facility’s governing bylaws.

10 (c) The administrator shall be responsible for the operation of a facility.

11 (d) The administrator shall comply with the rules of this Subchapter.

12 (e) The administrator shall be responsible for developing and implementing policies for the management and
13 operation of the facility as set forth in 21 NCAC 37B .0204, which is incorporated herein by reference including
14 subsequent amendments and editions. These rules may be accessed free of charge at
15 <http://reports.oah.state.nc.us/ncac.asp>.

16 (f) In the physical absence of the administrator, a person shall be on-site who is designated to be in charge of the
17 facility operation.

18

19 *History Note: Authority G.S. 131E-104; 131E-116;*

20 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

21 *Eff. January 1, 1996;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
23 *2015;*

24 *Amended Eff. January 1, ~~2018-2018~~;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

26 *Readopted Eff. ~~August 1, 2026-April 1, 2026~~.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2203

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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), lines 4-5, consider rephrasing to say, "Patients who require health, habilitative, or rehabilitative care for which the facility is not licensed and is incapable of providing, shall not be admitted to the licensed nursing home."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2203 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2203 PATIENTS NOT TO BE ADMITTED**

4 (a) Patients who require health, habilitative or rehabilitative care beyond those for which the facility is licensed and
5 is capable of providing shall not be admitted to the licensed nursing home.

6 (b) No person requiring continuous nursing care shall be admitted to an adult care home bed in a combination facility,
7 except under emergency situations as described in Rule .2105 of this Subchapter. Should an existing resident of an
8 adult care home bed require continuous nursing care, the facility shall either discharge the resident or provide the next
9 available nursing facility bed (that is not needed to comply with G.S. 131E-130) to the resident to ensure continuity
10 of care and to prevent unnecessary discharge from the facility.

11 (c) During the resident's stay in the adult care section of the combination facility, the facility shall ensure that
12 necessary nursing services are provided. Should the facility be unable to provide necessary services the resident
13 requires, whether in the adult care or nursing section, the facility shall follow discharge procedures according to Rule
14 .2205 of this Subchapter.

15

16 *History Note: Authority G.S. 131E-104;*

17 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

18 *Eff. January 1, 1996;*

19 *Amended Eff. January 1, 2013;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
21 *2015-2015;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

23 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2207

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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 6, consider rephrasing to say, "Patient abuse, neglect, and misappropriation are defined in..."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2207 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2207 PATIENT RIGHTS**

4 (a) The facility shall enforce the Nursing Facility Patient’s Bill of Rights as described in G.S. 131E-115 through G.S.
5 131E-127.

6 (b) In matters of patient abuse, neglect or misappropriation the definitions shall have the meaning defined in Rule
7 .2001 of this Subchapter.

8

9 *History Note: Authority G.S. 131E-104;*

10 *Eff. January 1, 1996;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
12 *~~2015-2015;~~*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

14 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2208

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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, delete "but not limited to." Add a comma after "weather."

In (d), line 9, where are the "emergency procedures" found?

In (e)(1), line 11, replace "remains as" with "is". Delete "as possible".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2208 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2208 SAFETY**

4 (a) The facility shall have detailed written plans and procedures to meet potential emergencies and disasters, including
5 but not limited to fire, severe weather and missing patients or residents.

6 (b) The plans and procedures shall be made available upon request to local or regional emergency management
7 offices.

8 (c) The facility shall provide training for all employees in emergency procedures upon employment and annually.

9 (d) The facility shall conduct unannounced drills using the emergency procedures.

10 (e) The facility shall ensure that:

11 (1) the patients' environment remains as free of accident hazards as possible; and

12 (2) each patient receives adequate supervision and assistance to prevent accidents.

13

14 *History Note: Authority G.S. 131E-104;*

15 *Eff. January 1, 1996;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
17 *2015-2015:*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

19 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2209

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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, replace “and preventing” with “to prevent”.

In (e), lines 24-5, add a comma after “disease” and after “transmission”.

In (f), line 29, where can the “recommendations and guidelines” be found?

Line 31, add a comma after the first “home” and after “Carolina”.

Page 2, in (g), line 8, consider adding a period after “guidelines” and beginning a new sentence. Begin the next sentence with, “Multidrug-resistant Organisms (MDRO) Management Guidelines, located at..., and the 2007 Guideline for..., located at..., are incorporated by reference, including subsequent amendments, and can be accessed free of charge.”

In (h), line 15, add a comma after “disease” and delete “or”.

Line 16, add a comma after “lesions” and delete “and”.

Line 17, add a comma after “procedures”.

Lines 23-25, add “free of charge” or “at no cost”.

Line 26, add a comma after “processed”.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2209 is amended as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .2209 INFECTION CONTROL**

4 (a) A facility shall establish and maintain an infection prevention and control program for the purpose of providing a
5 safe, clean and comfortable environment and preventing the transmission of communicable diseases and ~~infection.~~
6 infectious agents.

7 (b) Under the infection prevention and control program, the facility shall decide what procedures, such as isolation
8 techniques, are needed for individual patients, ~~investigate episodes of infection and attempt to control and prevent~~
9 ~~infections~~ while conducting surveillance for and evaluating infections, including healthcare associated infections
10 (HAIs) and implementing control measures to decrease the risk of HAIs in the facility.

11 (c) The facility shall maintain records of infections, and of the corrective actions taken.

12 (d) The facility shall ensure ~~communicable disease testing as required by 10A NCAC 41A,~~ compliance with 10A
13 NCAC 41A "Communicable Disease Control" which is incorporated by reference, including subsequent amendments.

14 Copies of these Rules may be obtained at no charge by contacting the Communicable Disease Branch, Epidemiology
15 Section, Division of Public Health, N.C. Department of Health and Human Services, ~~Division of Public Health,~~
16 ~~Tuberculosis Control Branch,~~ 1902 Mail Service Center, Raleigh, North Carolina 27699-1902. These rules can be
17 accessed at [http://reports.oah.state.nc.us/ncac.asp?folderName=%5CTitle%2010A%20-](http://reports.oah.state.nc.us/ncac.asp?folderName=%5CTitle%2010A%20-%20Health%20and%20Human%20Services%5CChapter%2041%20-%20Epidemiology%20Health)
18 [%20Health%20and%20Human%20Services%5CChapter%2041%20-%20Epidemiology%20Health.](http://reports.oah.state.nc.us/ncac.asp?folderName=%5CTitle%2010A%20-%20Health%20and%20Human%20Services%5CChapter%2041%20-%20Epidemiology%20Health)

19 ~~Screening shall be done upon admission of all patients being admitted from settings other than hospitals, nursing~~
20 ~~facilities or combination facilities. Staff shall be screened within seven days of the hire date. The facility shall ensure~~
21 ~~tuberculosis screening annually thereafter for patients and staff.~~

22 (e) All cases of reportable disease as defined by 10A NCAC 41A .0101 "Communicable Disease Control" "Reportable
23 Diseases and Conditions" ~~and outbreaks consisting of two or more linked cases of disease transmission shall be~~
24 ~~reported to the local health department. An outbreak of a communicable disease consisting of two or more linked~~
25 ~~cases of disease transmission shall also be reported to the local health department.~~

26 (f) Persons with a documented prior positive two-step skin test (TST) or a single interferon gamma release assay
27 (IGRA) do not require additional testing, but evaluation may still be required. The following persons shall be tested
28 for Mycobacterium tuberculosis using a two-step skin test or a single interferon Gamma Release Assay administered
29 in accordance with recommendations and guidelines published by the Centers for Disease Control and Prevention:

30 (1) Patients upon admission to a licensed nursing home. If the patient is being admitted directly from
31 a hospital, licensed nursing home or adult care home in North Carolina and there is documentation
32 of a two-step skin TST or a single IGRA test, then the patient does not need to be retested.

33 (2) Staff of licensed nursing home upon employment.

34 (3) Except as provided in the last sentence of Subparagraph (f)(1) of this Rule, persons listed in
35 Paragraph (f) of this rule shall be required only to have a single TST or IGRA in the following
36 situations:

37 (A) If the person has ever had a two-step skin test; or

1 (B) If the person has had a single skin test within the last twelve months.

2 (4) The facility shall ensure tuberculosis screening annually thereafter for patients and staff. The
3 screening can be accomplished by verbal elicitation of symptoms and potential exposures to
4 tuberculosis. TST or IGRA testing at annual screening is only required for individuals who either
5 report one or more symptom of tuberculosis disease or report a new potential exposure to infectious
6 tuberculosis.

7 ~~(f)~~(g) The facility shall use isolation precautions for any patient deemed appropriate by its infection prevention and
8 control program and as recommended by the following Centers for Disease Control and Prevention guidelines,
9 Management of Multidrug Resistant Organisms in Healthcare Settings, 2006,
10 <http://www.cdc.gov/ncidod/dhqp/pdf/ar/MDROGuideline2006.pdf>, Multidrug-resistant Organisms (MDRO)
11 Management Guidelines, <https://www.cdc.gov/infection-control/hcp/mdro-management/index.html>,
12 and 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings,
13 <http://www.cdc.gov/hicpac/2007ip/2007isolationprecautions.html>, which is incorporated by reference, including
14 subsequent amendments.

15 ~~(g)~~(h) The facility shall prohibit any employee with a communicable disease or ~~infected skin lesion from direct contact~~
16 ~~with patients or their food, if direct contact is the mode of transmission of the disease.~~ exudative lesions and or weeping
17 dermatitis from handling patient care equipment and devices used in performing invasive procedures and from all
18 direct patient care that involves the potential for contact of the patient, equipment, or devices with the lesion or
19 dermatitis until the condition resolves.

20 ~~(h)~~(i) The facility shall require all staff to use hand ~~washing technique~~ hygiene techniques as ~~indicated~~ recommended
21 in the Centers for Disease Control and Prevention, "Guideline for Hand Hygiene in Health-Care Settings,
22 Recommendations of the Healthcare Infection Control Practices Advisory Committee and the
23 HICPAC/SHEA/APIC/IDSA Hand Hygiene Task Force". This information can be accessed at
24 <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5116a1.htm> [hygiene/index.html](https://www.cdc.gov/infection-control/hcp/hand-</u>
25 <u><a href=), which is incorporated by reference, including subsequent amendments.

26 ~~(i)~~(j) All linen shall be handled, store, processed and transported ~~so as~~ to prevent the spread of infection.

27 (k) Blood glucose meters shall be dedicated for single patient use. The patient's blood glucose meter should be stored
28 in a manner that will protect against inadvertent use of the device for additional patients. The blood glucose meter
29 should be cleaned and disinfected after every use, per the manufacturer's instructions. The blood glucose meter should
30 be protected from cross contamination via contact with other meters or equipment. If the patient no longer needs
31 assisted blood glucose monitoring or is discharged from the facility, a meter designed for professional settings, not an
32 over-the-counter device, will be disinfected according to manufacturer's instructions prior to use on another patient.

33
34 *History Note: Authority G.S. 131E-104; 131E-113;*
35 *Eff. January 1, 1996;*
36 *Amended Eff. July 1, 2012;*

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2
3
4
5

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015-2015;

Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;

Amended Eff. August 1, 2026-April 1, 2026.

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2210

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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), lines 6-7, add “free of charge” or “at no cost”.

In (b), line 14, add a comma after “exploitation” and add “an” after “of”.

In (c), line 18, does “of the property of the facility” include patient property? Please clarify. Also, add a comma after both uses of “facility”.

Line 19, replace “notify” with “provide notification”.

Line 24, consider adding “being received by the administration” after “allegation.”

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2210 is amended as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .2210** ~~REPORTING AND INVESTIGATING ABUSE, NEGLECT OR~~
4 ~~MISAPPROPRIATION~~ FREEDOM FROM ABUSE, NEGLECT AND
5 EXPLOITATION

6 (a) Nursing homes shall comply with 42 CFR 483.12, which is incorporated by reference, including subsequent
7 amendments. The Code of Federal Regulations may be accessed at <https://www.ecfr.gov>.

8 ~~(a) A facility shall take measures to prevent patient abuse, patient neglect, exploitation or mistreatment, including~~
9 ~~injuries of unknown source and misappropriation of patient property, including orientation and instruction of facility~~
10 ~~staff on patients' rights and the screening of and requesting of references for all prospective employees.~~

11 (b) A facility shall ensure that the administrator of the facility, the Division of Health Service Regulation, Regulation,
12 Complaint Intake and Health Care Investigation Section, and adult protective services is are notified within 24 hours
13 of the facility's becoming aware of any allegation against health care personnel of any act listed in G.S. 131E-
14 256(a)(1), about all alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of
15 unknown source and misappropriation of patient property within the time periods for notification specified in 42 CFR
16 483.12.

17 (c) A facility shall ensure that the administrator of the facility and the Division of Health Service Regulation are
18 notified about misappropriation of the property of the facility, diversion of drugs belonging to the facility and fraud
19 against the facility. The facility shall notify within 24 hours of the facility's becoming aware of the allegation.

20 (d) A facility shall investigate allegations of any act listed in ~~G.S. 131E-256(a)(1)~~, Paragraphs (b) and (c), shall
21 document all information pertaining to such investigation, and shall take the necessary steps to prevent further
22 incidents while the investigation is in progress.

23 (e) A facility shall ensure that the report of investigation is printed or typed and sent to the Division of Health Service
24 Regulation within five working days of the allegation. The report shall include:

- 25 (1) the date and time of the alleged incident;
- 26 (2) the patient's full name and room number;
- 27 (3) details of the allegation and any injury;
- 28 (4) names of the accused and any witnesses;
- 29 (5) names of the facility staff who investigated the allegation;
- 30 (6) results of the investigation; and
- 31 (7) any corrective action that was taken by the facility.

32 (f) A facility shall report any reasonable suspicion of a crime against a patient receiving care in the facility to the
33 Division of Health Service Regulation, Complaint Intake and Health Care Investigations Section and local law
34 enforcement where the facility is located within the time periods for notification specified in 42 CFR 483.12.

35
36 *History Note: Authority G.S. 131E-104; 131E-131; 131E-255; 131E-256; 131E-117;*
37 *Eff. January 1, 1996;*

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Amended Eff. July 1, 2014; February 1, 2013; August 1, 2008; October 1, 1998;
Readopted Eff. July 1, ~~2016-2016~~;
Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;
Amended Eff. ~~August 1, 2026~~ April 1, 2026.

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2211

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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, add a comma after "safety."

Line 8, add a comma after "certified." Capitalize "state" if you're referring to North Carolina. Specify what law is "applicable" for clarity.

Line 11, does "employee" include independent contractors who may be hired?

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2211 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2211 PERSONNEL STANDARDS**

4 (a) The facility shall employ the types and numbers of qualified staff, professional and non-professional, necessary
5 to provide for the health, safety and proper care of patients.

6 (b) Each employee shall be assigned duties consistent with his or her job description and with his or her level of
7 education and training.

8 (c) Professional staff shall be licensed, certified or registered in accordance with applicable state laws.

9 (d) The facility shall provide orientation regarding facility policies and procedures for all staff upon employment.

10 (e) The facility shall train all staff periodically in accordance with their job duties.

11 (f) The facility shall maintain an individual personnel record for each employee, including verification of credentials.

12 (g) The facility shall have a written agreement with any nursing personnel agency providing staff to the facility and
13 shall orient agency staff as to facility policies and procedures.

14

15 *History Note: Authority G.S. 131E-104;*

16 *Eff. January 1, 1996;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
18 *~~2015-2015;~~*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

20 *Readopted Eff. ~~August 1, 2026.~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2212

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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, make "Administrator" plural.

Line 5, add a comma after "pharmacist". Also, are directors of nursing and physicians considered "staff members". If not, delete "other" for clarity.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2212 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2212 QUALITY ASSURANCE COMMITTEE**

4 (a) Administrator shall establish a quality assessment and assurance committee that consists of the director of nursing,
5 a physician designated by the facility, a pharmacist and at least three other staff members.

6 (b) The committee shall meet at least quarterly.

7 (c) The committee shall develop and implement appropriate plans of action which will correct identified quality care
8 problems.

9

10 *History Note: Authority G.S. 131E-104;*

11 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

12 *Eff. January 1, 1996;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
14 *~~2015-2015;~~*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

16 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2301

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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 8, add "are" before "implemented".

In (b), line 9, consider deleting the comma after "comprehensive", add "and", and add "ly" to the end of "accurate".

Line 23, add a comma after "relationships".

Line 30, add a comma after "hearing".

Page 2, line 1, consider replacing "no less frequently than once" with "at least."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2301 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .2300 – PATIENT AND RESIDENT CARE AND SERVICES**
4

5 **10A NCAC 13D .2301 PATIENT ASSESSMENT AND PLAN OF CARE**

6 (a) At the time each patient is admitted, the facility shall ensure medical orders are available for the patient's
7 immediate care and that, within 24 hours, a nursing assessment of immediate needs is completed by a registered nurse
8 and measures implemented as appropriate.

9 (b) The facility shall perform, within 14 days of admission and at least annually, a comprehensive, accurate,
10 documented assessment of each patient's capability to perform daily life functions. This comprehensive assessment
11 shall be coordinated by a registered nurse and shall include at least the following:

- 12 (1) current medical diagnoses;
- 13 (2) medical status measurements, including current cognitive status, stability of current conditions and
14 diseases, vital signs, and abnormal lab values and diagnostic tests that are a part of the medical
15 history;
- 16 (3) the patient's ability to perform activities of daily living, including the need for staff assistance and
17 assistive devices, and the patient's ability to make decisions;
- 18 (4) presence of neurological or muscular deficits;
- 19 (5) nutritional status measurements and requirements, including but not limited to height, weight, lab
20 work, eating habits and preferences, and any dietary restrictions;
- 21 (6) special care needs, including but not limited to pressure sores, enteral feedings, specialized
22 rehabilitation services or respiratory care;
- 23 (7) indicators of special needs related to patient behavior or mood, interpersonal relationships and other
24 psychosocial needs;
- 25 (8) facility's expectation of discharging the patient within the three months following admission;
- 26 (9) condition of teeth and gums, and need and use of dentures or other dental appliances;
- 27 (10) patient's ability and desire to take part in activities, including an assessment of the patient's normal
28 routine and lifetime preferences;
- 29 (11) patient's ability to improve in functional abilities through restorative care;
- 30 (12) presence of visual, hearing or other sensory deficits; and
- 31 (13) drug therapy.

32 (c) The facility shall develop a comprehensive plan of care for each patient and shall include measurable objectives
33 and timetables to meet needs identified in the comprehensive assessment. The facility shall ensure the comprehensive
34 plan of care is developed within seven days of completion of the comprehensive assessment by an interdisciplinary
35 team. To the extent practicable, preparation of the comprehensive plan of care shall include the participation of the
36 patient and the patient's family or legal representative. The physician may participate by alternative methods,
37 including, but not limited to, telephone or face-to-face discussion, or written notice.

1 (d) The facility shall review comprehensive assessments and plans of care no less frequently than once every 90 days
2 and make necessary revisions to ensure accuracy.

3

4 *History Note: Authority G.S. 131E-104; 131E-116;*

5 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

6 *Eff. January 1, 1996;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
8 *~~2015-2015;~~*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

10 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2302

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 6, consider deleting "only".

Line 7, add a comma after "administrator".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2302 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2302 NURSING SERVICES**

4 (a) The facility shall designate a registered nurse to serve as the director of nursing on a full-time basis.

5 (b) The director of nursing shall be responsible for the administering of nursing services.

6 (c) The director of nursing may serve also as nurse-in-charge, only if the average daily occupancy is less than 60.

7 (d) The director of nursing shall not serve as administrator, assistant administrator or acting administrator during an
8 employment vacancy in the administrator position.

9

10 *History Note: Authority G.S. 131E-104;*

11 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

12 *Eff. January 1, 1996;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
14 *~~2015-2015;~~*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

16 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2303

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 12, make "floors" singular.

Line 13, please cite where the requirements are "noted elsewhere in this Subchapter."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2303 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2303 NURSE STAFFING REQUIREMENTS**

4 (a) The facility shall provide licensed nursing staff sufficient to accomplish the following:

- 5 (1) patient needs assessment;
- 6 (2) patient care planning; and
- 7 (3) supervisory functions in accordance with the levels of patient care advertised or offered by the
- 8 facility.

9 (b) A facility must have sufficient nursing staff to provide nursing and related services to attain or maintain the
10 physical, mental, and psychosocial well-being of each patient, as determined by patient assessments and individual
11 plans of care.

12 (c) A multi-storied facility shall have at least one nurse aide on duty on each patient care floors at all times.

13 (d) Except for designated units with higher staffing requirements noted elsewhere in this Subchapter, daily direct
14 patient care nursing staff, licensed and unlicensed, shall include:

- 15 (1) at least one licensed nurse on duty for direct patient care at all times; and
- 16 (2) a registered nurse for at least eight consecutive hours a day, seven days a week. This coverage may
17 be spread over more than one shift if such a need exists. The director of nursing may be counted as
18 meeting the requirements for both the director of nursing and patient staffing for facilities with a
19 total census of 60 nursing beds or less.

20

21 *History Note: Authority G.S. 131E-104;*

22 *Eff. January 1, 1996;*

23 *Amended Eff. January 1, 2013;*

24 *Readopted Eff. July 1, ~~2016-2016~~;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

26 *Readopted Eff. ~~August 1, 2026-April 1, 2026~~.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2304

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Lines 4-5, please cite which specific statute(s) is/are intended in "131E, Article 15." Add a comma after "483."

Line 7, add "at no cost" or "free of charge".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2304 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2304 NURSE AIDES**

4 (a) The facility shall employ or contract individuals as nurse aides in compliance with N.C. General Statute 131E,
5 Article 15 and facilities certified for Medicare or Medicaid participation shall also comply with 42 CFR Part 483
6 which is incorporated by reference, including subsequent amendments. The Code of Federal Regulations may be
7 accessed at http://www.access.gpo.gov/nara/cfr/waisidx_08/42cfr483_08.

8 (b) A facility shall provide to the Department, upon request, verification of in-service training and of past or present
9 employment of any nurse aide employed by the facility.

10

11 *History Note: Authority G.S. 131E-104;131E-255; 143B-165; 42 U.S.C. 1395; 42 U.S.C. 1396;*

12 *Eff. January 1, 1996;*

13 *Amended Eff. January 1, 2012;*

14 *Pursuant to G.S. 150B-21.3A, a rule is necessary without substantive public interest Eff. March 22,*
15 *~~2015-2015;~~*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

17 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2305

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 6, add a comma after "mental".

Line 9, who shall conduct the "evaluation?"

Line 13, add "use the" before "toilet".

Line 20, delete the apostrophe after "patient".

Line 24, add a comma after "restraining".

Line 26, consider replacing "unavoidable" with "necessary for sustenance".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2305 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2305 QUALITY OF CARE**

4 (a) The facility shall provide necessary care and services in accordance with medical orders, the patient's
5 comprehensive assessment and on-going plan of care.

6 (b) Acute changes in the patient's physical, mental or psychosocial status shall be evaluated and reported to the
7 physician or other persons legally authorized to perform medical acts.

8 (c) The facility shall not utilize any chemical or physical restraints for the purpose of discipline or convenience, and
9 that are not required to treat the patient's medical condition. An evaluation shall be done to ensure that the least
10 restrictive means of restraint have been initiated on patients requiring restraints.

11 (d) The facility shall ensure that all patients who are unable to perform activities of daily living receive the necessary
12 assistance to maintain good grooming, and oral and personal hygiene. The facility shall ensure appropriate measures
13 are taken to restore the patient's ability to bathe, dress, groom, transfer and ambulate, toilet and eat.

14 (e) The facility shall ensure measures are taken to prevent the formation of pressure sores and to promote healing of
15 existing pressure sores. The facility shall ensure that patients with limited mobility receive appropriate care to promote
16 comfort and maintain skin integrity.

17 (f) The facility shall ensure that in-dwelling catheters are not used unless the patient's clinical condition necessitates
18 their use. The facility shall ensure incontinent patients receive appropriate treatment to prevent infections and to regain
19 continence to the degree possible.

20 (g) The facility shall ensure that patient's with limited range of motion, or who are at risk for loss of range of motion,
21 receive treatment services to prevent development of contractures or deformities, and to obtain and maintain their
22 optimal level of functioning.

23 (h) The facility shall ensure that patients who are unable to feed themselves receive the appropriate assistance,
24 restraining and assistive devices when needed.

25 (i) The facility shall ensure that enteral feeding tubes are used only when the patient's condition indicates the use of
26 an enteral feeding tube is unavoidable.

27 (j) The facility shall ensure that patients fed by the enteral feeding tubes receive the proper treatment to avoid
28 aspiration pneumonia, metabolic and gastrointestinal problems, and to restore the patient to the highest practicable
29 level of normal feeding function. The facility shall ensure appropriate care and services are provided to address needs
30 related to hydration and nutrition.

31 (k) The facility shall ensure that patients requiring special respiratory care receive appropriate services.

32 (l) The facility shall ensure that patients are assisted to utilize personal visual lenses, hearing aids and dentures.

33

34 *History Note: Authority G.S. 131E-104;*

35 *Eff. January 1, 1996;*

36 *Pursuant to G.S. 150B-21.3A, a rule is necessary without substantive public interest Eff. March 22,*
37 *2015-2015;*

1

Pursuant to G.S. 150B-21.3A, rules is necessary Eff. April 2, 2025;

2

Readopted Eff. ~~August 1, 2026~~ April 1, 2026.

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2306

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 7, add a comma after "duration".

Lines 13 and 17, don't capitalize "duration" and "therapy".

Line 26, tab over "progress".

Line 28, is "and" or "or" intended?

Line 33, add a comma after "conditions".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2306 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .2306 MEDICATION ADMINISTRATION**

4 (a) The facility shall ensure that medications are administered in accordance with applicable occupational licensure
5 regulations and manufacturer’s recommendations.

6 (b) The facility shall ensure that each patient’s drug regimen is free from drugs used in excessive dose or duplicative
7 therapy, for excessive duration or without indications for the prescription of the drug. Drugs shall not be used without
8 monitoring or in the presence of adverse conditions that indicate the drugs’ usage should be modified or discontinued.

9 As used in this Paragraph:

10 (1) “Excessive dose” means the total amount of any medication (including duplicate therapy) given at
11 one time or over a period of time that is greater than the amount recommended by the manufacturer
12 for a resident’s age and condition.

13 (2) “Excessive Duration” means the medication is administered beyond the manufacturer’s
14 recommended time frames or facility-established stop order policies or without either evidence of
15 additional therapeutic benefit for the resident or clinical evidence that would warrant the continued
16 use of the medication.

17 (3) “Duplicative Therapy” means multiple medications of the same pharmacological class or category
18 or any medication therapy that replicates a particular effect of another medication that the individual
19 is taking.

20 (4) “Indications for the prescription” means a documented clinical rationale for administering a
21 medication that is based upon an assessment of the resident’s condition and therapeutic goals and is
22 consistent with manufacturer’s recommendations.

23 (5) “Monitoring” means ongoing collection and analysis of information (such as observations and
24 diagnostic test results) and comparison to baseline data in order to:

25 (A) Ascertain the individual’s response to treatment and care, including progress or lack of
26 progress toward a therapeutic goal;

27 (B) Detect any complications or adverse consequences of the condition or of the treatments;
28 and

29 (C) Support decisions about modifying, discontinuing, or continuing any interventions.

30 (c) Antipsychotic therapy shall not be initiated on any patient unless necessary to treat a clinically diagnosed and
31 clinically documented condition. When antipsychotic therapy is prescribed, unless clinically contraindicated, gradual
32 dose reductions and behavioral interventions shall be employed in an effort to discontinue these drugs. “Gradual dose
33 reduction” means the stepwise tapering of a dose to determine if symptoms, conditions or risks can be managed by a
34 lower dose or if the dose or the medication can be discontinued.

35 (d) The facility shall ensure that procedures aimed at minimizing medication error rates include the following:

36 (1) All medications or drugs and treatments shall be administered and discontinued in accordance with
37 signed medical orders with are recorded in the patient’s medical record. Such orders shall be

1 complete and include drug name, strength, quantity to be administered, route of administration,
2 frequency and, if ordered on an as-needed basis, a stated indication for use.

- 3 (2) The requirements for self-administration of medication shall include the following:
- 4 (A) determination by the interdisciplinary team that this practice is safe;
 - 5 (B) administration ordered by the physician or other person legally authorized to prescribe
6 medications;
 - 7 (C) instructions for administration printed on the medication label; and
 - 8 (D) administration of medication monitored by the nursing staff and consultant pharmacist.
- 9 (3) The administration of one patient's medications to another patient is prohibited except in the case
10 of an emergency. In the event of such emergency, the facility shall ensure that the borrowed
11 medications are replaced and so documented.
- 12 (4) Omission of medications and the reason for omission shall be indicated in the patient's medical
13 record.
- 14 (5) Medication administration records shall provide time of administration, identification of the drug
15 and strength of drug, quantity of drug administered, route of administration, frequency,
16 documentation sufficient to determine the staff who administered the drugs. Medication
17 administration records shall indicate documentation of injection sites and topical medication sites
18 requiring rotation of transdermal medication.
- 19 (6) The pharmacy shall receive an exact copy of each physician's order for medications and treatments.
- 20 (7) When medication orders do not state the number of doses or days to administer the medication, the
21 facility shall implement automatic stop orders according to manufacturer's recommendations.
- 22 (8) The facility shall maintain an accountability of controlled substances as defined by the North
23 Carolina Controlled Substances Act, G.S. 90, Article 5.

24
25 *History Note: Authority G.S. 131E-104;*
26 *Eff. January 1, 1996;*
27 *Amended Eff. January 1, 2013;*
28 *Pursuant to G.S. 150B-21.3A, a rule is necessary without substantive public interest Eff. March 22,*
29 *~~2015-2015;~~*
30 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
31 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2401

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 6, add a comma after "staffed".

Line 7, add a comma after "indexed".

Line 8, add a comma after "damage".

Line 16, add a comma after "maintenance".

Line 19, add "the" before "rules".

Line 20, add a comma after "training".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2401 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .2400 – MEDICAL RECORDS**

4
5 **10A NCAC 13D .2401 MAINTENANCE OF MEDICAL RECORDS**

6 (a) A facility shall establish a medical records service. It shall be directed, staffed and equipped to ensure:

- 7 (1) records are processed, indexed and filed accurately;
- 8 (2) records are stored in such a manner as to provide protection from loss, damage or unauthorized use;
- 9 (3) records contain sufficient information to identify the patient plus a record of all assessments; plan
10 of care; pre-admission screening, if applicable; records of implementation of plan of care; progress
11 notes; and record of discharge, including a discharge summary signed by the physician; and
- 12 (4) records are readily accessible by authorized personnel.

13 (b) The facility shall ensure that a master patient index is maintained, listing patients alphabetically by name, dates
14 of admission, dates of discharge and case number.

15 (c) The administrator shall designate an employee who works full-time to be the medical records manager. The
16 manager shall advise, administer, supervise and perform work involved in the development, analysis, maintenance
17 and use of medical records and reports. If that employee is not qualified by training or experience in medical record
18 science, he or she shall receive consultation from registered records administrator or an accredited medical record
19 technician to ensure compliance with rules contained in this Subchapter. The facility shall provide orientation, on-the-
20 job training and in-service programs for all medical records personnel.

21
22 *History Note: Authority G.S. 131E-104; 131E-116;*
23 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*
24 *Eff. January 1, 1996;*
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
26 *2015-2015;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
28 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2501

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 9, add a comma after "90 days".

Line 13, add a comma after "write" and after "dictate". Also, correct the spelling of "sign".

Line 19, add a comma after "order".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2501 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .2500 – PHYSICIAN SERVICES**
4

5 **10A NCAC 13D .2501 AVAILABILITY OF PHYSICIAN SERVICES**

6 (a) A facility shall ensure each patient’s care is supervised by a physician and that provisions are made for emergency
7 physicians when attending physicians are unavailable. The names and telephone numbers of the designated physicians
8 shall be posted at each nurse’s station.

9 (b) Patients shall be seen by a physician at least once every 30 days for the first 90 days and at least every 60 days
10 thereafter. Following the initial visit, the physician may delegate this responsibility to a physician assistant or nurse
11 practitioner every other visit. A physician’s visit is considered timely if the visit occurs not later than 10 days after the
12 visit was required.

13 (c) Physicians shall review the patient’s medical plan of care, write or dictate and sign progress notes; and sign and
14 date all current orders at each visit.

15 (d) Medical orders, given orally by the physician, nurse practitioner or physician assistant, shall be given only to a
16 licensed nurse or other licensed professional who by law is allowed to accept physician’s orders, except orders for
17 therapeutic diets which shall be given either to a dietician or licensed nurse. The record of each telephone order shall
18 include the name of physician giving the order, or other person legally authorized to prescribe, date and time of order,
19 content of order and name of person receiving the order. The physician, or other person legally authorized to prescribe,
20 who gives oral orders shall sign the orders within five days.

21
22 *History Note: Authority G.S. 131E-104; 131E-116;*
23 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*
24 *Eff. January 1, 1996;*
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
26 *~~2015-2015~~;*
27 *Pursuant to G.S. 150B-21.3, rule is necessary Eff. April 2, 2025;*
28 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2502

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 7, consider replacing "as determined by" with "consistent with".

Line 8, replace "the" with "to".

Line 9, delete the comma after "physician".

Line 10, consider deleting the comma after "appropriate" and deleting "adequate".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2502 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2502 PRIVATE PHYSICIAN**

4 (a) Each patient or legal representative shall be allowed to select his or her private physician except in those facilities
5 affiliated with medical teaching programs and having written policies requiring all patients to participate in the medical
6 teaching program.

7 (b) The private physician shall fulfill given requirements as determined by applicable state and federal regulations,
8 and the facility's policies and procedures pertaining the physician services.

9 (c) The facility shall have the right, after informing the patient, to seek an alternative physician, when requirements
10 are not being met and to ensure that the patient is provided with appropriate, adequate care and treatment.

11

12 *History Note: Authority G.S. 131E-104;*

13 *Eff. January 1, 1996;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
15 *~~2015-2015;~~*

16 *Pursuant to G.S. 150B-21.3, rule is necessary Eff. April 2, 2025;*

17 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2503

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 13, add a comma after "practitioner".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2503 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2503 USE OF NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS**

4 (a) Any facility that employs nurse practitioners or physician assistants shall maintain the following information for
5 each nurse practitioner and physician assistant;

6 (1) verification of current approval to practice as a nurse practitioner by the Medical Board and Board
7 of Nursing for each practitioner, or verification of current approval to practice as a physician
8 assistant by the Medical Board for each physician assistant; and

9 (2) a copy of the job description of contract signed by the nurse practitioner or physician assistant and
10 the supervising physicians.

11 (b) The privileges of the nurse practitioner or physician assistant shall be defined by the facility's policies and
12 procedures, and shall be limited to those privileges authorized in 21 NCAC 36 .0802 and .0809 for the nurse
13 practitioner or 21 NCAC 32S .0212 for the physician assistant.

14

15 *History Note: Authority G.S. 131E-104;*

16 *Eff. January 1, 1996;*

17 *Amended Eff. November 1, 2014;*

18 *Readopted Eff. July 1, ~~2016-2016~~;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

20 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2601

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 7, add a comma after "receiving".

Line 8, correctly spell "drugs" and add a comma after "nutrients".

Line 10, add a comma after "safe".

Lines 12-13, delete "at least 150B-21.3".

Line 14, add a comma after "history". Delete "and".

Line 15, add a comma after "plan".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2601 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .2600 – PHARMACEUTICAL SERVICES**

4
5 **10A NCAC 13D .2601 AVAILABILITY OF PHARMACEUTICAL SERVICES**

6 (a) The facility shall provide pharmaceutical services under the supervision of a pharmacist, including procedures
7 that ensure the accurate acquiring, receiving and administering of all drugs and biologicals.

8 (b) The facility shall be responsible for obtaining frugs, therapeutic nutrients and related products prescribed or
9 ordered by a physician for patients in the facility.

10 (c) To ensure that drug therapy is rational, safe and effective, a pharmaceutical care assessment shall be conducted in
11 the facility at least every 31 days for each patient. All new admissions shall receive a pharmaceutical care assessment
12 at the time of the pharmacist’s next visit or within 31 days, whichever comes first. This assessment shall include at
13 least: 150B-21.3

14 (1) a review of the patient’s diagnoses, history and physical, discharge summary, diet, vital signs,
15 current physician’s orders, laboratory values, progress notes, interdisciplinary care plan and
16 medication administration records; and

17 (2) the pharmacist’s progress notes in the patient’s medical record which reflect the results of this
18 assessment and, if necessary, recommendations for change based on desired drug outcomes.

19
20 *History Note: Authority G.S. 131E-104; 131E-117;*
21 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*
22 *Eff. January 1, 1996;*
23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
24 *~~2015-2015;~~*
25 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
26 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2602

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 7, replace "or" with "of".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2602 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2602 PHARMACY PERSONNEL**

4 (a) If the pharmacist is an employee of the facility and performs vending or clinical services, an up-to-date job
5 description and personnel file shall be maintained.

6 (b) If pharmaceutical vending or clinical services are contracted, there shall be a current written agreement for each
7 service which includes a statement or responsibilities for each party

8 (c) The facility shall keep, or be able to make available, a copy of the current license of the pharmacists.

9

10 *History Note: Authority G.S. 131E-104; 131E-117;*

11 *Eff. January 1, 1996;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
13 *2015-2015;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

15 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2603

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 4, delete the letters before "any".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2603 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2603 ADMINISTRATIVE RESPONSIBILITIES**

4 (a) The pharmacist shall report t=any potential drug therapy irregularities or discrepancies in drug accountability and
5 administration with recommendations for change to the director of nursing and the attending physician.

6 Recommendations shall be communicated to the health care professionals in the facility who have the authority to
7 effect a change. These reports shall be submitted monthly following the pharmacist's pharmaceutical care assessments.

8 (b) The administrator shall ensure documentation of action taken relative to the pharmacist's reports.

9

10 *History Note: Authority G.S. 131E-104; 131E-117;*

11 *Eff. January 1, 1996;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*

13 *2015-2015;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

15 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2605

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 4, change "lighted" to "lit" and add a comma after "lit".

Line 9, add a period before "Drug" to punctuate the prior sentence.

Line 12, add a comma after "optic" and replace "he" with "be".

Line 14, add a comma after "discontinued", add "or", and spell "be" correctly.

Line 15, "within 5 days" of what?

Line 24, add "at no cost" or "free of charge."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2605 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .2605 DRUG STORAGE AND DISPOSITION**

4 (a) A facility shall ensure that drug storage areas are clean, secure, well lighted and well ventilated; that room
5 temperature is maintained between 59 degrees F. and 86 degrees F.; and that the following conditions are met:

- 6 (1) All drugs shall be maintained under locked security except when under the direct physical
7 supervision of a nurse or pharmacist.
- 8 (2) Drugs requiring refrigeration shall be stored in a refrigerator containing a thermometer and capable
9 of maintaining a temperature range of 2 degrees C. to 8 degrees C. (36 degrees F. to 46 degrees F.)
10 Drug containers must be placed in another container separate from non-drug items when stored in a
11 refrigerator.
- 12 (3) Drugs intended for topical use, except for ophthalmic, optic and transdermal medications, shall ne
13 stored in an area separate from the drugs intended for oral and injectable use.
- 14 (4) Drugs that are outdated, discontinued o deteriorated shall b removed from the facility within five
15 days.

16 (b) Upon discontinuation of a drug or upon discharge of a patient, the remainder of the drug supply shall be disposed
17 of according to the facility's policy. If it is reasonably expected that the patient will return to the facility and that the
18 drug therapy will be resumed, the remaining drug supply may be held for not more than 30 calendar days after the
19 date of discharge or discontinuation.

20 (c) The disposition of drugs shall be in accordance with written policies and procedures established by the Quality
21 Assurance Committee.

22 (d) Destruction of controlled substances shall be in compliance with Disposal of Unused Controlled Substances From
23 Nursing Home as described in 10A NCAC 26E .0406, which is hereby incorporated by reference including subsequent
24 amendments. These Rules can be accessed online at <http://reports.oah.state.nc.us/ncac.asp>.

25
26 *History Note: Authority G.S. 131E-104; 131E-117;*
27 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*
28 *Eff. January 1, 1996;*
29 *Amended Eff. July 1, 2012;*
30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
31 *~~2015-2015;~~*
32 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
33 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2606

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 8, add "at no cost" or "free of charge."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2606 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2606 PHARMACEUTICAL RECORDS**

4 (a) A facility shall ensure that accurate records of the receipt, use and disposition of drugs are maintained and readily
5 available.

6 (b) A facility shall ensure accountability of controlled substances as defined by the Disposal of Unused Controlled
7 Substances From Nursing Home as described in 10A NCAC 26E .0406, which is hereby incorporated by reference
8 including subsequent amendments. These Rules can be accessed online at <http://reports.oah.state.nc.us/ncac.asp>.

9

10 *History Note: Authority G.S. 131E-104; 131E-117;*

11 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

12 *Eff. January 1, 1996;*

13 *Amended Eff. July 1, 2012;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
15 *~~2015-2015;~~*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

17 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2607

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 4, add a comma after “.0408” and replace “I hereby” with “are”.

Line 6, add “at no cost” or “free of charge.”

Line 8, spell “or” correctly.

Line 10, add a comma after “area”.

Line 19, delete “which are enforced” since it’s unnecessary.

Line 22, add a comma after “26E)”.

Line 23, add “at no cost” or “free of charge.”

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2607 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .2607 EMERGENCY DRUGS**

4 (a) A facility shall maintain a supply of emergency drugs in compliance with 10A NCAC 26E .0408 which I hereby
5 incorporated by reference including subsequent amendments. This Rule can be accessed online at
6 <http://reports.oah.state.nc.us/ncac.asp>.

7 (b) Emergency drugs shall be stored in a portable container sealed with an easily breakable closure which cannot be
8 resealed o reused and shall be readily accessible for use.

9 (c) Emergency drug kits shall be stored in a locked storage cabinet or room out of sight of patients and the general
10 public. If stored in a locked area the kits shall be accessible to all licensed nursing personnel.

11 (d) All emergency drugs and quantity to be maintained shall be approved by the Quality Assurance Committee as
12 defined in 10A NCAC 13D .2212.

13 (e) If emergency drug items require refrigerated storage, they shall be stored in a separate sealed container within the
14 medication refrigerator. The container shall be labeled to indicate the emergency status of the enclosed drug and sealed
15 as indicated in Paragraph (b) of this Rule.

16 (f) An accurate inventory of emergency drugs and supplies shall be maintained with each emergency drug kit.

17 (g) A facility shall examine the refrigerated and non-refrigerated emergency drug supply at least every 90 days and
18 make any necessary changes at that time.

19 (h) The facility shall have written policies and procedures which are enforced to ensure that in the event the sealed
20 emergency drug container is opened and contents utilized, steps are taken to replace the items used.

21 (i) The availability of a controlled substance in an emergency kit shall be in compliance with the North Carolina
22 Controlled Substances Act and Regulations (10A NCAC 26E) which is hereby incorporated by reference including
23 subsequent amendments. These Rules can be accessed online at <http://reports.oah.state.nc.us/ncac.asp>.

24
25
26 *History Note: Authority G.S. 131E-104; 131E-117;*

27 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

28 *Eff. January 1, 1996;*

29 *Amended Eff. July 1, 2012;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
31 *~~2015-2015;~~*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

33 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2701

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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), see this recently circulated guidance memo on incorporating C.F.R.'s by reference. [RRC Draft Guidance on Incorporation Links \(002\)](#)

Page 2, line 6, add a comma after "Health".

Line 9, add "at no cost" or "free of charge."

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2701 is amended as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .2700 - DIETARY SERVICES**
4

5 **10A NCAC 13D .2701 PROVISION OF NUTRITION AND DIETETIC SERVICES**

6 (a) ~~Nursing homes shall comply with 42 CFR 483.25(g) and (h) and 483.60, which are incorporated by reference,~~
7 ~~including subsequent amendments. The Code of Federal Regulations may be accessed at <https://ecfr.gov>. A facility~~
8 ~~shall ensure that each patient is provided with a palatable diet that meets his or her daily nutritional and specialized~~
9 ~~nutritional needs.~~

10 (b) ~~The facility shall designate a person to be known as the director of food service who shall be responsible for the~~
11 ~~facility's dietetic service and for supervision of dietetic service personnel.~~

12 (c) ~~Based on a resident's assessment, the nursing home facility must ensure that a patient maintains acceptable~~
13 ~~parameters of nutritional status, such as body weight and protein levels, unless the patient's clinical condition~~
14 ~~demonstrates that it is not possible.~~

15 (d) ~~There shall be sufficient personnel employed to meet the nutritional needs of all patients in the areas of therapeutic~~
16 ~~diets, food preparation and service, principles of sanitation, and resident's preferences as related to food services.~~

17 (e) ~~The facility shall ensure that menus are followed which meet the nutritional needs of patients in accordance with~~
18 ~~the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National~~
19 ~~Academy of Sciences which are incorporated by reference, including subsequent amendments. Copies of this~~
20 ~~publication may be obtained by contacting The National Academy Press, 500 Fifth St. N.W., Washington, D.C. 20001~~
21 ~~or accessing it at http://www.nap.edu/catalog.php?record_id=1349. Menus shall:~~

22 (1) ~~be planned at least 14 days in advance,~~

23 (2) ~~provide for substitutes of similar nutritive value for patients who refuse food that is served, and~~

24 (3) ~~be provided to patients orally or written through such methods as posting and daily announcements.~~

25 (f) ~~Food must be prepared to conserve its nutritive value, and appearance.~~

26 (g) ~~Food shall be served at the preferred temperature as discerned by the resident and customary practice, in a form~~
27 ~~to meet the patient's individual needs and with assistive devices as dictated by the patient's needs. Hot foods shall~~
28 ~~leave the kitchen (or steam table) above 135 degrees F; and cold foods below 41 degrees F. The freezer must keep~~
29 ~~frozen foods frozen solid.~~

30 (h) ~~If patients require assistance in eating, food shall be maintained at the appropriate temperature until assistance is~~
31 ~~provided.~~

32 (i) ~~All diets, including enteral and parenteral nutrition therapy, shall be as ordered by the physician or other legally~~
33 ~~authorized person, and served as ordered.~~

34 (j) ~~At least three meals shall be served daily to all patients in accordance with medical orders.~~

35 (k) ~~No more than 14 hours shall elapse between an evening meal containing a protein food and a morning meal~~
36 ~~containing a protein food.~~

37 (l) ~~Hour of sleep (hs) nourishment shall be available to patients upon request or in accordance with nutritional plans.~~

1 ~~(m) Between meal fluids for hydration shall be available and offered to all patients in accordance with medical orders.~~

2 ~~(n) The facility shall have a current online or hard copy nutrition care manual or handbook approved by the dietitian,~~
3 ~~medical staff and the Administrator which shall be used in the planning of the regular and therapeutic diets and be~~
4 ~~accessible to all staff.~~

5 ~~(b)~~ Food services shall comply with Rules Governing the Sanitation of Restaurants and Other Food handling
6 Establishments (15A NCAC 18A .1300) as promulgated by the Commission for Public Health which are incorporated
7 by reference, including subsequent amendments, assuring storage, preparation, and serving of food under sanitary
8 conditions. Copies of these Rules can be accessed online at ~~http://www.doh.enr.state.nc.us/rules.htm.~~
9 <https://ehs.dph.ncdhhs.gov/docs/rules/294306-2-1300.pdf>.

10
11 *History Note: Authority G.S. 90-368(4); 131E-104;*

12 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

13 *Eff. January 1, 1996;*

14 *Amended Eff. August 1, 2012;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
16 *~~2015-2015;~~*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

18 *Amended Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2801

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 7, delete "the interests, as well as".

Lines 19 and 21, replace "The" with "An".

Line 27, please cite the specific G.S. for this Act.

Line 33, cite the specific statute(s) intended.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2801 is amended as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .2800 - ACTIVITIES, RECREATION AND SOCIAL SERVICES**

4
5 **10A NCAC 13D .2801 ACTIVITY SERVICES**

6 (a) The facility shall provide a program of activities that is ~~on-going~~ ongoing and in accordance with the
7 comprehensive assessment, and that promotes the interests, as well as physical, mental and psychosocial well-being,
8 of each patient.

9 ~~(b) The administrator shall designate an activities director who shall be responsible for activity and recreational~~
10 ~~services for all patients and who shall have appropriate management authority. The director shall:~~

- 11 (1) ~~be a recreation therapist or be eligible for certification as a therapeutic recreation specialist by a~~
12 ~~recognized accrediting body; or~~
13 (2) ~~have two years of experience in a social or recreation program within the last five years, one of~~
14 ~~which was full time in a patient activities program in a health care setting; or~~
15 (3) ~~be an occupational therapist or occupational therapy assistant; or~~
16 (4) ~~be certified by the National Certification Council for Activity Professionals; or~~
17 (5) ~~have completed an activities training course approved by the State.~~

18 (b) The activities program must be directed by an activity director who meets the following qualifications:

- 19 (1) The activity director hired after August 1, 2026 shall meet a minimum educational requirement by
20 being a high school graduate or certified under the GED Program.
21 (2) The activity director hired after August 1, 2026 shall complete, within nine months of employment
22 or assignment to this position, the basic activity course for nursing home activity directors offered
23 by community colleges, universities or other nationally recognized online platforms, that include a
24 minimum of 10 hours of documentation in the course. An activity director shall be exempt from the
25 required basic activity course if one or more of the following applies:
26 (A) the individual is a licensed recreational therapist or eligible for certification as a therapeutic
27 recreation specialist as defined by the North Carolina Recreational Therapy Licensure Act
28 in accordance with G.S. 90C;
29 (B) the individual has two years of experience working in programming for an adult recreation
30 or activities program within the last five years, one year of which was full-time in an
31 activities program for patients or residents in a health care or long-term care setting;
32 (C) the individual is a licensed occupational therapist or licensed occupational therapy assistant
33 in accordance with G.S. 90, Article 18D;
34 (D) the individual is certified as an Activity Professional by the National Certification Council
35 for Activity Professionals; or
36 (E) the required basic activity course was completed prior to August 1, 2026.

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*History Note: Authority G.S. 131E-104; 143B-165(10); 42 C.F.R. 483.15(f);
RRC objection due to lack of statutory authority Eff. July 13, 1995;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,
~~2015-2015~~;
Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;
Amended Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2802

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 5, add a comma after "mental."

Line 8, add "a" before "human". Delete "but not limited to".

Line 9, add a comma after "sociology" and after "counseling". Replace "and" with "or".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .2802 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2802 SOCIAL SERVICES**

4 (a) The facility shall provide medically-related social services to attain or maintain the highest practicable physical,
5 mental and psychosocial well-being of each resident.

6 (b) The administrator shall designate an employee to be responsible full-time for social services.

7 (c) A facility with more than 120 nursing beds shall employ on a full time basis, a social worker who has:

8 (1) a Bachelor's degree in social work or a Bachelor's degree in human services field, including but not
9 limited to sociology special education, rehabilitation counseling and psychology; and

10 (2) one year of supervised social work experience in a health care setting working directly with patients.

11

12 *History Note: Authority G.S. 131E-104;*

13 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

14 *Eff. January 1, 1996;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
16 *~~2015-2015;~~*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

18 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3003

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 13, add "at no cost" or "free of charge."

Lines 19 and 21, add "the" before "manufacturer's".

Line 32, add a comma after "drawings".

Line 35, add a comma after "therapy".

Page 2, line 2, add a comma after "procedures".

Line 4, add a comma after "bed change".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3003 is amended as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .3003 VENTILATOR ASSISTED RESPIRATORY CARE, QUALIFIED**
4 **PROFESSIONALS, NON-INVASIVE MECHANICAL VENTILATION, SPECIAL**
5 **REQUIREMENTS FOR INVASIVE MECHANICAL VENTILATION AND**
6 **STAFFING REQUIREMENTS IN SPECIAL CARE UNIT**

7 (a) ~~For the purpose of this Rule, ventilator assisted individuals, means as defined in the federal State Operations~~
8 ~~Manual, Appendix PP—Guidance to Surveyors for Long Term Care Facilities, herein incorporated by reference~~
9 ~~including subsequent amendments and editions. Copies of the State Operations Manual may be accessed free of charge~~
10 ~~online at~~

11 ~~https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_pp_guidelines_ltef.pdf.~~

12 ~~Nursing homes shall comply with 42 CFR 483.25(i), which is incorporated by reference, including subsequent~~
13 ~~amendments. The Code of Federal Regulations may be accessed at <https://ecfr.gov>.~~

14 b) Facilities having patients who receive non-invasive or invasive mechanical ventilation shall:

15 ~~(1) administer respiratory care in accordance with 42 CFR Part 483.25(i), and the federal State~~
16 ~~Operations Manual F695;~~

17 ~~(2)(1)~~ administer respiratory care in accordance with the scope of practice for respiratory therapists defined
18 in G.S. 90-648; and

19 ~~(3)(2)~~ provide pulmonary services from a physician who has training in pulmonary medicine. The
20 physician shall be responsible for respiratory services and shall:

21 (A) establish with the respiratory therapist and nursing staff, ventilator policies and procedures,
22 including emergency procedures;

23 (B) assess each ventilator assisted patient's status at least monthly with corresponding progress
24 notes;

25 (C) respond to emergency communications 24 hours a day; and

26 (D) participate in individual care planning.

27 (c) ~~A facility may provide non-invasive mechanical ventilation via a portable respiratory support device designed to~~
28 ~~assist patients with breathing difficulties according to manufacturer's instructions and with constant monitoring by~~
29 ~~qualified staff.~~

30 (d) ~~A facility must not provide patients with mechanical ventilation via an invasive artificial airway using an~~
31 ~~endotracheal tube or tracheostomy tube unless:~~

32 ~~(1) the Division of Health Service Regulation Construction Section has approved plans, drawings and~~
33 ~~life safety code for safe operation of the specialized bed type;~~

34 ~~(2) the Nursing Home Licensure and Certification Section has reviewed signed contracts for~~
35 ~~professionals providing pulmonary medicine, respiratory therapy and durable medical equipment~~
36 ~~suppliers;~~

37 ~~(4) the Nursing Home Licensure and Certification Section has reviewed staffing schedules;~~

1 (5) the Nursing Home Licensure and Certification Section has reviewed job specific orientation, unit
2 policies and procedures and emergency preparedness; and

3 (6) beds for patients receiving invasive mechanical ventilation are grouped into one specialized care
4 unit and disclosure of the beds is on the nursing home initial, renewal, bed change or change of
5 ownership application.

6 (⇌)(e) Direct care nursing personnel staffing ratios established in Rule .2303 of this Subchapter shall not be applied
7 to nursing services for patients who ~~are ventilator assisted at life support settings~~ reside in a special care unit for
8 residents who receive invasive mechanical ventilation. The minimum direct care nursing staff shall be 5.5 hours per
9 patient day, allocated on a per shift basis as the facility chooses; however, in no event shall the direct care nursing
10 staff fall below a registered nurse and a nurse aide I at any time during a 24-hour period.

11
12 *History Note: Authority G.S. 131E-104;*

13 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

14 *Eff. January 1, 1996;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
16 *2015;*

17 *Amended Eff. January 1, 2021-2021:*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

19 *Amended Eff. ~~August 1, 2026~~-April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3101

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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 (e), line 25, is "two-hour" intended? Is this a construction industry term? Please clarify.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3101 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .3100 – DESIGN AND CONSTRUCTION**

4
5 **10A NCAC 13D .3101 GENERAL RULES**

6 (a) Each facility shall be planned, constructed, equipped, and maintained to provide the services offered in the facility.

7 (b) A new facility or remodeling of an existing facility shall meet the requirements of the North Carolina State
8 Building Codes which are incorporated by reference, including all subsequent amendments. Copies of these codes
9 may be ~~purchased from the International Code Council online at <http://www.iccsafe.org/Stire/Pages/default.aspx> at a~~
10 ~~cost of five hundred twenty seven dollars(\$527.00) or~~ accessed electronically free of charge at
11 ~~http://www.ecodes.biz/ecodes_support/Free_Resources/2012NorthCarolina/12NorthCarolina_main.html~~~~[.iccsafe.org/codes/north-carolina](http://codes
12 <a href=)~~. Existing licensed facilities shall meet the requirements of the North Carolina State
13 Building Codes in effect at the time of construction or remodeling.

14 (c) Any existing building converted from another use to a nursing facility shall meet all requirements of a new facility.

15 (d) The sanitation, water supply, sewage disposal, and dietary facilities shall comply with the rules of the North
16 Carolina Division of Public Health, Environmental Health Services Section, which are incorporated by reference,
17 including all subsequent amendments. The “Rules Governing the Sanitation of Hospitals, Nursing Homes, Adult Care
18 Homes and Other Institutions”, 15A NCAC 18A .1300 ~~are available for inspection at the North Carolina Department~~
19 ~~of Health and Human Services, Division of Public Health, Environmental Health Services Section 5606 Six Forks~~
20 ~~Road, Raleigh, North Carolina 27509. Copies may be obtained from the Environmental Health Services section, 1632~~
21 ~~mail Service Center, Raleigh, NC 27699 1632 at no cost, or can~~ may be accessed electronically free of charge at
22 ~~[http://www.oah.nc.gov/](http://reports.oah.state.nc.us/ncac.asp?folderName=Title 15A Environment and Natural Resources\Chapter 18
23 Environmental Health<a href=)~~.

24 (e) The adult care home portion of a combination facility shall meet the rules for a nursing facility contained in
25 Sections .3100, .3200 and .3400 of this Subchapter, except when separated by two-hour fire resistive construction.

26 When separated by two-hour fire-resistive construction, the adult care home portion of the facility shall meet the rules
27 for adult care home in 10A NCAC 13F, Licensing of Adult Care Homes, which are incorporated by reference,
28 including all subsequent amendments; and adult care home resident areas must be located in the adult care home
29 section of the facility. Copies of 10A NCAC 13F, Licensing of Adult Care Homes, can be ~~obtained free of charge~~
30 ~~from the Division of Health Service Regulation, Adult Care Licensure Section, 2708 Mail Service Center, Raleigh,~~
31 ~~NC 27699 2708, or~~ accessed electronically free of charge at ~~[http://reports.oah.state.nc.us/ncac/title%2010a%20-](http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2013%20-%20nc%20medical%20care%20commission/subchapter%20d/subchapter%20d%20rules.html)~~
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52 ~~[http://reports.oah.state.nc.us/ncac/title%2010a%20-](http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2013%20-%20nc%20medical%20care%20commission/subchapter%20d/subchapter%20d%20rules.html)~~
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History Note: Authority G.S. 131E-102; 131E-104;
Eff. January 1, 1996;
Amended Eff. July 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,
~~2015-2015~~;
Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;
Readopted Eff. ~~August 1, 2026-April 1, 2026.~~

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3102

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 7, add a comma after "alteration".

Line 13, delete "are minimum requirements and" since it's unnecessary.

Line 16, add a comma after "criteria".

Line 17, delete or define "because of extraordinary circumstances". Add a comma after "programs".

Line 18, delete the comma after "conditions" and delete "effectively".

Line 19, delete the period after "satisfaction".

Line 21, tab over "Where" for alignment within the Rule. Add a comma after "codes".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3102 is readopted as published in 40:12 NCR 986-998 as follows:

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3 **10A NCAC 13D .3102 APPLICATION OF PHYSICAL PLANT REQUIREMENTS**

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

5 (1) New construction shall comply with the requirements of Sections .3100-.3400 of this Subchapter.

6 (2) Except where otherwise specified, existing buildings shall meet licensure and code requirements in
7 effect at the time of construction, alteration or modification.

8 (3) New additions, alterations, modifications and repairs shall meet the technical requirements of
9 Sections .3100-.3400 of this Subchapter; however, where strict conformance with current
10 requirements would be impractical, the Division may approve alternative measures where the
11 facility can demonstrate to the Division’s satisfaction that the alternative measures do not reduce
12 the safety or operating effectiveness of the facility.

13 (4) Rules contained in Sections .3100-.3400 of this Subchapter are minimum requirements and are not
14 intended to prohibit buildings, systems or operational conditions that exceed minimum
15 requirements.

16 (5) Equivalency: Alternate methods, procedures, design criteria and functional variations from the
17 physical plant requirements, because of extraordinary circumstances, new programs or unusual
18 conditions, may be approved by the Division when the facility can effectively demonstrate to the
19 Division’s satisfaction, that the intent of the physical plant requirements are met and that the
20 variation does not reduce the safety or operational effectiveness of the facility.

21 (6) Where rules, codes or standards have any conflict, the most stringent requirement shall apply.

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23 *History Note: Authority G.S. 131E-104;*

24 *Eff. January 1, 1996;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
26 *~~2015-2015:~~*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

28 *Readopted Eff. ~~August 1, 2026.~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3104

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 5, add a comma after "owner". Replace "of" with "or" and add "the" before "owner's". Add a comma after "representative".

Line 6, delete "to avoid last minute difficulty with construction documents approval" since it's unnecessary.

Line 15, add a comma after "owner" and after "representative".

Line 16, consider deleting "in order" since it's unnecessary.

Line 19, add "of" before "this". Add a comma after "construction" and after "systems" (line 20).

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3104 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .3104 PLANS AND SPECIFICATIONS**

4 (a) When construction or remodeling of a facility is planned, one copy of construction documents and specifications
5 shall be submitted by the owner or owner's appointed representative to the Department for review and approval. As a
6 preliminary step to avoid last minute difficulty with construction documents approval, schematic design drawings and
7 design development drawings may be submitted for approval prior to the required submission of construction
8 documents.

9 (b) Approval of construction documents and specifications shall be obtained from the Department prior to licensure.
10 Approval of construction documents and specifications shall expire one year after the date of approval unless a
11 building permit for the construction has been obtained prior to the expiration date of the approval of construction
12 documents and specifications.

13 (c) If an approval expires, renewed approval shall be issued by the Department, provided revised construction
14 documents and specifications meeting the standards established in Sections .3100, .3200, and .3400 of this Subchapter
15 are submitted by the owner or owner's appointed representative and reviewed by the Department.

16 (d) Any changes made during construction shall require the approval of the Department in order to maintain
17 compliance with the standards established in Sections .3100, .3200, and .3400 of this Subchapter.

18 (e) Completed construction or remodeling shall conform to the standards established in Sections .3100, .3200, and
19 .3400 of this Subchapter. Construction documents and building construction including the operation of all building
20 systems shall be approved in writing by the Department prior to licensure or patient and resident occupancy.

21 (f) The owner or owner's appointed representative shall notify the Department in writing either by U.S. Mail or email
22 when actual construction or remodeling is complete.

23

24 *History Note: Authority G.S. 131E-102; 131E-104;*

25 *Eff. January 1, 1996;*

26 *Amended Eff. July 1, 2014;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
28 *~~2015-2015;~~*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

30 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3201

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 24, add a comma after "activity".

Page 2, line 20, add "set of" before "15".

Line 22, add a comma after the first and second "bathtub" and delete "or".

Page 3, line 21, change "he" to "the".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3201 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .3200 – REQUIRED SPACES**
4

5 **10A NCAC 13D .3201 REQUIRED SPACES**

6 (a) A facility shall meet the following requirements for bedrooms:

- 7 (1) single bedrooms shall be provided with not less than 100 square feet of floor area;
- 8 (2) bedrooms with more than one bed shall be provided with not less than 80 square feet of floor area
9 per bed;
- 10 (3) bedrooms shall have windows with views to the outdoors. The gross window area shall not be less
11 than eight percent of the bedroom floor area required by Subparagraphs (1) and (2) of this Paragraph;
- 12 (4) each bedroom shall be provided with one closet or wardrobe per bed. In nursing facilities and the
13 nursing home portion of combination facilities, the closet or wardrobe shall have clothing storage
14 space of not less than 36 cubic feet per bed with one-half of this space for hanging clothes. In the
15 adult care home portion of a combination facility, the closet or wardrobe shall have clothing storage
16 space of not less than 48 cubic feet per bed with one-half of this space for hanging clothes; and
- 17 (5) floor space for closets, toilet rooms, vestibules, or wardrobes shall not be included in the areas
18 required by this Subparagraph.

19 (b) A facility shall meet the following requirements for dining, activity, and common use areas:

- 20 (1) a separate area or areas set aside for dining, measuring not less than 10 square feet per bed;
- 21 (A) a separate area or areas set aside for dining, measuring not less than 10 square feet per bed;
- 22 (B) a separate area or areas set aside for activities, measuring not less than 10 square feet per
23 bed; and
- 24 (C) an additional dining, activity and common use area or areas, measuring not less than five
25 square feet per bed. This area may be in a separate area or combined with the separate
26 dining and activity areas required by Part (A) and (B) of this Subparagraph.
- 27 (2) the adult care home portion of combination facilities shall have:
- 28 (A) a separate area or areas set aside for dining, measuring not less than 14 square feet per bed;
29 and
- 30 (B) a separate area or areas set aside for activities, measuring not less than 16 square feet per
31 bed.
- 32 (3) the dining room area or areas required by this Paragraph may be combined.
- 33 (4) the activity area or areas in nursing facilities and the nursing home portion of combination facilities
34 shall not be combined with the activity area or areas in the adult care home portion of combination
35 facilities.

- 1 (5) floor spaces for physical, occupational, and rehabilitation therapy shall not be included in the areas
2 required by this Paragraph. Closets and storage units for equipment and supplies shall not be
3 included in the areas required by this Paragraph.
- 4 (6) dining, activity, and common use areas shall be designed and equipped to provide accessibility to
5 both patients and residents confined to wheelchairs and ambulatory patients or residents.
- 6 (7) dining, activity, and common use areas required by this Paragraph shall have windows with views
7 to the outdoors. The gross window area shall not be less than eight percent of the required floor area
8 required by Subparagraphs (1) and (2) of this Paragraph.
- 9 (8) for facilities designed with household units for 30 or fewer patients or residents, the dining and
10 activity areas may be combined.
- 11 (c) Outdoor areas for individuals and group activities shall be provided and shall be accessible to patients and residents
12 with physical disabilities. In the adult care portion of a combination facility, a nursing unit with a control mechanism
13 and staff procedures as required by Rule .3404(f) of this Subchapter shall have direct access to an outdoor area.
- 14 (d) Some means for patients and residents to lock personal articles within the facility shall be provided.
- 15 (e) A facility shall meet the following requirements for toilet rooms, tubs, showers, and central bathing areas:
- 16 (1) a toilet room shall contain a toilet room and lavatory. If a lavatory is provided in each bedroom, the
17 toilet room is not required to have a lavatory.
- 18 (2) a toilet room shall be accessible from each bedroom without going through the general corridor.
- 19 (3) one toilet room may serve two bedrooms, but not more than eight beds.
- 20 (4) one tub or shower shall be provided for each 15 beds not individually served by a tub or shower.
- 21 (5) for each 120 beds or fraction thereof, a central bathing area shall be provided with the following:
- 22 (A) a bathtub or a manufactured walk-in bathtub or a similar manufactured bathtub designed
23 for easy transfer of patients and residents into the tub. Bathtubs shall be accessible on three
24 sides. Manufactured walk-in bathtubs or a similar manufactured bathtubs shall be
25 accessible on two sides;
- 26 (B) a roll-in shower designed and equipped for unobstructed ease of shower chair entry and
27 use. If a bathroom with a roll-in shower designed and equipped for unobstructed ease of
28 shower chair entry adjoins each bedroom in the facility, the central bathing area is not
29 required to have a roll-in shower;
- 30 (C) a toilet and lavatory; and
- 31 (D) a cubicle curtain enclosing the toilet, tub and shower. A closed cubicle curtain at one of
32 these plumbing fixtures shall not restrict access to the other plumbing fixtures.
- 33 (f) For each nursing unit, or fraction thereof on each floor, the following shall be provided:
- 34 (1) a medication preparation area with:
- 35 (A) a counter;
- 36 (B) a double locked narcotic storage area under the visual control of nursing staff;
- 37 (C) a medication refrigerator;

- 1 (D) eye-level medication storage;
- 2 (E) cabinet storage; and
- 3 (F) a sink. The sink shall be trimmed with valves that can be operated without hands. If the
- 4 sink is equipped with blade handles, the blade handles shall not be less than four and one
- 5 half inches in length. The sink water spout shall be mounted so that its discharge point is a
- 6 minimum of 10 inches above the bottom of the sink basin;
- 7 (2) a clean utility room with:
- 8 (A) a counter;
- 9 (B) storage; and
- 10 (C) a sink. The sink shall be trimmed with valves that can be operated without hands. If the
- 11 sink is equipped with blade handles, the blade handles shall not be less than four and one
- 12 half inches in length. The sink water spout shall be mounted so that its discharge point is a
- 13 minimum of 10 inches above the bottom of the sink basin;
- 14 (3) a soiled utility room with:
- 15 (A) a counter;
- 16 (B) storage; and
- 17 (C) a sink. The sink shall be trimmed with valves that can be operated without hands. If the
- 18 sink is equipped with blade handles, the blade handles shall not be less than four and one
- 19 half inches in length. The sink water spout shall be mounted so that its discharge point is a
- 20 minimum of 10 inches above the bottom of the sink basin. The soiled utility room shall be
- 21 equipped for the cleaning and sanitizing of bedpans as required by 15A NCAC 18A .1312
- 22 Toilet: Handwashing: Laundry: And Bathing Facilities;
- 23 (4) a nurses' toilet and locker space for personal belongings;
- 24 (5) a soiled linen storage room. If the soiled linen storage room is combined with the soiled utility room,
- 25 a separate soiled linen storage room is not required;
- 26 (6) clean linen storage provided in one or more of the following:
- 27 (A) a separate linen storage room;
- 28 (B) cabinets in the clean utility room; or
- 29 (C) a linen closet;
- 30 (7) a nourishment station in an area enclosed with walls and doors with:
- 31 (A) work space;
- 32 (B) cabinets;
- 33 (C) refrigerated storage; and
- 34 (D) a small stove, microwave, or hot plate;
- 35 (8) an audio-visual nurse-patient call system arranged to ensure that a patient's or resident's call in the
- 36 facility notifies and directs staff to the location where the call was activated;

1 (9) a control point located no more that 150 feet from the furthest patient or resident bedroom door
2 with:

3 (A) an area for charting patient and resident records;

4 (B) space for storage of emergency equipment and supplies; and

5 (C) nurse patient call and alarm annunciation systems; and

6 (10) a janitor's closet.

7 (g) If a facility is designed with patient or resident household units, a patient and resident dietary area located within
8 the patient or resident household until may substitute for the nourishment station. The patient or resident dietary area
9 shall be for the use of staff, patients, residents, and families. The patient or resident dietary area shall contain:

10 (1) cooking equipment;

11 (2) a kitchen sink;

12 (3) refrigerated storage; and

13 (4) storage areas.

14 (h) Clean linen storage shall be provided in a separate room from bulk supplies.

15 (i) The kitchen area and laundry area each shall have a janitor's closet. Administration, occupational and physical
16 therapy, recreation, personal care, and employee areas shall be provided janitor's closets and may share one as a group.

17 (j) Stretcher and wheelchair storage shall be provided.

18 (k) The facility shall provide patient and resident storage at the rate of not less than five square feet of floor area per
19 licensed bed. This storage space shall:

20 (1) be used by patients and residents to store out-of-season clothing and suitcases;

21 (2) be either in the facility or within 500 feet of the facility on the same site; and

22 (3) be in addition to the other storage space required by this Rule.

23 (l) Office space shall be provided for business transactions. Office space shall be provided for persons holding the
24 following positions:

25 (1) administrator;

26 (2) director of nursing;

27 (3) social services director;

28 (4) activities director; and

29 (5) physical therapist.

30 (m) Each combination facility shall provide a minimum of one residential washer and residential dryer in a location
31 accessible by adult care home staff, residents, and residents' families.

32
33 *History Note: Authority G.S. 131E-104; 42 CFR 483.70;*

34 *Eff. January 1, 1996;*

35 *Amended Eff. August 1, 2014; October 1, 2008;*

36 *Readopted Eff. July 1, 2016;*

37 *Amended Eff. October 1, ~~2016~~2016;*

1

Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025.

2

Readopted Eff. ~~August 1, 2026.~~ April 1, 2026.

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3202

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 4, replace "at" with "in".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3202 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .3202 FURNISHINGS**

4 (a) A facility shall provide handgrips at all toilet and bath facilities used by residents. Handrails shall be provided on
5 both sides of all corridors where corridors are defined by walls and used by residents.

6 (b) A facility shall provide flame resistant privacy screens or curtains in multi-bedded rooms.

7

8 *History Note: Authority G.S. 131E-102;131E-104;*

9 *Eff. January 1, 1996;*

10 *Amended Eff. July1, 2014;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
12 *~~2015-2015;~~*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

14 *Readopted Eff. ~~August 1, 2026~~ April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3401

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 10, add "at no cost" or "free of charge."

Line 16, cite which specific statute(s) are you intending to cite in "90A?"

Lines 19-20, is there a cost to access the materials on this web site? Please clarify.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3401 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **SECTION .3400 – MECHANICAL: ELECTRICAL: PLUMBING**

4
5 **10A NCAC 13D .3401 HEATING AND AIR CONDITIONING**

6 (a) A facility shall provide heating and cooling systems complying with the following:

7 (1) The American National Standards Institute and American Society of Heating, Refrigerating, and Air
8 Conditioning Engineers Standard 170: Ventilation of Health Care Facilities, which is incorporated
9 by reference, including all subsequent amendments and editions, and may be ~~purchased for a cost~~
10 ~~of fifty four dollars (\$54.00) online at accessed electronically at~~
11 http://www.techstreet.com/ashrae/lists.ashrae_standards.tmp. This incorporation does not apply to
12 Section 7.1, Table 7-1 Design Temperature for Skilled Nursing Facility. The environmental
13 temperature control systems shall be capable of maintaining temperatures in the facility at 71
14 degrees F. minimum in the heating season and a maximum of 81 degrees F. during the non-heating
15 season; and

16 (2) The National Fire Protection Association 90A: Standard for the Installation of Air-Conditioning
17 and Ventilating Systems, which is incorporated by reference, including all subsequent amendments
18 and editions, and may be ~~purchased at a cost of thirty nine dollars (\$39.00) from the National Fire~~
19 ~~Protection Association online at <http://www.nfpa.org/catalog/> or accessed electronically free of~~
20 ~~charge at <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=90A>.~~

21 (b) In a facility, the windows in dining, activity and living spaces, and bedrooms shall be openable from the inside.
22 To inhibit patient and resident elopement from any window, the facility may restrict the window opening to a six-inch
23 opening.

24
25 *History Note: Authority G.S. 131E-102; 131E-104;*

26 *Eff. January 1, 1996;*

27 *Amended Eff. July 1, 2014;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
29 *2015-2015;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

31 *Readopted Eff. August 1, 2026-April 1, 2026.*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3402

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Lines 10-11, add a comma after "Subchapter" and delete "and."

Line 22, add quotation marks around "internal wiring system" and add a comma after "system".

Page 2, lines 3-4, correctly spell "stated". Change to "purposes".

Line 8, change to "Item".

Line 15, add quotation marks around "task lighting".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3402 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .3402 EMERGENCY ELECTRICAL SERVICE**

4 A facility shall provide an emergency electrical service for use in the event of failure of the normal electrical service.
5 This emergency electrical service shall consist of the following:

- 6 (1) In any existing facility:
- 7 (a) type 1 and 2 emergency lights as required by the North Carolina State Building Codes:
 - 8 Electrical Code;
 - 9 (b) additional emergency lights for all control points required by Rule .3201(1)(9) of this
 - 10 Subchapter, medication preparation areas required by Rule .3201(1)(1) of this Subchapter
 - 11 and storage areas, and for the telephone switchboard, if applicable;
 - 12 (c) one or more portable battery-powered lamps at each control point required by Rule
 - 13 .3201(1)(9) of this Subchapter; and
 - 14 (d) a source of emergency power for life-sustaining equipment, if the facility admits or cares
 - 15 for occupants needing such equipment, to ensure continuous operation with on-site fuel
 - 16 storage for a minimum of 72 hours.
- 17 (2) An emergency power generating set, including the prime mover and generator, shall be located on
- 18 the premises and shall be reserved exclusively for supplying the essential electrical system. For the
- 19 purposes of this Rule, the “essential electrical system” means a system comprised of alternate
- 20 sources of power and all connected distribution systems and ancillary equipment, designed to ensure
- 21 continuity of electrical power to designated areas and functions of a facility during disruption of
- 22 normal power source, and also to minimize disruption within the internal wiring system as defined
- 23 by the North Carolina State Building Codes: Electrical Code.
- 24 (3) Emergency electrical services shall be provided as required by Rule .3101(b) of this Subchapter
- 25 with the following modification: Section 517.10(B)(2) of the North Carolina State Building Codes:
- 26 Electrical Code shall not apply to new facilities.
- 27 (4) The following equipment, devices, and systems which are essential to life safety and the protection
- 28 of important equipment or vital material shall be connected to the critical branch of the essential
- 29 electrical system as follows:
- 30 (a) nurses’ calling system;
 - 31 (b) fire pump, if installed;
 - 32 (c) one elevator, where elevators are used for the transportation of patients;
 - 33 (d) equipment such as burners and pumps necessary for operation of one or more boilers and
 - 34 their necessary auxiliaries and controls, required for heating and sterilization, if installed;
 - 35 (e) equipment necessary for maintaining telephone service; and
 - 36 (f) task illumination of boiler rooms, if applicable.

- 1 (5) A dedicated critical branch circuit per bed for ventilator-dependent patients is required. This critical
2 branch circuit shall be provided with two duplex receptacles identified for emergency use. When
3 staff determines that the electrical life support needs of the patient exceed the requirements stat in
4 this Item, additional critical branch circuits and receptacles shall be provided. For the purposed of
5 this Rule, a “critical branch circuit” is a circuit of the critical branch subsystem of the essential
6 electrical system which supplies energy to task lighting, selected receptacles and special power
7 circuits serving patient care areas as defined by the North Carolina State Building Codes: Electrical
8 Code. This Item applies to both new and existing facilities.
- 9 (6) Heating equipment provided for ventilator dependent patient bedrooms shall be connected to the
10 critical branch of the essential electrical system and arranged for delayed automatic or manual
11 connection to the emergency power source if the heating equipment depends upon electricity for
12 proper operation. This Item applies to both new and existing facilities.
- 13 (7) Task lighting connected to the automatically transferred critical branch of the essential electrical
14 system shall be provided for each ventilator dependent patient bedroom. For the purposes of this
15 Item, task lighting is defined as lighting needed to carry out necessary tasks for the care of a
16 ventilator dependent patient. This Item applies to both new and existing facilities.
- 17 (8) Where electricity is the only source of power normally used for the heating of space, an essential
18 electrical system shall provide for heating of patient rooms. Emergency heating of patient rooms
19 shall not be required in areas where the facility is supplied by at least two separate generating sources
20 or a network distribution system with the facility feeders so routed, connected, and protected that a
21 fault any place between the generating sources and the facility will not cause an interruption of more
22 than one of the facility service feeders.
- 23 (9) An essential electrical system shall be so controlled that after interruption of the normal electric
24 power supply, the generator is brought to full voltage and frequency and connected within 10
25 seconds through one or more primary automatic transfer switches to all emergency lighting, alarms,
26 nurses’ call, and equipment necessary for maintaining telephone service. All other lighting and
27 equipment required to be connected to the essential electrical system shall either be connected
28 through the 10 second primary automatic transfer switching or shall be connected through delayed
29 automatic or manual transfer switching. If manual transfer switching is provided, staff of he facility
30 shall operate the manual transfer switch.
- 31 (10) Sufficient fuel shall be stored for the operation of the emergency power generator for a period not
32 less than 72 hours, on a 24-hour per day operational basis with on-site fuel storage. The generator
33 system shall be tested and maintained per National Fire Protection Association Health Care
34 Facilities Code, NFPA 99, which is incorporated by reference, including all subsequent amendments
35 and additions. Copies of this code may be obtained from the national Fire Protection Association –
36 online at <http://www.nfpa.org/catalog/> or accessed electronically free of charge at
37 <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=99>.<http://www.nfpa.org/codes->

1 and-standards/nfpa-99-standard-development/99. The facility shall maintain records of the
2 generator system tests and shall make these records available to the Department for inspection upon
3 request.

- 4 (11) The electrical emergency service at existing facilities shall comply with the requirements established
5 in Sections .3100, and .3400 of this Subchapter in effect at the time a license is first issued. Any
6 remodeling of an existing facility that results in changes to the emergency electrical service shall
7 comply with the requirements established in Sections .3100, and .3400 of this Subchapter in effect
8 at the time of remodeling.

9
10 *History Note: Authority G.S. 131E-102;131E-104;*

11 *Eff. January 1, 1996;*

12 *Amended Eff. July1, 2014;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
14 *~~2015-2015;~~*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

16 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3403

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 5, add a comma after "closed" and replace "and" with "an". Change "ours" to "hours".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3403 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .3403 GENERAL ELECTRICAL**

4 (a) In a facility, all main water supply shut off valves in the sprinkler system shall be electronically supervised so that
5 if any valve is closed and alarm will sound at a central station named 24 ours per day, seven days per week.

6 (b) No two adjacent emergency lighting fixtures shall be on the same circuit.

7 (c) Receptacles in bathrooms shall have ground fault protection.

8 (d) Each patient bed location bed shall be provided with a minimum of four single or two duplex receptacles. Two
9 single receptacles or one duplex receptacle shall be connected to the critical branch of the emergency power system
10 at each bed location. Each patient bed location shall also be provided with a minimum of two single receptacles or
11 one duplex receptacle connected to the normal electrical system.

12 (e) Each patient bed location shall be supplied by at least two branch circuits.

13 (f) The fire alarm system shall be installed to transmit an alarm automatically to the fire department that is legally
14 committed to serve the area in which the facility is located. The alarm shall be transmitted either to a fire department
15 or to a third-party service that shall transmit the alarm to the fire department. The method used to transmit the alarm
16 shall be approved by local ordinances.

17 (g) In patient areas, fire alarms shall be gongs or chimes rather than horns or bells.

18

19 *History Note: Authority G.S. 131E-102;131E-104;*

20 *Eff. January 1, 1996;*

21 *Amended Eff. July1, 2014;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
23 *~~2015-2015;~~*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

25 *Readopted Eff. ~~August 1, 2026-April 1, 2026.~~*

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .3404

DEADLINE FOR RECEIPT: Wednesday, April 22, 2026

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:

Line 35, spell "Codes" correctly and add a comma after "edition".

Line 36, which "Sections" "listed in this Paragraph" are you referring to? Did you mean "incorporated" instead of "adopted by reference"?

Page 2, line 3, add a comma after "ovens".

Line 7, add a comma after "doors".

Line 10, remove the "d" from "purposed" and remove the "s" from "Rules".

Line 12, add "the" before "North".

Line 14, change to "Codes" and capitalize "code".

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

Travis Wiggs
Commission Counsel
Date submitted to agency: April 8, 2026

1 10A NCAC 13D .3404 is readopted as published in 40:12 NCR 986-998 as follows:

2
3 **10A NCAC 13D .3404 OTHER**

4 (a) In general patient areas of a facility, each room shall be served by at least one calling station and each bed shall
5 be provided with a call button. Two call buttons serving adjacent beds may be served by one calling station. Calls
6 shall register with the floor staff and shall activate a visible signal in the corridor at the patient's or resident's door.
7 On multi-corridor nursing units, additional visible signals shall be installed at the corridor intersections. In rooms
8 containing two or more calling stations, indicating lights shall be provided at each station. Nurses' calling systems
9 that provide two-way voice communication shall be equipped with an indicating light at each calling station that lights
10 and remains lighted as long as the voice circuit is operating. A nurses' call emergency button shall be provided for
11 patients' and residents' use at each patient and resident toilet, bath, and shower.

12 (b) A facility shall provide:

- 13 (1) at least one telephone located to be accessible by patients, residents, and families for making local
14 phone calls; and
15 (2) cordless telephones or telephone jacks in patient and resident rooms to allow access to a telephone
16 by patients and residents when needed.

17 (c) Outdoor lighting shall be provided to illuminate walkways and drives.

18 (d) A flow of hot water shall be within safety ranges specified as follows:

- 19 (1) Patient Areas – 6 ½ gallons per hour per bed and at a temperature of 100 to 116 degrees F;
20 (2) Dietary Services – 4 gallons per hour per bed and at a minimum temperature of 140 degrees F; and
21 (3) Laundry Areas – 4 ½ gallons per hour per bed and at a minimum temperature of 140 degrees F.

22 (e) If provided in a facility, medical gas and vacuum systems shall be installed, tested, and maintained in accordance
23 with the National Fire Protection Association Health Care Facilities Code, NFPA 99, which is incorporated by
24 reference, including all subsequent amendments and editions. Copies of this code may be purchased for a cost of sixty-
25 one dollars (\$61.00) from the National Fire Protection Association online at <http://nfp.org/catalog/> or accessed
26 electronically free of charge at
27 <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=99>. [http://www.nfpa.org/codes-and-](http://www.nfpa.org/codes-and-standards/nfpa-99-standard-development/99)
28 [standards/nfpa-99-standard-development/99](http://www.nfpa.org/codes-and-standards/nfpa-99-standard-development/99).

29 (f) Each facility shall have a control mechanism and staff procedures for monitoring and managing patients who
30 wander or are disoriented. The control mechanism shall include egress alarms and any of the following:

- 31 (1) an electronic locking system;
32 (2) manual locks; and
33 (3) staff supervision.

34 This requirement applies to new and existing facilities.

35 (g) Sections of the National Fire Protection Association Life Safety Codes, NFPA 101, 2012 edition listed in this
36 Paragraph are adopted by reference.

- 1 (1) 18.2.3.4 with requirements for projections into the means of egress corridor width of wheeled
2 equipment and fixed furniture;
- 3 (2) 18.3.2.5 with requirements for the installation of cook tops, ovens and ranges in rooms and areas
4 open to the corridors;
- 5 (3) 18.5.2.3(2), (3) and (4) with requirements for the installation of direct-vent gas and solid fuel-
6 burning fireplaces in smoke compartments; and
- 7 (4) 18.7.5.6 with requirements for the installation of combustible decorations on walls, doors and
8 ceilings.

9 Smoke compartments where the requirements of these Sections are applied must be protected throughout by an
10 approved automatic sprinkler system. For the purposed of this Rules, “smoke compartments” are spaces within a
11 building enclosed by smoke barriers on all sides, including the top and bottom as indicated in NFP 101, 2012 edition.
12 Where these Sections are less stringent than requirements of eh North Carolina State Building Codes, the requirements
13 of the North Carolina State Building Codes shall apply. Where these Sections are more stringent than the North
14 Carolina Building Coeds, the requirements of these Sections shall apply. Copies of this code may be ~~purchased for a~~
15 ~~cost of ninety three dollars (\$93.00) from the National Fire Protection Association online at~~
16 ~~<http://www.nfpa.org/catalog/>~~ or accessed electronically free of charge at
17 ~~<http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=101>~~.[http://nfpa.org/codes-and-standards/nfpa-](http://nfpa.org/codes-and-standards/nfpa-99-standard-development/99)
18 [99-standard-development/99](http://nfpa.org/codes-and-standards/nfpa-99-standard-development/99).

19 (h) Ovens, ranges, cook tops, and hot plates located in rooms or areas accessible by patients or residents shall not be
20 used by patients or residents except under facility staff supervision. The degree of staff supervision shall be based on
21 the facility’s assessment of the capabilities of each patient and resident.

22
23 *History Note: Authority G.S. 131E-102;131E-104;*

24 *Eff. January 1, 1996;*

25 *Amended Eff. July1, 2014;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
27 *2015-2015;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*

29 *Readopted Eff. August 1, 2026-April 1, 2026.*