

## Burgos, Alexander N

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**Subject:** FW: technical changes for 10A NCAC 13D

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**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Monday, April 27, 2026 9:26 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Wertz, Becky <[becky.wertz@dhhs.nc.gov](mailto:becky.wertz@dhhs.nc.gov)>; Speroff, Beverly <[beverly.speroff@dhhs.nc.gov](mailto:beverly.speroff@dhhs.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Subject:** RE: technical changes for 10A NCAC 13D

You're welcome

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Monday, April 27, 2026 9:25 AM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Wertz, Becky <[becky.wertz@dhhs.nc.gov](mailto:becky.wertz@dhhs.nc.gov)>; Speroff, Beverly <[beverly.speroff@dhhs.nc.gov](mailto:beverly.speroff@dhhs.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Subject:** Re: technical changes for 10A NCAC 13D

Thank you for the quick reply!

Alex, please put the attached on the agenda.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: technical changes for 10A NCAC 13D  
**Attachments:** 10A NCAC 13D .2309.docx

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**From:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Sent:** Monday, April 27, 2026 9:21 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wertz, Becky <becky.wertz@dhhs.nc.gov>; Speroff, Beverly <beverly.speroff@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** RE: technical changes for 10A NCAC 13D

Good morning,

Thanks for catching. Please see attached.

Thanks

1 10A NCAC 13D .2309 is readopted with changes as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2309 CARDIO-PULMONARY RESUSCITATION**

4 (a) Each facility shall develop and implement a Cardio-Pulmonary Resuscitation (CPR) policy.

5 (b) The policy shall be communicated to all residents ef or their responsible party prior to admission.

6 (c) Upon admission each resident or his or her responsible party must acknowledge in writing having received a copy  
7 of the policy.

8 (d) The policy shall designate an outside emergency medical service provider to be immediately notified whenever  
9 an emergency occurs.

10 (e) The policy shall designate the level of CPR that is available using terminology defined by the American Heart  
11 Association. American Heart Association terminology is as follows:

12 (1) Heartsaver CPR;

13 (2) Heartsaver Automatic External Defibrillator (AED);

14 (3) Basic Life Support (BLS); or

15 (4) Advanced Cardiac Life Support (ACLS).

16 (f) The facility shall maintain staff on duty 24 hours a day trained by someone with valid certification from the  
17 American Heart Association or American Red Cross capable of providing CPR at the level stated in the policy. The  
18 facility shall maintain a record in the personnel file of each staff person who has received CPR training.

19 (g) The facility shall have equipment readily available as required to deliver services stated in the policy.

20 (h) The facility shall provide training for staff members who are responsible for providing CPR with regards to the  
21 location of resources and measures for self-protection while administering CPR.

22

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

24 *Eff. October 1, 2006;*

25 *Pursuant to G.S. 150B-21.3A, a 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.*~~*May 1, 2026.*~~

## Burgos, Alexander N

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**Subject:** FW: technical changes for 10A NCAC 13D

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Monday, April 27, 2026 9:18 AM

**To:** Black, Shanah <shanah.black@dhhs.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wertz, Becky <becky.wertz@dhhs.nc.gov>; Speroff, Beverly <beverly.speroff@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Subject:** Re: technical changes for 10A NCAC 13D

Shanah,

Good morning. There is one minor change request that I should've noticed sooner. In 10A NCAC 13D .2309, line 5, please change "of" to "or". I believe that's what was intended.

Please reply all with the change to 13D .2309.

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: technical changes for 10A NCAC 13D

---

**From:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Sent:** Friday, April 24, 2026 9:27 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wertz, Becky <becky.wertz@dhhs.nc.gov>; Speroff, Beverly <beverly.speroff@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** RE: technical changes for 10A NCAC 13D

Thanks for all of the help with these and have a great weekend.

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Friday, April 24, 2026 9:26 AM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Wertz, Becky <[becky.wertz@dhhs.nc.gov](mailto:becky.wertz@dhhs.nc.gov)>; Speroff, Beverly <[beverly.speroff@dhhs.nc.gov](mailto:beverly.speroff@dhhs.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Subject:** Re: technical changes for 10A NCAC 13D

Good morning,

Thank you for the changes. Please send all of your final revised rules on April's agenda to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) (or just reply all). These rules are final for review at April's RRC meeting.

Please let us know if anyone from your agency will be present for the meeting, in-person or on WebEx.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: technical changes for 10A NCAC 13D  
**Attachments:** 10A NCAC 13D .2001.docx; 10A NCAC 13D .2108.docx; 10A NCAC 13D .2211.docx; 10A NCAC 13D .2304.docx; 10A NCAC 13D .2607.docx; 10A NCAC 13D .2701.docx

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**From:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Sent:** Friday, April 24, 2026 8:56 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wertz, Becky <becky.wertz@dhhs.nc.gov>; Speroff, Beverly <beverly.speroff@dhhs.nc.gov>  
**Subject:** RE: technical changes for 10A NCAC 13D

Good morning,

I hope you all are well. These are the revisions the Section has approved. Thank you for your assistance with these and please let us know if you see any further corrections that need to be made.

Have a great day!

### **10A NCAC 13D .2001**

- Line 16, consider replacing "as defined in" with "found at" or "located at".

DONE

### **10A NCAC 13D .2108**

- Line 5, appeals are governed by "G.S. 150B-23". Please reference this G.S. in the Rule.

DONE

### **10A NCAC 13D .2108**

- Line 7, G.S. 131E-105 doesn't speak to how or when the written objection shall be filed. Your response seems to indicate how this is done in practice. I suggest making this clear in this Rule or consider a separate rule in the future.

WE PLAN TO MAKE THIS CLEARER IN A FUTURE RULE.

### **10A NCAC 13D .2211**

- Line 9, please be specific as possible when referencing general statutes. It appears this can be narrowed to "Article 1 of Chapter 90 of the N.C. General Statutes".

DONE

### **10A NCAC 13D .2304**

- Line 9, delete "7" at the end of "G.S. 131E-2567".

DONE

### **10A NCAC 13D .2607**

- Line 5, change "are" to "is".
- Line 6, did you intend to use "free of cost".

DONE

### **10A NCAC 13D .2701**

**.2701**

- Line 6, include "which are".

DONE

1 10A NCAC 13D .2001 is amended with changes 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~~ intimidation,  
9 or 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 their mental or physical condition, can cause physical harm, pain or mental  
13 anguish. It includes Forms of abuse include verbal abuse, sexual abuse, physical abuse, and mental  
14 abuse including abuse facilitated or enabled through the use of technology. Willful, as used in this  
15 definition of abuse, means the individual must have acted deliberately, not that the individual must  
16 have intended to inflict injury or harm. This definition is found at as defined in 42 CFR §  
17 483.5, <http://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483?toc=1>, which is  
18 incorporated by reference, including subsequent amendments. The Code of Federal Regulations  
19 may be accessed at <https://www.ecfr.gov>, <http://www.ecfr.gov>, free of charge.
- 20 (2) "Accident" means an unplanned event resulting in the injury or wounding of a patient or other  
21 individual.
- 22 (3) "Addition" means an extension or increase in floor area or height of a building.
- 23 ~~(4) "Administrator" as defined in G.S. 90-276(4).~~
- 24 ~~(5)(4)~~ (4) "Alteration" means any construction or renovation to an existing structure other than repair,  
25 maintenance, or addition.
- 26 ~~(6) "Brain injury long term care" means an interdisciplinary, intensive maintenance program for patients~~  
27 ~~who have incurred brain damage caused by external physical trauma and who have completed a~~  
28 ~~primary course of rehabilitative treatment and have reached a point of no gain or progress for more~~  
29 ~~than three consecutive months. Brain injury long term care is provided through a medically~~  
30 ~~supervised interdisciplinary process and is directed toward maintaining the individual at the optimal~~  
31 ~~level of physical, cognitive, and behavioral functions.~~
- 32 ~~(7)(5)~~ (5) "Capacity" means the maximum number of patient or resident beds for which the facility is licensed  
33 to maintain at any given time.
- 34 ~~(8)(6)~~ (6) "Combination facility" means a ~~combination home~~ Combination Home as defined in G.S.  
35 131E-101.G.S. 131E 101(1a).
- 36 ~~(9)(7)~~ (7) "Comprehensive, inpatient rehabilitation program" means a program for the treatment of persons  
37 with functional limitations or chronic disabling conditions who have the potential to achieve a

1 significant improvement in activities of daily living, including bathing, dressing, grooming,  
2 transferring, eating, and using speech, language, or other communication systems. A  
3 comprehensive, inpatient rehabilitation program utilizes a coordinated and integrated,  
4 interdisciplinary approach, directed by a physician, to assess patient needs and to provide treatment  
5 and evaluation of physical, psychosocial, and cognitive deficits.

6 ~~(10)~~(8) "Department" means the North Carolina Department of Health and Human Services.

7 ~~(11)~~(9) "Director of nursing" means a registered nurse who has authority and responsibility for all nursing  
8 services and nursing care.

9 ~~(12)~~(10) "Discharge" means a physical relocation of a patient to another health care setting; the discharge of  
10 a patient to his or her home; or the relocation of a patient from a nursing bed to an adult care home  
11 bed, or from an adult care home bed to a nursing bed.

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

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

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

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

21 ~~(17)~~(14) "Interdisciplinary" means an integrated process involving representatives from disciplines of the  
22 health care team.

23 ~~(18)~~(15) "Licensee" means the person, firm, partnership, association, corporation, or organization to whom  
24 a license to operate the facility has been issued. The licensee is the legal entity that is responsible  
25 for the operation of the business.

26 ~~(19)~~(16) "Medication error rate" means the measure of discrepancies between medication that was ordered  
27 for a patient by the health care provider and medication that is administered to the patient. The  
28 medication error rate is calculated by dividing the number of errors observed by the surveyor by the  
29 opportunities for error, multiplied times 100.

30 ~~(20)~~(17) "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful,  
31 temporary or permanent use of a patient's belongings or money without the patient's consent.

32 ~~(21)~~(18) "Neglect" means a failure to provide goods and services necessary to avoid physical harm, mental  
33 anguish, or mental illness.

34 ~~(22)~~(19) "New facility" means a facility for which an initial license is sought, a proposed addition to an  
35 existing facility, or a proposed remodeled portion of an existing facility that will be built according  
36 to construction documents and specifications approved by the Department for compliance with the  
37 standards established in Sections .3100, .3200, and .3400 of this Subchapter.

1 ~~(23)~~(20) "Nurse Aide" means a person who is listed on the N.C. Nurse Aide Registry and provides nursing  
2 or nursing-related services to patients in a nursing home. A nurse aide is not a licensed health  
3 professional. Nursing homes that participate in Medicare or Medicaid shall comply with 42 CFR  
4 483.35, which is incorporated by reference, including subsequent amendments. The the Code of  
5 Federal Regulations may be accessed at <https://www.ecfr.gov>.

6 (21) "Nursing Home Administrator" as defined in G.S. 90-276(4).

7 ~~(24)~~(22) "Nursing facility" means a nursing home as defined in G.S. 131E-101, G.S. 131E 101(6).

8 ~~(25)~~(23) "Patient" means any person admitted for nursing care.

9 ~~(26)~~(24) "Remodeling" means alterations, renovations, rehabilitation work, repairs to structural systems, and  
10 replacement of building systems at a nursing or combination facility.

11 ~~(27)~~(25) "Repair" means reconstruction or renewal of any part of an existing building for the purpose of its  
12 maintenance.

13 ~~(28)~~(26) "Resident" means any person admitted for care to an adult care home part of a combination facility.

14 ~~(29)~~(27) "Respite care" means services provided for a patient on a temporary basis, not to exceed 30 days.

15 ~~(30)~~(28) "Surveyor" means a representative of the Department who inspects nursing facilities and  
16 combination facilities to determine compliance with rules, laws, and regulations as set forth in G.S.  
17 131E-117; Subchapters 13D and 13F of this Chapter; and 42 CFR Part 483, Requirements for States  
18 and Long Term Care Facilities.

19 ~~(31)~~(29) "Violation" means a failure to comply with rules, laws, and regulations as set forth in G.S. 131E-  
20 117 and 131D-21; Subchapters 13D and 13F of this Chapter; or 42 CFR Part 483, Requirements for  
21 States and Long Term Care Facilities, that relates to a patient's or resident's health, safety, or welfare,  
22 or that creates a risk that death, or physical harm may occur.

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

1 10A NCAC 13D .2108 is readopted with changes 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~~ revoke, ~~or~~ alter a license ~~license~~, or any  
5 decision to suspend admissions by making such an appeal in accordance with G.S. 150B-23 ~~G.S. 150B~~ and ~~10A~~  
6 ~~NCAC 01.10A~~ NCAC 14A .0100.

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

9

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

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.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .2211 is readopted with changes 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 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 certified, or registered in accordance with applicable state  
9 laws according to G.S. 90-Article 1 of Chapter 90 of the N.C. General Statutes.

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

11 (e) The facility shall train all staff staff, including independent contractors, periodically in accordance with their job  
12 duties.

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

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

16

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

18 *Eff. January 1, 1996;*

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

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

22 *Readopted Eff. August 1, 2026. May 1, 2026.*

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

2

3 **10A NCAC 13D .2304 NURSE AIDES AND OTHER HEALTH CARE PERSONNEL**

4 (a) The facility shall employ or contract individuals as nurse aides in compliance with N.C. General Statute 131E,  
5 Article 15 131E- 256, and facilities certified for Medicare or Medicaid participation shall also comply with 42 CFR  
6 Part 483 483, which is incorporated by reference, including subsequent amendments. The Code of Federal Regulations  
7 may be accessed online free of charge at [http://www.access.gpo.gov/nara/cfr/waisidx\\_08/42cfr483\\_08](http://www.access.gpo.gov/nara/cfr/waisidx_08/42cfr483_08).

8 (b) Each staff person at the facility without an occupational license shall have no findings listed on the North Carolina  
9 Health Care Personnel Registry according to G.S. ~~131E-2567~~,131E-256.

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

12

13 *History Note: Authority G.S. 131E-104;131E-255; 131E-256; 143B-165; 42 U.S.C. 1395; 42 U.S.C. 1396;*

14 *Eff. January 1, 1996;*

15 *Amended Eff. January 1, 2012;*

16 *Pursuant to G.S. 150B-21.3A, a 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.May 1, 2026.*

1 10A NCAC 13D .2607 is readopted with changes 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~~ 10A NCAC 26E  
5 .0408, which ~~hereby are~~ is incorporated by reference including subsequent amendments. This Rule can be accessed  
6 online ~~free of cost~~ at <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 ~~e~~ or 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~~ 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)~~ (10A NCAC 26E), which is hereby incorporated by  
23 reference including subsequent amendments. These Rules can be accessed online free of charge at  
24 <http://reports.oah.state.nc.us/ncac.asp>.

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

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

29 *Eff. January 1, 1996;*

30 *Amended Eff. July 1, 2012;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
32 *~~2015-2015;~~*

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

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

1 10A NCAC 13D .2701 is amended with changes 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 online free of charge at  
8 <https://ecfr.gov>, <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483?toc=1>.

9 ~~A facility shall ensure that each patient is provided with a palatable diet that meets his or her daily nutritional and specialized~~  
10 ~~nutritional needs.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 *Eff. January 1, 1996;*

15 *Amended Eff. August 1, 2012;*

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 ***Amended Eff. August 1, 2026. May 1, 2026.***

## Burgos, Alexander N

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**Subject:** FW: technical changes for 10A NCAC 13D

---

**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Thursday, April 23, 2026 3:21 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: technical changes for 10A NCAC 13D

I understand. I will try.

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, April 23, 2026 3:20 PM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Re: technical changes for 10A NCAC 13D

Thanks. It would be helpful if we can get these rules finalized by COB tomorrow. We have our pre-meeting with the Chair tomorrow and many of the Commissioners review upcoming rules the weekend prior to RRC meetings.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Thursday, April 23, 2026 3:00 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: technical changes for 10A NCAC 13D

I have gotten them all updated except for .2108. Waiting to hear back from Beverly. Thanks for letting me know about the meeting.

## **Burgos, Alexander N**

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**Subject:** FW: technical changes for 10A NCAC 13D

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Thursday, April 23, 2026 2:51 PM  
**To:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Re: technical changes for 10A NCAC 13D

Please get them to us as soon as possible on Monday. FYI, I will not be at the RRC meeting on Tuesday and Seth will be filling in for me.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: technical changes for 10A NCAC 13D

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Thursday, April 23, 2026 11:48 AM  
**To:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Re: technical changes for 10A NCAC 13D

Good morning,

Thank you for the changes and responses. Please see further requests below.

### **10A NCAC 13D .2001**

- Line 16, consider replacing "as defined in" with "found at" or "located at".

### **10A NCAC 13D .2108**

- Line 5, appeals are governed by "G.S. 150B-23". Please reference this G.S. in the Rule.

### **10A NCAC 13D .2108**

- Line 7, G.S. 131E-105 doesn't speak to how or when the written objection shall be filed. Your response seems to indicate how this is done in practice. I suggest making this clear in this Rule or consider a separate rule in the future.

### **10A NCAC 13D .2211**

- Line 9, please be specific as possible when referencing general statutes. It appears this can be narrowed to "Article 1 of Chapter 90 of the N.C. General Statutes".

### **10A NCAC 13D .2304**

- Line 9, delete "7" at the end of "G.S. 131E-2567".

### **10A NCAC 13D .2607**

- Line 5, change "are" to "is".
- Line 6, did you intend to use "free of cost".

### **10A NCAC 13D .2701**

- Line 6, include "which are".

Please reply with changes at your earliest convenience.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**From:** Black, Shanah  
**Sent:** Wednesday, April 22, 2026 1:58 PM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N  
**Subject:** technical changes for 10A NCAC 13D  
**Attachments:** 04\_2026-Medical Care Commission-Request for Technical Changes.docx; 10A NCAC 13D .2001.docx; 10A NCAC 13D .2101.docx; 10A NCAC 13D .2102.docx; 10A NCAC 13D .2103.docx; 10A NCAC 13D .2104.docx; 10A NCAC 13D .2105.docx; 10A NCAC 13D .2106.docx; 10A NCAC 13D .2107.docx; 10A NCAC 13D .2108.docx; 10A NCAC 13D .2109.docx; 10A NCAC 13D .2201.docx; 10A NCAC 13D .2202.docx; 10A NCAC 13D .2203.docx; 10A NCAC 13D .2204.docx; 10A NCAC 13D .2205.docx; 10A NCAC 13D .2206.docx; 10A NCAC 13D .2207.docx; 10A NCAC 13D .2208.docx; 10A NCAC 13D .2209.docx; 10A NCAC 13D .2210.docx; 10A NCAC 13D .2211.docx; 10A NCAC 13D .2212.docx; 10A NCAC 13D .2301.docx; 10A NCAC 13D .2302.docx; 10A NCAC 13D .2303.docx; 10A NCAC 13D .2304.docx; 10A NCAC 13D .2305.docx; 10A NCAC 13D .2306.docx; 10A NCAC 13D .2307.docx; 10A NCAC 13D .2308.docx; 10A NCAC 13D .2309.docx; 10A NCAC 13D .2401.docx; 10A NCAC 13D .2402.docx; 10A NCAC 13D .2501.docx; 10A NCAC 13D .2502.docx; 10A NCAC 13D .2503.docx; 10A NCAC 13D .2504.docx; 10A NCAC 13D .2505.docx; 10A NCAC 13D .2601.docx; 10A NCAC 13D .2602.docx; 10A NCAC 13D .2603.docx; 10A NCAC 13D .2604.docx; 10A NCAC 13D .2605.docx; 10A NCAC 13D .2606.docx; 10A NCAC 13D .2607.docx; 10A NCAC 13D .2701.docx; 10A NCAC 13D .2801.docx; 10A NCAC 13D .2802.docx; 10A NCAC 13D .2901.docx; 10A NCAC 13D .2902.docx; 10A NCAC 13D .3003.docx; 10A NCAC 13D .3004.docx; 10A NCAC 13D .3005.docx; 10A NCAC 13D .3031.docx; 10A NCAC 13D .3101.docx; 10A NCAC 13D .3102.docx; 10A NCAC 13D .3103.docx; 10A NCAC 13D .3104.docx; 10A NCAC 13D .3201.docx; 10A NCAC 13D .3202.docx; 10A NCAC 13D .3401.docx; 10A NCAC 13D .3402.docx; 10A NCAC 13D .3403.docx; 10A NCAC 13D .3404.docx

Good afternoon,

Please see attached and let us know if you have any additional changes to be made to these rules.

Thanks for your assistance.

Shanah Black  
Rule-making Coordinator  
Division of Health Service Regulation  
[NC Department of Health and Human Services](#)

Work Cell: 919-896-9371  
Office: 919-855-3481  
Fax: 919-733-2757  
[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)

2701 Mail Service Center  
Raleigh, NC 27699-2701

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**Request for Changes Pursuant to  
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

**Note the following general instructions:**

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;;and”
  - Right: “~~day,~~ day,and”
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

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

***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 a comma after “intimidation”.*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

*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 \(002\)](#)*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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**

***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)(2), line 36, add “or”, if that what’s intended.*

**Response: Updated in text.**

*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.*

**Response: Can’t quantify how quickly someone can be notified in an emergency situation such as a hurricane, etc. when communication may be impaired.**

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

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2105

**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), 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."*

**Response: Updated in text.**

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

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**

***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, specify “the rules adopted under that law” that are intended.*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 10, what is meant by “third revisit.”*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 25, what is meant by “third revisit.”*

**Response: Updated in text.**

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

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.”*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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”.*

**Response: Updated in text.**

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

**Response: Appeals of decisions made by the NC DHSR are primarily governed by the Administrative Procedure Act (Chapter 150B of the NC General Statutes. This is a complete answer.**

*Line 7, add “their” before “full.”*

**Response: Updated in text.**

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

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?*

**Response: § 131E-105 is referenced in the rule. Upon entrance to a nursing home that does not participate in Medicare and Medicaid, our staff ask the Nursing Home Administrator for a list of residents who deny surveyors to view information in their chart and surveyors do not include these individuals on the sample for review.**

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

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.*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2202

**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."*

**Response: Updated in text.**

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

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..."*

**Response: Updated in text.**

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

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."*

**Response: Updated in text.**

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

**Response: The licensure section does not prescribe where a nursing home stores their emergency procedures.**

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

**Response: Updated in text.**

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

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”.*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

*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.”*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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

**Response: Updated in text.**

*Line 17, add a comma after “procedures”.*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 26, add a comma after “processed”.*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*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".*

**Response: No. Patient property is included in (a), line 6. Updated in text.**

*Line 19, replace "notify" with "provide notification".*

**Response: Updated in text.**

*Line 24, consider adding "being received by the administration" after "allegation."*

**Response: Updated in text.**

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

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."*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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.*

**Response: Updated in text.**

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

**Response: Updated in text. Directors of nursing are considered staff members. Physicians may be staff members, but most are not.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 23, add a comma after "relationships".*

**Response: Updated in text.**

*Line 30, add a comma after "hearing".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

*Line 7, add a comma after "administrator".*

**Response: Updated in text.**

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

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.*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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."*

**Response: The specific statute was updated in the text. Please note (b) was added because the nursing home licensure rule did not address staff with findings on the Health Care Personnel Registry. The title of the rule was also changed to accommodate the addition.**

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

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

*Line 9, who shall conduct the "evaluation?"*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 20, delete the apostrophe after "patient".*

**Response: Updated in text.**

*Line 24, add a comma after "restraining".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 26, tab over "progress".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 33, add a comma after "conditions".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

*Line 7, add a comma after "indexed".*

**Response: Updated in text.**

*Line 8, add a comma after "damage".*

**Response: Updated in text.**

*Line 16, add a comma after "maintenance".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 20, add a comma after "training".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 19, add a comma after "order".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 9, delete the comma after "physician".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 10, add a comma after "safe".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 15, add a comma after "plan".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 15, "within 5 days" of what?*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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."*

**Response: Updated in text.**

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

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”.*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 8, spell “or” correctly.*

**Response: Updated in text.**

*Line 10, add a comma after “area”.*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 22, add a comma after “26E)”.*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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 \(002\)](#)*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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."*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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."*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 32, add a comma after "drawings".*

**Response: Updated in text.**

*Line 35, add a comma after "therapy".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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.*

**Response: Yes, in North Carolina, 2-hour fire-resistant construction refers to building assemblies (walls, floors, roofs) tested to withstand fire exposure for at least two hours without structural failure or flame penetration, adhering to NC Building Code standards.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 16, add a comma after "criteria".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

*Line 19, delete the period after "satisfaction".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

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."*

**Response: Updated in text.**

*Line 16, cite which specific statute(s) are you intending to cite in "90A?"*

**Response: All of NFPA 90A is applicable to NH facilities. NFPA 90A is the installation code for HVAC systems. The way it is written in the document is correct.**

*Lines 19-20, is there a cost to access the materials on this web site? Please clarify.*

**Response: We would rather just have the online free access added because these editions can be purchased on multiple sites.**

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

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."*

**Response: Updated in text.**

*Line 22, add quotation marks around "internal wiring system" and add a comma after "system".*

**Response: Updated in text.**

*Page 2, lines 3-4, correctly spell "stated". Change to "purposes".*

**Response: Updated in text.**

*Line 8, change to "Item".*

**Response: Already was "Item" in text.**

*Line 15, add quotation marks around "task lighting".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

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

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".*

**Response: Updated in text.**

*Line 36, which "Sections" "listed in this Paragraph" are you referring to? Did you mean "incorporated" instead of "adopted by reference"?*

**Response: It is our understanding that there is a difference in adopting certain parts of a Code or Regulation than incorporating the entire Code or Regulation into the rules. In Line 25, the intent is only to "adopt" five items from 2012 NFPA 101; four of which are listed from Chapter 18 and smoke compartment requirements that have various requirements throughout 2012 NFPA 101. It is not the intent of this rule to "incorporate" 2012 NFPA 101 in its entirety for nursing homes. All nursing home facilities certified for Medicare/Medicaid Services through federal government Center for Medicare/Medicaid Services (CMS) by CMS requirements have to meet all requirements of 2012 NFPA 101. The "adoption" in these few requirements are mainly for the few licensed, private pay nursing homes that are not required to meet CMS requirements. If the understanding of the difference between "adopt" and "incorporate" is incorrect, any necessary changes to the rule can be made.**

*Page 2, line 3, add a comma after "ovens".*

**Response: Updated in text.**

*Line 7, add a comma after "doors".*

**Response: Updated in text.**

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

*Line 10, remove the “d” from “purposed” and remove the “s” from “Rules”.*

**Response: Updated in text.**

*Line 12, add “the” before “North”.*

**Response: Updated in text.**

*Line 14, change to “Codes” and capitalize “code”.*

**Response: Updated in text.**

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 with changes 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~~ intimidation,  
9 or 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 their mental or physical condition, can cause physical harm, pain or mental  
13 anguish. It includes Forms of abuse include verbal abuse, sexual abuse, physical abuse, and mental  
14 abuse including abuse facilitated or enabled through the use of technology. Willful, as used in this  
15 definition of abuse, means the individual must have acted deliberately, not that the individual must  
16 have intended to inflict injury or harm. This definition is as defined in 42 CFR §  
17 483.5, <http://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483?toc=1>, which is  
18 incorporated by reference, including subsequent amendments. The Code of Federal Regulations  
19 may be accessed at <https://www.ecfr.gov>, <http://www.ecfr.gov>, free of charge.
- 20 (2) "Accident" means an unplanned event resulting in the injury or wounding of a patient or other  
21 individual.
- 22 (3) "Addition" means an extension or increase in floor area or height of a building.
- 23 ~~(4) "Administrator" as defined in G.S. 90-276(4).~~
- 24 ~~(5)(4)~~ (4) "Alteration" means any construction or renovation to an existing structure other than repair,  
25 maintenance, or addition.
- 26 ~~(6) "Brain injury long term care" means an interdisciplinary, intensive maintenance program for patients~~  
27 ~~who have incurred brain damage caused by external physical trauma and who have completed a~~  
28 ~~primary course of rehabilitative treatment and have reached a point of no gain or progress for more~~  
29 ~~than three consecutive months. Brain injury long term care is provided through a medically~~  
30 ~~supervised interdisciplinary process and is directed toward maintaining the individual at the optimal~~  
31 ~~level of physical, cognitive, and behavioral functions.~~
- 32 ~~(7)(5)~~ (5) "Capacity" means the maximum number of patient or resident beds for which the facility is licensed  
33 to maintain at any given time.
- 34 ~~(8)(6)~~ (6) "Combination facility" means a ~~combination home~~ Combination Home as defined in G.S.  
35 131E-101.G.S. 131E 101(1a).
- 36 ~~(9)(7)~~ (7) "Comprehensive, inpatient rehabilitation program" means a program for the treatment of persons  
37 with functional limitations or chronic disabling conditions who have the potential to achieve a

1 significant improvement in activities of daily living, including bathing, dressing, grooming,  
2 transferring, eating, and using speech, language, or other communication systems. A  
3 comprehensive, inpatient rehabilitation program utilizes a coordinated and integrated,  
4 interdisciplinary approach, directed by a physician, to assess patient needs and to provide treatment  
5 and evaluation of physical, psychosocial, and cognitive deficits.

6 ~~(10)~~(8) "Department" means the North Carolina Department of Health and Human Services.

7 ~~(11)~~(9) "Director of nursing" means a registered nurse who has authority and responsibility for all nursing  
8 services and nursing care.

9 ~~(12)~~(10) "Discharge" means a physical relocation of a patient to another health care setting; the discharge of  
10 a patient to his or her home; or the relocation of a patient from a nursing bed to an adult care home  
11 bed, or from an adult care home bed to a nursing bed.

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

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

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

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

21 ~~(17)~~(14) "Interdisciplinary" means an integrated process involving representatives from disciplines of the  
22 health care team.

23 ~~(18)~~(15) "Licensee" means the person, firm, partnership, association, corporation, or organization to whom  
24 a license to operate the facility has been issued. The licensee is the legal entity that is responsible  
25 for the operation of the business.

26 ~~(19)~~(16) "Medication error rate" means the measure of discrepancies between medication that was ordered  
27 for a patient by the health care provider and medication that is administered to the patient. The  
28 medication error rate is calculated by dividing the number of errors observed by the surveyor by the  
29 opportunities for error, multiplied times 100.

30 ~~(20)~~(17) "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful,  
31 temporary or permanent use of a patient's belongings or money without the patient's consent.

32 ~~(21)~~(18) "Neglect" means a failure to provide goods and services necessary to avoid physical harm, mental  
33 anguish, or mental illness.

34 ~~(22)~~(19) "New facility" means a facility for which an initial license is sought, a proposed addition to an  
35 existing facility, or a proposed remodeled portion of an existing facility that will be built according  
36 to construction documents and specifications approved by the Department for compliance with the  
37 standards established in Sections .3100, .3200, and .3400 of this Subchapter.

1 ~~(23)~~(20) "Nurse Aide" means a person who is listed on the N.C. Nurse Aide Registry and provides nursing  
2 or nursing-related services to patients in a nursing home. A nurse aide is not a licensed health  
3 professional. Nursing homes that participate in Medicare or Medicaid shall comply with 42 CFR  
4 483.35, which is incorporated by reference, including subsequent amendments. The the Code of  
5 Federal Regulations may be accessed at <https://www.ecfr.gov>.

6 (21) "Nursing Home Administrator" as defined in G.S. 90-276(4).

7 ~~(24)~~(22) "Nursing facility" means a nursing home as defined in G.S. 131E-101, G.S. 131E 101(6).

8 ~~(25)~~(23) "Patient" means any person admitted for nursing care.

9 ~~(26)~~(24) "Remodeling" means alterations, renovations, rehabilitation work, repairs to structural systems, and  
10 replacement of building systems at a nursing or combination facility.

11 ~~(27)~~(25) "Repair" means reconstruction or renewal of any part of an existing building for the purpose of its  
12 maintenance.

13 ~~(28)~~(26) "Resident" means any person admitted for care to an adult care home part of a combination facility.

14 ~~(29)~~(27) "Respite care" means services provided for a patient on a temporary basis, not to exceed 30 days.

15 ~~(30)~~(28) "Surveyor" means a representative of the Department who inspects nursing facilities and  
16 combination facilities to determine compliance with rules, laws, and regulations as set forth in G.S.  
17 131E-117; Subchapters 13D and 13F of this Chapter; and 42 CFR Part 483, Requirements for States  
18 and Long Term Care Facilities.

19 ~~(31)~~(29) "Violation" means a failure to comply with rules, laws, and regulations as set forth in G.S. 131E-  
20 117 and 131D-21; Subchapters 13D and 13F of this Chapter; or 42 CFR Part 483, Requirements for  
21 States and Long Term Care Facilities, that relates to a patient's or resident's health, safety, or welfare,  
22 or that creates a risk that death, or physical harm may occur.

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

1 10A NCAC 13D .2101 is amended as published in 40:12 NCR 986-998 as follows:

2  
3 **SECTION .2100 - LICENSURE**

4  
5 **10A NCAC 13D .2101 APPLICATION REQUIREMENTS**

6 (a) A legal entity shall submit an application for licensure for a new facility to the Nursing Home Licensure and  
7 Certification Section of the Division of Health Service Regulation at least 30 days prior to a license being issued or  
8 patients admitted.

9 (b) The application shall contain the following:

- 10 (1) legal identity of applicant (~~licensee~~) and mailing address; and mailing address. This is the full legal  
11 name of the corporation as on file with the NC Secretary of State, partnership, individual or other  
12 legal entity owning the nursing home. The license will be issued to the entity and it will become  
13 the licensee;
- 14 (2) name or names under which the facility is presented to the public;
- 15 (3) ~~location~~ site and mailing address of facility;
- 16 (4) ~~ownership disclosure;~~ disclosure including names and contact information of owners, principals,  
17 affiliates, shareholder and members. "Owner" means any person who has or had legal or equitable  
18 title to or a majority interest in a nursing home. "Principal" means any person who is or was the  
19 owner or operator of a nursing home, an executive officer of a corporation that does or did own or  
20 operate a nursing home, a general partner of a partnership that does or did own or operate a nursing  
21 home, or a sole proprietorship that does or did own or operate a nursing home. "Affiliate" means  
22 any person that directly or indirectly controls or did control a nursing home or any person who is  
23 controlled by a person who controls or did control a nursing home.
- 24 (5) building owner including names and contact information;
- 25 (6) management disclosure including names and contact information;
- 26 (7) multiple facility system disclosure within North Carolina including names and contact information  
27 of parent company and senior officer. A multiple facility system is defined as two or more nursing  
28 homes or health care facilities under the same ownership.
- 29 (8) operation disclosure including names and contact information for the administrator, director of  
30 nursing, activity director, social services director, medical director, emergency on-call dental  
31 provider, therapy providers, medical records professional, pharmacy consultant and dietary  
32 consultant. Pharmacy location disclosure including name and contact information of the pharmacist  
33 manager;
- 34 (9) name and current license number of the administrator, director of nursing and the medical director;
- 35 (10) continuing care retirement community disclosure;
- 36 (11) combination facility disclosure including which rules the facility intends to apply for the operation  
37 of the adult care home beds;

1       ~~(5)(12) bed complement; the total licensed bed capacity including nursing facility general beds, nursing~~  
2               ~~facility special care unit dementia beds, nursing facility ventilator beds, adult care home general~~  
3               ~~beds and adult care home special care unit dementia beds;~~

4       ~~(6) magnitude and scope of services offered;~~

5       ~~(7) name and current license number of the administrator;~~

6       ~~(8) name and current license number of the director of nursing; and~~

7       ~~(9) name and current license number of the medical director.~~

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

10               *Eff. January 1, 1996;*

11               *Amended Eff. July 1, 2012;*

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. May 1, 2026.*

1 10A NCAC 13D .2102 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2102 ISSUANCE OF LICENSE**

4 (a) Only one license shall be issued to each facility. The Department shall issue a license to the licensee of the facility  
5 following review of operational policies and procedures and verification of compliance with applicable laws and rules.

6 (b) Licenses are not transferable.

7 (c) The bed capacity and services provided in a facility shall be in compliance with G.S. 131E, Article 9 regarding  
8 Certificate of Need.

9 (d) The license shall be posted in a prominent location, accessible to public view, within the licensed premises.

10

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

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. ~~May 1, 2026.~~*

1 10A NCAC 13D .2103 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2103 LENGTH OF LICENSURE**

4 Licenses shall remain in effect up to 12 months, unless any of the following occurs:

- 5 (1) Department imposes an administrative sanction which specifies license expiration;
- 6 (2) closure;
- 7 (3) change of ownership;
- 8 (4) change of site;
- 9 (5) change of bed complement; or
- 10 (6) failure to comply with Rule .2104 of this Section.

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-21.3A, rule is necessary Eff. April 2, 2025;*

17 *Readopted Eff. August 1, 2026. ~~May 1, 2026.~~*

1 10A NCAC 13D .2104 is amended with changes 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~~ specifies  
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; **or**

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. May 1, 2026.~~*

1 10A NCAC 13D .2105 is amended with changes 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 Regulation. And the The increased bed capacity 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. May 1, 2026.*

1 10A NCAC 13D .2106 is readopted with changes 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.~~ Article 9.

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 provisions~~ of G.S. 131E, ~~Article 6~~  
9 ~~Article 6; and the rules promulgated under that article;~~ and

10 (2) ~~there is continued non-compliance after the third revisit;~~ the facility failed to achieve compliance  
11 following three subsequent visits to the facility.

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

14 (1) the length of the provisional license;

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

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

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

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

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

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

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

23 (1) The Department finds that:

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

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

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

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

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

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

36 *Eff. January 1, 1996;*

37 *Amended Eff. January 1, 2013;*

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*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.~~May 1, 2026.~~*

1 10A NCAC 13D .2107 is readopted with changes 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 pursuant to 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~~ hospitalization, or on return from temporary care to the facility facility, based on the availability of a  
17 bed and the ability of the facility to provide necessary care. Upon return from the hospital, the requirements of G.S.  
18 131E-130 apply.

19

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

21 *Eff. January 1, 1996;*

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

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

25 *Readopted Eff. August 1, 2026. ~~May 1, 2026.~~*

1 10A NCAC 13D .2108 is readopted with changes 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~~ **revoke**, ~~or~~ alter a **license** ~~license~~, or any  
5 decision to suspend admissions by making such an appeal in accordance with G.S. 150B and ~~10A NCAC 01.10A~~  
6 **NCAC 14A .0100**.

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

9

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

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. ~~May 1, 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. May 1, 2026.*

25

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

2  
3 **SECTION .2200 – GENERAL STANDARDS OF ADMINISTRATION**

4  
5 **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-facility under their control.

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. ~~May 1, 2026.~~*

1 10A NCAC 13D .2202 is readopted with changes as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2202 ADMISSIONS**

4 (a) No patient shall be admitted except by a physician. Admission shall be in accordance with facility policies and  
5 procedures. Patients who require health, habilitative, or rehabilitative care for which the facility is not licensed and is  
6 incapable of providing, shall not be admitted to the licensed nursing home.

7 (b) The facility shall acquire, prior to or at the time of admission, orders for the immediate care of the patient from  
8 the admitting physician.

9 (c) Within 48 hours of admission, the facility shall acquire medical information which shall include current medical  
10 findings, diagnoses, and other information necessary to formalize the initial plan of care.

11 (d) Only persons who are 18 years of age or older shall be admitted to the adult care home portion of a combination  
12 facility.

13

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

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

16 *Eff. January 1, 1996;*

17 *Amended Eff. January 1, 2013;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
19 *2015-2015;*

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

21 *Readopted Eff. August 1, 2026. ~~May 1, 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.~~May 1, 2026.~~*

1 10A NCAC 13D .2204 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2204 RESPITE CARE**

4 (a) Respite care is not required as a condition of licensure. Facilities providing respite care, however, shall meet the  
5 requirements of this Subchapter with the following exceptions: Rules .2205, .2301, and .2501(b) and (c) of this  
6 Subchapter.

7 (b) Facilities providing respite care shall meet the following additional requirements:

8 (1) A patient’s descriptive record of stay shall include the preadmission or admission assessment,  
9 interdisciplinary notes as warranted by episodic events, medication administration records and a  
10 summary of the stay upon discharge.

11 (2) The facility shall complete a preadmission or admission assessment which allows for the  
12 development of a short-term plan of care and is based on the patient’s customary routine. The  
13 assessment shall address needs, including but not limited to identifying information, customary  
14 routines, hearing, vision, cognitive ability, functional limitations, continence, special procedures  
15 and treatments, skin conditions, behavior and mood, oral and nutritional status and medication  
16 regimen. The plan shall be developed to meet the respite care patient’s needs.

17 (3) The attending physician of the respite care patient will be notified of any acute changes or acute  
18 episode which warrant medical involvement. Medical orders and progress notes shall be written  
19 following the physician’s visit.

20

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

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.*~~*May 1, 2026.*~~

1 10A NCAC 13D .2205 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2205 DISCHARGE OF PATIENTS**

4 (a) The facility shall ensure a medical order for discharge is obtained for all patients except when a patient leaves  
5 against medical advice or is discharged for non-payment.

6 (b) The facility shall ensure discharge planning is accomplished according to each patient's needs when a discharge  
7 is anticipated.

8 (c) The facility shall ensure the patient or the legal representative is informed and included in the discharge planning  
9 process.

10

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

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.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .2206 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2206 MEDICAL DIRECTOR**

4 (a) The facility shall designate a physician to serve as medical director.

5 (b) The medical director shall be responsible for implementation of patient care policies and coordination of medical  
6 care in the facility.

7

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

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

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.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .2207 is readopted with changes 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~~ Patient abuse, ~~neglect~~ neglect, ~~or and~~ misappropriation ~~the definitions shall have the meaning~~  
7 ~~defined are defined~~ in Rule .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.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .2208 is readopted with changes 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~~ 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 is~~ free of accident ~~hazards as possible;~~ hazards; 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.~~ May 1, 2026.*

1 10A NCAC 13D .2209 is amended with changes 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 clean, and comfortable environment and preventing to prevent the transmission of communicable diseases  
6 and ~~infection~~-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 disease, consisting of two or more  
25 linked cases of disease transmission 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  
30 Prevention:Prevention, which can be accessed free of charge at [http://cdc.gov/tb-healthcare-settings/hcp/screening-](http://cdc.gov/tb-healthcare-settings/hcp/screening-testing/baseline-testing.html)  
31 [testing/baseline-testing.html](http://cdc.gov/tb-healthcare-settings/hcp/screening-testing/baseline-testing.html).

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

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

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

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

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

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

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

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

25 ~~(h)~~(i) The facility shall require all staff to use hand ~~washing technique~~ hygiene techniques as indicated recommended  
26 in the Centers for Disease Control and Prevention, "Guideline for Hand Hygiene in Health-Care Settings,  
27 Recommendations of the Healthcare Infection Control Practices Advisory Committee and the  
28 HICPAC/SHEA/APIC/IDSA Hand Hygiene Task Force". This information can be accessed at  
29 <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5116a1.htm> [hygiene/index.html](https://www.cdc.gov/infection-control/hcp/hand-</a></u><br/>30 <u><a href=), ~~which is~~ incorporated by reference, including subsequent ~~amendments.~~amendments, free of  
31 charge.

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

33 (k) Blood glucose meters shall be dedicated for single patient use. The patient's blood glucose meter should be stored  
34 in a manner that will protect against inadvertent use of the device for additional patients. The blood glucose meter  
35 should be cleaned and disinfected after every use, per the manufacturer's instructions. The blood glucose meter should  
36 be protected from cross contamination via contact with other meters or equipment. If the patient no longer needs

1 assisted blood glucose monitoring or is discharged from the facility, a meter designed for professional settings, not an  
2 over-the-counter device, will be disinfected according to manufacturer's instructions prior to use on another patient.

3  
4 *History Note: Authority G.S. 131E-104; 131E-113;*

5 *Eff. January 1, 1996;*

6 *Amended Eff. July 1, 2012;*

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 *Amended Eff. August 1, 2026.* ~~*May 1, 2026.*~~

11

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

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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 **free of charge** 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 exploitation,** or mistreatment, including  
15 injuries of **an** unknown source and misappropriation of patient property within the time periods for notification  
16 specified in 42 CFR 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 facility,** and  
19 fraud against the facility. The facility shall **notify provide notification** within 24 hours of the facility's becoming  
20 aware of the allegation.

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

24 (e) A facility shall ensure that the report of investigation is printed or typed and sent to the Division of Health Service  
25 Regulation within five working days of the **allegation-allegation being received by the administration,** The report shall  
26 include:

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

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

1 *History Note: Authority G.S. 131E-104; 131E-131; 131E-255; 131E-256; 131E-117;*  
2 *Eff. January 1, 1996;*  
3 *Amended Eff. July 1, 2014; February 1, 2013; August 1, 2008; October 1, 1998;*  
4 *Readopted Eff. July 1, ~~2016-2016~~;*  
5 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*  
6 *Amended Eff. August 1, 2026. ~~May 1, 2026.~~*

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8

1 10A NCAC 13D .2211 is readopted with changes 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 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 certified, or registered in accordance with applicable state  
9 laws according to G.S. 90.

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

11 (e) The facility shall train all staff staff, including independent contractors, periodically in accordance with their job  
12 duties.

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

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

16

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

18 *Eff. January 1, 1996;*

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

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

22 *Readopted Eff. August 1, 2026. May 1, 2026.*

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

2

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

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

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

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

10

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

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

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-21.3A, rule is necessary Eff. April 2, 2025;*

17 *Readopted Eff. August 1, 2026. ~~May 1, 2026.~~*

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

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

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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 are implemented as appropriate.

9 (b) The facility shall perform, within 14 days of admission and at least annually, a comprehensive, accurate,  
10 comprehensive accurately documented assessment of each patient's capability to perform daily life functions. This  
11 comprehensive assessment 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  
24 relationships, and other 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 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~~ at least once every  
2 90 days 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.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .2302 is readopted with changes 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** **administrator**, or acting  
8 administrator during an 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.~~May 1, 2026.~~*

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

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

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

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

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

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

(d) Except for designated units with higher staffing requirements noted elsewhere in this Subchapter, in 10A NCAC 13D, .3003, daily direct patient care nursing staff, licensed and unlicensed, shall include:

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

*History Note: Authority G.S. 131E-104;*  
*Eff. January 1, 1996;*  
*Amended Eff. January 1, 2013;*  
*Readopted Eff. July 1, 2016-2016;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*  
*Readopted Eff. August 1, 2026-May 1, 2026.*

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

2

3 **10A NCAC 13D .2304 NURSE AIDES AND OTHER HEALTH CARE PERSONNEL**

4 (a) The facility shall employ or contract individuals as nurse aides in compliance with N.C. General Statute 131E,  
5 Article 15 131E- 256, and facilities certified for Medicare or Medicaid participation shall also comply with 42 CFR  
6 Part 483 483, which is incorporated by reference, including subsequent amendments. The Code of Federal Regulations  
7 may be accessed online free of charge at [http://www.access.gpo.gov/nara/cfr/waisidx\\_08/42cfr483\\_08](http://www.access.gpo.gov/nara/cfr/waisidx_08/42cfr483_08).

8 (b) Each staff person at the facility without an occupational license shall have no findings listed on the North Carolina  
9 Health Care Personnel Registry according to G.S. 131E-2567.

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

12

13 *History Note: Authority G.S. 131E-104;131E-255; 131E-256; 143B-165; 42 U.S.C. 1395; 42 U.S.C. 1396;*

14 *Eff. January 1, 1996;*

15 *Amended Eff. January 1, 2012;*

16 *Pursuant to G.S. 150B-21.3A, a 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.May 1, 2026.*

1 10A NCAC 13D .2305 is readopted with changes 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~~ mental, or psychosocial status shall be evaluated and reported to  
7 the 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~~ The facility shall evaluate to  
10 ensure that the least 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, use the 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~~ patients with limited range of motion, or who are at risk for loss of range  
21 of motion, receive treatment services to prevent development of contractures or deformities, and to obtain and maintain  
22 their optimal level of functioning.

23 (h) The facility shall ensure that patients who are unable to feed themselves receive the appropriate assistance,  
24 ~~restraining~~ 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-necessary for sustenance.

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;

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

1 10A NCAC 13D .2306 is readopted with changes 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 duration, or without indications for the prescription of the drug. Drugs shall not be  
8 used without monitoring or in the presence of adverse conditions that indicate the drugs’ usage should be modified or  
9 discontinued. 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 Durationduration” 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 Therapytherapy” means multiple medications of the same pharmacological class or  
18 category or any medication therapy that replicates a particular effect of another medication that the  
19 individual 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 conditions, or risks can be  
34 managed by a 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.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .2307 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2307 DENTAL CARE AND SERVICES**

4 (a) The facility shall ensure that routine and emergency dental services are available for all patients.

5 (b) The facility shall, if necessary, assist the patient in making appointments and obtaining transportation to the  
6 dentist's office.

7

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

9 *Eff. January 1, 1996;*

10 *Pursuant to G.S. 150B-21.3A, a 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.*~~

1 10A NCAC 13D .2308 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2308 ADULT CARE HOME PERSONNEL REQUIREMENTS**

4 (a) The administrator of a combination home shall designate a person to be in charge of the adult care home residents  
5 at all times. The nurse-in-charge of the nursing facility may also serve as supervisor-in-charge of the domiciliary beds.

6 (b) If adult care home beds are located in a separate building or a separate level of the same building, there shall be a  
7 person on duty in the adult care home portion of the facility at all times.

8

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

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

11 *Eff. January 1, 1996;*

12 *Amended Eff. July 1, 2012;*

13 *Pursuant to G.S. 150B-21.3A, a 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.~~May 1, 2026.~~*

1 10A NCAC 13D .2309 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2309 CARDIO-PULMONARY RESUSCITATION**

4 (a) Each facility shall develop and implement a Cardio-Pulmonary Resuscitation (CPR) policy.

5 (b) The policy shall be communicated to all residents of their responsible party prior to admission.

6 (c) Upon admission each resident or his or her responsible party must acknowledge in writing having received a copy  
7 of the policy.

8 (d) The policy shall designate an outside emergency medical service provider to be immediately notified whenever  
9 an emergency occurs.

10 (e) The policy shall designate the level of CPR that is available using terminology defined by the American Heart  
11 Association. American Heart Association terminology is as follows:

12 (1) Heartsaver CPR;

13 (2) Heartsaver Automatic External Defibrillator (AED);

14 (3) Basic Life Support (BLS); or

15 (4) Advanced Cardiac Life Support (ACLS).

16 (f) The facility shall maintain staff on duty 24 hours a day trained by someone with valid certification from the  
17 American Heart Association or American Red Cross capable of providing CPR at the level stated in the policy. The  
18 facility shall maintain a record in the personnel file of each staff person who has received CPR training.

19 (g) The facility shall have equipment readily available as required to deliver services stated in the policy.

20 (h) The facility shall provide training for staff members who are responsible for providing CPR with regards to the  
21 location of resources and measures for self-protection while administering CPR.

22

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

24 *Eff. October 1, 2006;*

25 *Pursuant to G.S. 150B-21.3A, a 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.*~~*May 1, 2026.*~~

1 10A NCAC 13D .2401 is readopted with changes 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 ~~staffed~~, and equipped to ensure:

7 (1) records are processed, indexed ~~indexed~~, and filed accurately;

8 (2) records are stored in such a manner as to provide protection from loss, damage ~~damage~~, or  
9 unauthorized use;

10 (3) records contain sufficient information to identify the patient plus a record of all assessments; plan  
11 of care; pre-admission screening, if applicable; records of implementation of plan of care; progress  
12 notes; and record of discharge, including a discharge summary signed by the physician; and

13 (4) records are readily accessible by authorized personnel.

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

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

22  
23 *History Note: Authority G.S. 131E-104; 131E-116;*

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

25 *Eff. January 1, 1996;*

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.~~*

1 10A NCAC 13D .2402 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2402 PRESERVATION OF MEDICAL RECORDS**

4 (a) A facility shall keep medical records on file for five years following the discharge of an adult patient.

5 (b) Notwithstanding Paragraph (c) of this Rule, if the patient is a minor when discharged from the nursing facility,  
6 the records shall be kept on file until his or her 19<sup>th</sup> birthday and for the additional time specified in G.S. 1-17(b) for  
7 commencement of an action on behalf of a minor.

8 (c) If a facility discontinues operation, the licensee shall inform the Division of Health Service Regulation where its  
9 records are stored. For five years after a facility discontinues operations, records shall be stored with a business  
10 offering medical record storage and retrieval services.

11 (d) All medical records are confidential. A facility shall comply with 42 CFR Parts 160, 162 and 164 of the Health  
12 Insurance Portability and Accountability Act.

13 (e) At the time of the inspection, a facility shall inform the surveyor of the name of any patient who has denied the  
14 Department access to his or her medical record pursuant to G.S. 131E-105.

15

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

17 *Eff. January 1, 1996;*

18 *Amended Eff. November 1, 2014;*

19 *Readopted Eff. July 1, 2016-2016;*

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

21 *Readopted Eff. August 1, 2026.~~May 1, 2026.~~*

1 10A NCAC 13D .2501 is readopted with changes 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~~ days, and at least every 60  
10 days thereafter. Following the initial visit, the physician may delegate this responsibility to a physician assistant or  
11 nurse practitioner every other visit. A physician’s visit is considered timely if the visit occurs not later than 10 days  
12 after the visit was required.

13 (c) Physicians shall review the patient’s medical plan of care, ~~write~~ write, or ~~dictate~~ dictate, and sign progress notes;  
14 and ~~sgn~~ sign and 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~~ order, and name of person receiving the order. The physician, or other person legally authorized to  
20 prescribe, 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. May 1, 2026.*

1 10A NCAC 13D .2502 is readopted with changes 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~~ consistent with applicable state and federal  
8 regulations, and the facility's policies and procedures pertaining ~~the to~~ physician services.

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

12

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

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-21.3, rule is necessary Eff. April 2, 2025;*

18 *Readopted Eff. August 1, 2026.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .2503 is readopted with changes 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~~ 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 ~~May 1, 2026~~;*

1 10A NCAC 13D .2504 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2504 LABORATORY AND RADIOLOGY SERVICES**

4 The facility shall provide or obtain clinical laboratory and radiology services to ensure that each patient's needs are  
5 met. Such services shall include the following:

- 6 (1) provision of laboratory and radiology services within the facility or by contractual agreement;
- 7 (2) diagnostic testing to be done only in accordance with a medical order;
- 8 (3) reports to be dated once filed in the patient's medical record;
- 9 (4) notification of the physician, nurse practitioner or physician assistant regarding findings; and
- 10 (5) assistance in arranging transportation for the patient when testing must be done other than in the  
11 facility.

12

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

14 *Eff. January 1, 1996;*

15 *Pursuant to G.S. 150B-21.3A, a 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.~~May 1, 2026.~~*

1 10A NCAC 13D .2505 repealed as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2505 BRAIN INJURY LONG-TERM CARE PHYSICIAN SERVICES**

4

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

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

7 *Eff. January 1, 1996;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
9 *~~2015-2015.~~*

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

11 *Repealed Eff. August 1, 2026.*~~*May 1, 2026.*~~

1 10A NCAC 13D .2601 is readopted with changes 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~~ receiving, and administering of all drugs and biologicals.

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

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

- 14 (1) a review of the patient’s diagnoses, ~~history and~~ history, physical, discharge summary, diet, vital  
15 signs, current physician’s orders, laboratory values, progress notes, interdisciplinary care ~~plan~~ plan,  
16 and 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. May 1, 2026.*

1 10A NCAC 13D .2602 is readopted with changes 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~~ of 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.* ~~*May 1, 2026.*~~

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

2

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

4 (a) The pharmacist shall report ~~to~~ 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. ~~May 1, 2026.~~*

1 10A NCAC 13D .2604 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2604 DRUG PROCUREMENT**

4 (a) The facility shall not possess a stock of prescription drugs for general or common use except as permitted by the  
5 North Carolina Board of Pharmacy and as follows:

- 6 (1) for all intravenous and irrigation solutions in single unit quantities exceeding 49 ml. and related  
7 equipment for the use and administration of such;
- 8 (2) diagnostic agents;
- 9 (3) vaccines;
- 10 (4) drugs designated for inclusion in an emergency kit approved by the facility's Quality Assurance  
11 Committee;
- 12 (5) water for injection; and
- 13 (6) normal saline for injection.

14 (b) Patient Drugs:

- 15 (1) The contents of all prescriptions shall be kept in the original container bearing the original label as  
16 described in Subparagraph (b)(2) of this Rule.
- 17 (2) Except in a 72-hour or less unit dose system, each individual patient's prescription drugs shall be  
18 labeled with the following information:
  - 19 (A) the name of the patient for whom the drug is intended;
  - 20 (B) the most recent date of issue;
  - 21 (C) the name of the prescriber;
  - 22 (D) the name and concentration of the drug, quantity dispensed, and prescription serial number;
  - 23 (E) a statement of generic equivalency which shall be indicated if a brand other than the brand  
24 prescribed is dispensed;
  - 25 (F) the expiration date, unless dispensed in a single unit or unit dose package;
  - 26 (G) auxiliary statements as required of the drug;
  - 27 (H) the name, address and telephone number of the dispensing pharmacy; and
  - 28 (I) the name of the dispensing pharmacist.

29 (c) Non-prescription drugs shall be kept in the original container as received from the supplier and shall be labeled  
30 with at least:

- 31 (1) the name and concentration of the drug, and quantity packaged;
- 32 (2) the name of the manufacturer, lot number and expiration date.

33

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

35 *Eff. January 1, 1996;*

36 *Amended Eff. January 1, 2013;*

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*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.~~May 1, 2026.~~*

1 10A NCAC 13D .2605 is readopted with changes 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 lit, 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  
10 F.→F.). Drug containers must be placed in another container separate from non-drug items when  
11 stored in a refrigerator.
- 12 (3) Drugs intended for topical use, except for ophthalmic, optie optic, and transdermal medications,  
13 shall ne be stored in an area separate from the drugs intended for oral and injectable use.
- 14 (4) Drugs that are outdated, discontinued o discontinued, or deteriorated shall b be removed from the  
15 facility within five days, upon discovery.

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 free of charge 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.May 1, 2026.*

1 10A NCAC 13D .2606 is readopted with changes 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 free of charge at  
9 <http://reports.oah.state.nc.us/ncac.asp>.

10

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

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

13 *Eff. January 1, 1996;*

14 *Amended Eff. July 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 *Readopted Eff. August 1, 2026.~~May 1, 2026.~~*

1 10A NCAC 13D .2607 is readopted with changes 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~~ 10A NCAC 26E  
5 .0408, which ~~I hereby~~ are incorporated by reference including subsequent amendments. This Rule can be accessed  
6 online free of cost at <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 ~~e~~ or 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~~ 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)~~ (10A NCAC 26E), which is hereby incorporated by  
23 reference including subsequent amendments. These Rules can be accessed online free of charge at  
24 <http://reports.oah.state.nc.us/ncac.asp>.

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

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

29 *Eff. January 1, 1996;*

30 *Amended Eff. July 1, 2012;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
32 *~~2015-2015;~~*

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

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

1 10A NCAC 13D .2701 is amended with changes 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 **online free of charge** at  
8 <https://ecfr.gov>, <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483?toc=1>.

9 ~~A facility shall ensure that each patient is provided with a palatable diet that meets his or her daily nutritional and specialized~~  
10 ~~nutritional needs.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 *Eff. January 1, 1996;*

15 *Amended Eff. August 1, 2012;*

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 ***Amended Eff. August 1, 2026. May 1, 2026.***

1 10A NCAC 13D .2801 is amended with changes 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~~ mental, and psychosocial  
8 well-being, 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 An activity director hired after August 1, 2026 shall meet a minimum educational requirement  
20 by being a high school graduate or certified under the GED Program.
- 21 (2) The An activity director hired after August 1, 2026 shall complete, within nine months of  
22 employment or assignment to this position, the basic activity course for nursing home activity  
23 directors offered by community colleges, universities or other nationally recognized online  
24 platforms, that include a minimum of 10 hours of documentation in the course. An activity director  
25 shall be exempt from the 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;G.S. 90C-22;~~
- 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;G.S. 90-270.67, 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. ~~May 1, 2026~~.*

1 10A NCAC 13D .2802 is readopted with changes 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~~ 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 a human services field, including ~~but~~  
9 ~~not limited to sociology~~ sociology, special education, rehabilitation counseling counseling, and or  
10 psychology; and

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

12

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

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

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.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .2901 is readopted as published in 40:12 NCR 986-998 as follows:

2  
3 **SECTION .2900 – SPECIAL REQUIREMENTS**

4  
5 **10A NCAC 13D .2901 REPORT OF DEATH**

6  
7 The facility shall have a written plan to be followed in case of patient death. The plan shall provide for the following:

- 8 (1) collection of data needed for the death certificate as required by G.S. 130A-117;
- 9 (2) recording time of death;
- 10 (3) pronouncement of death in accordance with facility policy;
- 11 (4) notification of the attending physician responsible for signing the death certificate;
- 12 (5) documented notification of next of kin or legal guardian;
- 13 (6) authorization and release of the body to a funeral home.

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.~~May 1, 2026.~~*

1 10A NCAC 13D .2902 is readopted as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .2902 PETS**

4 When facility policies permit pets in the facility, the following conditions shall be met:

5 (1) The facility policy shall not be in violation of any local health ordinances regarding pet health and  
6 control.

7 (2) Pets shall not be permitted to enter areas where food is being prepared.

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.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .3003 is amended with changes 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](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 **online free of charge** 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)~~ (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)~~ (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 **the** manufacturer's instructions and with constant monitoring~~  
29 ~~by 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**~~  
33 ~~**drawings**, and 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**, **therapy**, and durable medical~~  
36 ~~equipment 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~~ 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~~ change, or change  
5           of ownership application.

6   ~~(e)~~(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~~ May 1, 2026.*

1 10A NCAC 13D .3004 is repealed as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .3004 BRAIN INJURY LONG-TERM CARE**

4

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

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

7 *Eff. January 1, 1996;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
9 *~~2015-2015.~~*

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

11 *Repealed Eff. August 1, 2026.*~~*May 1, 2026.*~~

12

13

1 10A NCAC 13D .3005 is repealed as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .3005 SPECIAL NURSING REQUIREMENTS FOR BRAIN INJURY LONG-TERM**  
4 **CARE**

5

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

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

8 *Eff. January 1, 1996;*

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

10 *~~2015-2015;~~*

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

12 *Repealed Eff. August 1, 2026.~~May 1, 2026.~~*

13

14

1 10A NCAC 13D .3031 is repealed as published in 40:12 NCR 986-998 as follows:

2

3 **10A NCAC 13D .3031 ADDITIONAL REQUIREMENTS FOR SPINAL CORD INJURY PATIENTS**

4

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

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

7 *Eff. January 1, 1996;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
9 *~~2015-2015.~~*

10 *Pursuant to G.S. 150B-21.3A, rules is unnecessary Eff. April 2, 2025.*

11 *Repealed Eff. August 1, 2026.* ~~*May 1, 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.icsafe.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](http://www.ecodes.biz/ecodes_support/Free_Resources/2012NorthCarolina/12NorthCarolina_main.html)~~~~[.iccsafe.org/codes/north-carolina](http://codes</a></del><br/>12 <del><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</a></del><br/>23 <del>Environmental Health</del><del><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)~~  
32 ~~[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)~~  
33 ~~[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)~~  
34 ~~[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)~~  
35 ~~[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)~~  
36 ~~[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)~~  
37 ~~[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)~~  
38 ~~[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)~~  
39 ~~[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)~~  
40 ~~[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)~~  
41 ~~[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)~~  
42 ~~[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)~~  
43 ~~[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)~~  
44 ~~[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)~~  
45 ~~[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)~~  
46 ~~[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)~~  
47 ~~[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)~~  
48 ~~[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)~~  
49 ~~[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)~~  
50 ~~[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)~~  
51 ~~[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)~~  
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)~~  
53 ~~[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)~~  
54 ~~[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)~~  
55 ~~[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)~~  
56 ~~[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)~~  
57 ~~[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)~~  
58 ~~[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)~~  
59 ~~[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)~~  
60 ~~[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)~~  
61 ~~[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)~~  
62 ~~[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)~~  
63 ~~[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)~~  
64 ~~[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)~~  
65 ~~[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)~~  
66 ~~[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)~~  
67 ~~[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)~~  
68 ~~[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)~~  
69 ~~[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)~~  
70 ~~[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)~~  
71 ~~[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)~~  
72 ~~[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)~~  
73 ~~[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. ~~May 1, 2026.~~*

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

2  
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 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 criteria, and functional variations from  
17 the physical plant requirements, because of extraordinary circumstances, or new programs or  
18 unusual conditions, may be approved by the Division when the facility can effectively demonstrate  
19 to the Division's satisfaction, satisfaction that the intent of the physical plant requirements are met  
20 and that the variation does not reduce the safety or operational effectiveness of the facility.
- 21 (6) Where rules, codes codes, or standards have any conflict, the most stringent requirement shall apply.

22  
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. May 1, 2026.*

1 10A NCAC 13D .3103 is readopted as published in 40:12 NCR 986-998 as follows:

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3 **10A NCAC 13D .3103 SITE**

4 The site of proposed facility must be approved by the Department prior to construction as:

5 (1) accessible by public roads;

6 (2) accessible to fire fighting services;

7 (3) having a water supply, sewage disposal system, garbage disposal system, and trash disposal system  
8 approved by the local health department having jurisdiction;

9 (4) meeting all local ordinances and zoning laws; and

10 (5) being free from exposure to hazards and pollutants.

11

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

13 *Eff. January 1, 1996;*

14 *Amended Eff. July 1, 2014;*

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.* ~~*May 1, 2026.*~~

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

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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 of~~ owner, or owner's appointed ~~representative~~ representative, to the Department for  
6 review and approval. As a preliminary ~~step,~~ step to avoid last minute difficulty with construction documents approval,  
7 schematic design drawings and design development drawings may be submitted for approval prior to the required  
8 submission of construction 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~~ owner, or owner's appointed ~~representative~~ representative, and reviewed by the  
16 Department.

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

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

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

25  
26 *History Note: Authority G.S. 131E-102; 131E-104;*

27 *Eff. January 1, 1996;*

28 *Amended Eff. July 1, 2014;*

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

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

32 *Readopted Eff. August 1, 2026.* ~~*May 1, 2026.*~~

1 10A NCAC 13D .3201 is readopted with changes 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 activity**, and common use area or areas, measuring not less  
25 than five square feet per bed. This area may be in a separate area or combined with the  
26 separate 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 **set of** 15 beds not individually served by a tub or  
21 shower.

22 (5) for each 120 beds or fraction thereof, a central bathing area shall be provided with the following:

23 (A) a **bathtub or bathtub**, a manufactured walk-in **bathtub bathtub**, or a similar manufactured  
24 bathtub designed for easy transfer of patients and residents into the tub. Bathtubs shall be  
25 accessible on three sides. Manufactured walk-in bathtubs or a similar manufactured  
26 bathtubs shall be accessible on two sides;

27 (B) a roll-in shower designed and equipped for unobstructed ease of shower chair entry and  
28 use. If a bathroom with a roll-in shower designed and equipped for unobstructed ease of  
29 shower chair entry adjoins each bedroom in the facility, the central bathing area is not  
30 required to have a roll-in shower;

31 (C) a toilet and lavatory; and

32 (D) a cubicle curtain enclosing the toilet, tub and shower. A closed cubicle curtain at one of  
33 these plumbing fixtures shall not restrict access to the other plumbing fixtures.

34 (f) For each nursing unit, or fraction thereof on each floor, the following shall be provided:

35 (1) a medication preparation area with:

36 (A) a counter;

37 (B) a double locked narcotic storage area under the visual control of nursing staff;

- 1 (C) a medication refrigerator;
- 2 (D) eye-level medication storage;
- 3 (E) cabinet storage; and
- 4 (F) a sink. The sink shall be trimmed with valves that can be operated without hands. If the
- 5 sink is equipped with blade handles, the blade handles shall not be less than four and one
- 6 half inches in length. The sink water spout shall be mounted so that its discharge point is a
- 7 minimum of 10 inches above the bottom of the sink basin;
- 8 (2) a clean utility room with:
- 9 (A) a counter;
- 10 (B) storage; and
- 11 (C) a sink. The sink shall be trimmed with valves that can be operated without hands. If the
- 12 sink is equipped with blade handles, the blade handles shall not be less than four and one
- 13 half inches in length. The sink water spout shall be mounted so that its discharge point is a
- 14 minimum of 10 inches above the bottom of the sink basin;
- 15 (3) a soiled utility room with:
- 16 (A) a counter;
- 17 (B) storage; and
- 18 (C) a sink. The sink shall be trimmed with valves that can be operated without hands. If the
- 19 sink is equipped with blade handles, the blade handles shall not be less than four and one
- 20 half inches in length. The sink water spout shall be mounted so that its discharge point is a
- 21 minimum of 10 inches above the bottom of the sink basin. The soiled utility room shall be
- 22 equipped for **he the** cleaning and sanitizing of bedpans as required by 15A NCAC 18A
- 23 .1312 Toilet: Handwashing: Laundry: And Bathing Facilities;
- 24 (4) a nurses' toilet and locker space for personal belongings;
- 25 (5) a soiled linen storage room. If the soiled linen storage room is combined with the soiled utility room,
- 26 a separate soiled linen storage room is not required;
- 27 (6) clean linen storage provided in one or more of the following:
- 28 (A) a separate linen storage room;
- 29 (B) cabinets in the clean utility room; or
- 30 (C) a linen closet;
- 31 (7) a nourishment station in an area enclosed with walls and doors with:
- 32 (A) work space;
- 33 (B) cabinets;
- 34 (C) refrigerated storage; and
- 35 (D) a small stove, microwave, or hot plate;
- 36 (8) an audio-visual nurse-patient call system arranged to ensure that a patient's or resident's call in the
- 37 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. ~~May 1, 2026.~~

1 10A NCAC 13D .3202 is readopted with changes 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~~ in all toilet and bath facilities used by residents. Handrails shall be provided  
5 on 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.~~May 1, 2026.~~*

1 10A NCAC 13D .3401 is readopted with changes 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 online free of charge electronically at  
11 [http://www.techstreet.com/ashrae/lists.ashrae\\_standards.tmp](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~~ online electronically free  
20 of 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. May 1, 2026.*

1 10A NCAC 13D .3402 is readopted with changes 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
  - 11 ~~Subchapter~~Subchapter, 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~~ “internal
- 23 wiring system.” as defined 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**  
4 **stated** in this Item, additional critical branch circuits and receptacles shall be provided. For the  
5 **purposed purposes** of this Rule, a “critical branch circuit” is a circuit of the critical branch subsystem  
6 of the essential electrical system which supplies energy to task lighting, selected receptacles and  
7 special power circuits serving patient care areas as defined by the North Carolina State Building  
8 Codes: Electrical 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** “**task lighting**” is defined as lighting needed to carry out necessary tasks for the  
16 care of a 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.~~May 1, 2026.~~*

1 10A NCAC 13D .3403 is readopted with changes 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~~ ~~closed,~~ ~~and an~~ alarm will sound at a central station named 24 ~~ours~~ hours per day, seven days per  
6 week.

7 (b) No two adjacent emergency lighting fixtures shall be on the same circuit.

8 (c) Receptacles in bathrooms shall have ground fault protection.

9 (d) Each patient bed location shall be provided with a minimum of four single or two duplex receptacles. Two  
10 single receptacles or one duplex receptacle shall be connected to the critical branch of the emergency power system  
11 at each bed location. Each patient bed location shall also be provided with a minimum of two single receptacles or  
12 one duplex receptacle connected to the normal electrical system.

13 (e) Each patient bed location shall be supplied by at least two branch circuits.

14 (f) The fire alarm system shall be installed to transmit an alarm automatically to the fire department that is legally  
15 committed to serve the area in which the facility is located. The alarm shall be transmitted either to a fire department  
16 or to a third-party service that shall transmit the alarm to the fire department. The method used to transmit the alarm  
17 shall be approved by local ordinances.

18 (g) In patient areas, fire alarms shall be gongs or chimes rather than horns or bells.

19

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

21 *Eff. January 1, 1996;*

22 *Amended Eff. July1, 2014;*

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.May 1, 2026.*

1 10A NCAC 13D .3404 is readopted with changes 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-~~  
28 ~~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 **CdesCodes**, NFPA 101, 2012 **edition** **edition**,  
36 listed in this 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 ovens**, and ranges in rooms and  
4 areas 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 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 purpose** of this **Rules, Rule**, “smoke compartments” are spaces  
11 within a building enclosed by smoke barriers on all sides, including the top and bottom as indicated in NFP 101, 2012  
12 edition. Where these Sections are less stringent than requirements of **eh the** North Carolina State Building Codes, the  
13 requirements of the North Carolina State Building Codes shall apply. Where these Sections are more stringent than  
14 the North Carolina Building **Coeds, Codes**, the requirements of these Sections shall apply. Copies of this code may be  
15 ~~purchased for a 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.May 1, 2026.***

## **Burgos, Alexander N**

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**From:** Black, Shanah  
**Sent:** Monday, April 20, 2026 11:29 AM  
**To:** Rules, Oah  
**Cc:** Burgos, Alexander N; Wiggs, Travis C  
**Subject:** Readoption 10A NCAC 13A  
**Attachments:** 10A NCAC 13A .0101.docx; 10A NCAC 13A .0201.docx; 10A NCAC 13A .0202.docx; 10A NCAC 13A .0203.docx

Good morning,

These are the final rules for 10A NCAC 13A seeking approval at the RRC April meeting.

Thanks,

Shanah Black  
Rule-making Coordinator  
Division of Health Service Regulation  
[NC Department of Health and Human Services](#)

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1 10A NCAC 13A .0101 is readopted with changes 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~~ Commission in addition to the chairman and vice-chairman of the ~~commission.~~  
10 Commission. Three members shall be appointed by a vote of the ~~commission~~ Commission at the December  
11 meeting of each odd year and two members shall be appointed by the chairman of the ~~commission~~  
12 Commission at the December meeting of each even year. No member of the executive committee, except the  
13 chairman and vice-chairman, shall serve more than two two-year terms in succession. The chairman and vice-  
14 chairman of the ~~commission~~ Commission shall also be chairman and vice-chairman of the executive  
15 committee.

16 (b) The functions of the executive committee shall be to:

17 (1) transact business ~~in on~~ in on behalf of the ~~commission;~~ Commission, consistent with established policy,  
18 ~~which which~~, in the opinion of the ~~chairman~~ chairman, is of such urgency that action is required  
19 before the next regularly scheduled ~~commission~~ Commission meeting and the impact of the action  
20 would not justify the convening of a special meeting of the ~~commission;~~ Commission;

21 (2) transact business ~~in on~~ in on behalf of the ~~commission~~ Commission when a quorum is not obtained at any  
22 public ~~commission~~ Commission meeting for ~~which which~~, prior notice of at least ten days has been  
23 ~~given;~~ given of the public meeting at via our notice section on our website  
24 <http://info.ncdhhs.gov/dhsr/ncmcc/index.html#notices;>

25 (3) review periodically the activities of the ~~commission~~ Commission and the assignments and  
26 recommendations of the various committees for the purpose of developing policy recommendations  
27 for ~~commission~~ Commission consideration.

28 (c) All actions of the executive committee shall be reviewed at the next ~~commission~~ meeting ~~meeting~~ Commission  
29 meeting, and if disagreement is expressed by a simple majority of the members present and voting at any  
30 ~~commission~~ Commission meeting in which a quorum is present, the functions of the executive committee  
31 shall be suspended until resolved ~~by later action of~~ the ~~commission.~~ Commission.

32 (d) The initial approval of all projects under the Health Care Facilities Act must be given by a quorum of the full  
33 ~~commission.~~ Commission.

34 (e) A quorum of the executive committee shall consist of at least four members of the executive committee.

35  
36 *History Note: Authority G.S. 131A-4; 143B-165; 143B-166;*

37 *Eff. January 1, 1989;*

38 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
39 *2015-2015;*

1  
2  
3

Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;  
Readopted Eff. August 1, 2026.~~May 1, 2026.~~

1 10A NCAC 13A .0201 is readopted as published in 40:12 NCR 984-986 as follows:

2  
3 **SECTION .0200 - RULEMAKING**  
4

5 **10A NCAC 13A .0201 PETITIONS**

- 6 (a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule or rules by  
7 the North Carolina Medical Care Commission shall submit the petition addressed to: Office of the Director,  
8 Division of Health Service Regulation, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701.
- 9 (b) The petition shall contain the following information:
- 10 (1) The text of the proposed rule or rules for adoption or amendment, the rule number of the proposed  
11 rule or rules for repeal, and the statutory authority for the agency to promulgate the rule or rules;  
12 (2) a statement of the effect on existing rules;  
13 (3) a statement of the effect of the proposed rule or rules on existing practices in the area involved, if  
14 known; and  
15 (4) the name(s) and address(es) of petitioner(s).
- 16 (c) The petitioner may include the following information within the request:
- 17 (1) documents and any data supporting the petition;  
18 (2) a statement of the reasons for adoption of the proposed rule or rules, amendment or the repeal of an  
19 existing rule or rules;  
20 (3) a statement explaining the costs and computation of the cost factors, if known; and  
21 (4) a description, including the names and addresses, if known, of those individuals or entities most  
22 likely to be affected by the proposed rule or rules.
- 23 (d) The North Carolina Medical Care Commission, based on a review of the facts stated in the petition, shall  
24 consider the following in the determination to grant the petition:
- 25 (1) whether the North Carolina Medical Care Commission has authority to adopt the rule or rules;  
26 (2) the effect of the proposed rule(s) on existing rules, programs, and practices;  
27 (3) probable costs and cost factors of the proposed rule or rules;  
28 (4) the impact on the rule on the public and the regulated entities; and  
29 (5) whether the public interest will be served by granting the petition.
- 30 (e) Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to the  
31 petitioner by the Chairman of the North Carolina Medical Care Commission.

32  
33 *History Note: Authority G.S. 143B-165; 150B-20;*

34 *Eff. February 1, 1976;*

35 *Readopted Eff. December 19, 1977;*

36 *Amended Eff. November 1, 1989*

37 *Pursuant to G.S. 150B-21.3A, a rule necessary without substantial public interest Eff. March 22,*

38 *2015;*

1  
2  
3  
4

*Amended Eff. October 1, ~~2023-2023~~:*

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

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

1 10A NCAC 13A .0202 is readopted with changes 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 10A NCA 14A .0100~~ are hereby ~~adopted~~ incorporated by reference ~~pursuant to G.S. 150B-~~  
6 ~~14(e)~~ to apply to the actions of the 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.” Counsel” in 10A NCAC  
18 01.

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

20 (b) Copies of ~~10A NCAC 01~~ may be inspected in the Division at the address shown in (a)(1) of this Rule. Copies  
21 may be obtained from the Office of Administrative Hearings, 424 North Blount Street, Raleigh, North  
22 Carolina, 27601. Rules codified in ~~10A NCAC 01 10A NCAC 14A .100~~ can be accessed free of charge at  
23 [http://reports.oah.state.nc.us/http://reports.oah.state.nc.us/ncac/title%2010a%20-](http://reports.oah.state.nc.us/http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2014%20-%20director,%20division%20of%20health%20service%20regulation/subchapter%20a/subchapter%20a%20rules.html)  
24 [%20health%20and%20human%20services/chapter%2014%20-](http://reports.oah.state.nc.us/http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2014%20-%20director,%20division%20of%20health%20service%20regulation/subchapter%20a/subchapter%20a%20rules.html)  
25 [%20director,%20division%20of%20health%20service%20regulation/subchapter%20a/subchapter%20a%20](http://reports.oah.state.nc.us/http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2014%20-%20director,%20division%20of%20health%20service%20regulation/subchapter%20a/subchapter%20a%20rules.html)  
26 [0rules.html](http://reports.oah.state.nc.us/http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2014%20-%20director,%20division%20of%20health%20service%20regulation/subchapter%20a/subchapter%20a%20rules.html).

27  
28 *History Note: Authority G.S. 143B-165; 150B-11; 150B-14;*  
29 *Eff. November 1, 1989;*  
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. May 1, 2026.*

1 10A NCAC 13A .0203 is readopted with changes 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; him or her;  
12 (4) the consequence of a failure to issue a declaratory ruling.
- 13 (c) Whenever a majority of the Commission believes for good cause that the issuance of a declaratory ruling will  
14 not serve the public interest, it may refuse to issue one. When good cause is deemed to exist, the Commission  
15 will notify the petitioner of the decision in writing stating reasons for the denial of a declaratory ruling.
- 16 (d) The A majority of the Commission may refuse to consider the validity of a rule and therefore may refuse to  
17 issue a declaratory 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 collection of documents, data, and communications assembled by  
21 an agency during the development of a rule evidences a failure by the agency to consider  
22 specified relevant factors;  
23 (3) if there has been similar controlling factual determination in a contested case, or if the factual  
24 context being raised for a declaratory ruling was specifically considered upon adoption of the  
25 rule being questioned as evidence by the rulemaking record; or  
26 (4) if circumstances stated in the request or otherwise known to the agency show that a contested  
27 case hearing would presently be appropriate.
- 28 (e) Where a declaratory ruling is deemed to be in the public interest, the Commission will issue the ruling within  
29 60 days of receipt of the petition.
- 30 (f) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedure as  
31 may shall be appropriate in a particular case.
- 32 (g) The Commission may issue notice to persons who might be affected by the ruling that written comments may  
33 be submitted or oral presentations received at a scheduled hearing. Notice will be cited provided on the  
34 Department of Health Services Regulation rules action page and disseminated through email to the interested  
35 parties' listserv.
- 36 (h) A digital record of all declaratory ruling procedures will be maintained for as long as the ruling has validity.  
37 This record will contain:

- 1 (1) the original request,
- 2 (2) reasons for refusing to issue a ruling,
- 3 (3) all written memoranda and information submitted,
- 4 (4) any written minutes or audio tape or other record of the oral hearing, and
- 5 (5) a statement of the ruling.

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

10  
11 *History Note: Authority G.S. 143B-165; 150B-4;*

12 *Eff. November 1, 1989;*

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.* ~~*May 1, 2026.*~~

## Burgos, Alexander N

---

**Subject:** FW: Tech Changes for 10A NCAC 13A

### Alexander Burgos

Paralegal  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1940  
[Alexander.burgos@oah.nc.gov](mailto:Alexander.burgos@oah.nc.gov)

---

**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Monday, April 20, 2026 11:26 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Cc:** Knapp, Geary W <[Geary.Knapp@dhhs.nc.gov](mailto:Geary.Knapp@dhhs.nc.gov)>  
**Subject:** RE: Tech Changes for 10A NCAC 13A

Thanks, will do.

---

**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Monday, April 20, 2026 11:26 AM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Cc:** Knapp, Geary W <[Geary.Knapp@dhhs.nc.gov](mailto:Geary.Knapp@dhhs.nc.gov)>  
**Subject:** Re: Tech Changes for 10A NCAC 13A

Please make "majority" lowercase on line 16, then send the final revised rules to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) (cc Alex and I).

These rules are final for review at April's RRC meeting.

I will be on the lookout for the rules in 13D.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Monday, April 20, 2026 11:04 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

Cc: Knapp, Geary W <[Geary.Knapp@dhhs.nc.gov](mailto:Geary.Knapp@dhhs.nc.gov)>

Subject: RE: Tech Changes for 10A NCAC 13A

Please see attached and let me know if this is sufficient or if you think more technical changes are needed.

### **Second Request Tech Changes 10A NCAC 13A**

Please see additional requests and/or comments below.

#### **10A 13A .0101**

- Line 22, delete the comma after "which". **DONE**
- Line 22, replace "via our notice section on our website" with "at". **DONE**
- Line 30, capitalize "commission". **DONE**
- Line 31, don't delete "by". **DONE**

#### **10A 13A .0202**

- Line 17, replace or delete "in 10A NCAC 01." **DONE**
- Line 18, replace "his" with "their". **DONE**

#### **10A 13A .0203**

- In (d), will the Commission issue a declaratory ruling if any of (1)-(4) are met? If so, add "or" to the end of line 25. Will the Commission decide if (1)-(4) are met by a "majority" vote, as is done in (c)? Please clarify. **DONE**
- In (g), line 33, consider replacing "cited" with "provided" for clarity. **DONE**

Thanks

---

**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Sent:** Monday, April 20, 2026 10:50 AM

**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** Re: Tech Changes for 10A NCAC 13A

Good morning,

Hope you had a nice weekend also!

Please see additional requests and/or comments below.

#### **10A 13A .0101**

- Line 22, delete the comma after "which".
- Line 22, replace "via our notice section on our website" with "at".
- Line 30, capitalize "commission".
- Line 31, don't delete "by".

#### **10A 13A .0202**

- Line 17, replace or delete "in 10A NCAC 01."
- Line 18, replace "his" with "their".

#### **10A 13A .0203**

- In (d), will the Commission issue a declaratory ruling if any of (1)-(4) are met? If so, add "or" to the end of line 25. Will the Commission decide if (1)-(4) are met by a "majority" vote, as is done in (c)? Please clarify.

- In (g), line 33, consider replacing "cited" with "provided" for clarity.

Please reply at your earliest convenience.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

## **Burgos, Alexander N**

---

**From:** Black, Shanah  
**Sent:** Monday, April 20, 2026 8:45 AM  
**To:** Wiggs, Travis C; Burgos, Alexander N  
**Subject:** Tech Changes for 10A NCAC 13A  
**Attachments:** Request for Changes Technical Changes 13A.docx; 10A NCAC 13A .0101.docx; 10A NCAC 13A .0201.docx; 10A NCAC 13A .0202.docx; 10A NCAC 13A .0203.docx

Good morning,

Hope you both had good weekends, they always seem too short.

Attached are the tech changes for 10A NCAC 13A. I separated out 13D, those were drafted by a different person, Beverly Speroff.

I will get those to you as soon as possible.

Thanks

Shanah Black  
Rule-making Coordinator  
Division of Health Service Regulation  
[NC Department of Health and Human Services](#)

Work Cell: 919-896-9371  
Office: 919-855-3481  
Fax: 919-733-2757  
[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)

2701 Mail Service Center  
Raleigh, NC 27699-2701

---

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.

1 10A NCAC 13A .0101 is readopted with changes 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~~ Commission in addition to the chairman and vice-chairman of the ~~commission.~~  
10 Commission. Three members shall be appointed by a vote of the ~~commission~~ Commission at the December  
11 meeting of each odd year and two members shall be appointed by the chairman of the ~~commission~~  
12 Commission at the December meeting of each even year. No member of the executive committee, except the  
13 chairman and vice-chairman, shall serve more than two two-year terms in succession. The chairman and vice-  
14 chairman of the ~~commission~~ Commission shall also be chairman and vice-chairman of the executive  
15 committee.

16 (b) The functions of the executive committee shall be to:

17 (1) transact business in on behalf of the ~~commission;~~ Commission, consistent with established policy,  
18 ~~which which~~, in the opinion of the ~~chairman~~ chairman, is of such urgency that action is required  
19 before the next regularly scheduled ~~commission~~ Commission meeting and the impact of the action  
20 would not justify the convening of a special meeting of the ~~commission;~~Commission;

21 (2) transact business in on behalf of the ~~commission~~ Commission when a quorum is not obtained at any  
22 public ~~commission~~ Commission meeting for ~~which which~~, prior notice of at least ten days has been  
23 given;given of the public meeting via our notice section on our website  
24 <http://info.ncdhhs.gov/dhsr/ncmcc/index.html#notices;>

25 (3) review periodically the activities of the ~~commission~~ Commission and the assignments and  
26 recommendations of the various committees for the purpose of developing policy recommendations  
27 for ~~commission~~ Commission consideration.

28 (c) All actions of the executive committee shall be reviewed at the next ~~commission~~ meeting Commission  
29 meeting, and if disagreement is expressed by a simple majority of the members present and voting at any  
30 commission meeting in which a quorum is present, the functions of the executive committee shall be  
31 suspended until resolved by later action of the ~~commission.~~Commission.

32 (d) The initial approval of all projects under the Health Care Facilities Act must be given by a quorum of the full  
33 ~~commission.~~Commission.

34 (e) A quorum of the executive committee shall consist of at least four members of the executive committee.

35  
36 *History Note: Authority G.S. 131A-4; 143B-165; 143B-166;*

37 *Eff. January 1, 1989;*

38 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
39 *2015-2015;*

1  
2  
3

Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;  
Readopted Eff. August 1, 2026.~~May 1, 2026.~~

1 10A NCAC 13A .0201 is readopted as published in 40:12 NCR 984-986 as follows:

2  
3 **SECTION .0200 - RULEMAKING**  
4

5 **10A NCAC 13A .0201 PETITIONS**

- 6 (a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule or rules by  
7 the North Carolina Medical Care Commission shall submit the petition addressed to: Office of the Director,  
8 Division of Health Service Regulation, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701.
- 9 (b) The petition shall contain the following information:
- 10 (1) The text of the proposed rule or rules for adoption or amendment, the rule number of the proposed  
11 rule or rules for repeal, and the statutory authority for the agency to promulgate the rule or rules;  
12 (2) a statement of the effect on existing rules;  
13 (3) a statement of the effect of the proposed rule or rules on existing practices in the area involved, if  
14 known; and  
15 (4) the name(s) and address(es) of petitioner(s).
- 16 (c) The petitioner may include the following information within the request:
- 17 (1) documents and any data supporting the petition;  
18 (2) a statement of the reasons for adoption of the proposed rule or rules, amendment or the repeal of an  
19 existing rule or rules;  
20 (3) a statement explaining the costs and computation of the cost factors, if known; and  
21 (4) a description, including the names and addresses, if known, of those individuals or entities most  
22 likely to be affected by the proposed rule or rules.
- 23 (d) The North Carolina Medical Care Commission, based on a review of the facts stated in the petition, shall  
24 consider the following in the determination to grant the petition:
- 25 (1) whether the North Carolina Medical Care Commission has authority to adopt the rule or rules;  
26 (2) the effect of the proposed rule(s) on existing rules, programs, and practices;  
27 (3) probable costs and cost factors of the proposed rule or rules;  
28 (4) the impact on the rule on the public and the regulated entities; and  
29 (5) whether the public interest will be served by granting the petition.
- 30 (e) Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to the  
31 petitioner by the Chairman of the North Carolina Medical Care Commission.

32  
33 *History Note: Authority G.S. 143B-165; 150B-20;*

34 *Eff. February 1, 1976;*

35 *Readopted Eff. December 19, 1977;*

36 *Amended Eff. November 1, 1989*

37 *Pursuant to G.S. 150B-21.3A, a rule necessary without substantial public interest Eff. March 22,*  
38 *2015;*

1  
2  
3  
4

*Amended Eff. October 1, ~~2023-2023~~:*

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

*Readopted Eff. August 1, 2026. ~~May 1, 2026.~~*

1 10A NCAC 13A .0202 is readopted with changes 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 10A NCA 14A .0100~~ are hereby ~~adopted~~ incorporated by reference ~~pursuant to G.S. 150B-~~  
6 ~~14(e)~~ to apply to the actions of the 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 10A NCAC 14A .100 can be accessed free of charge at~~  
22 ~~<http://reports.oah.state.nc.us>,~~   
24 ~~[0rules.html](http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2014%20-%20director.%20division%20of%20health%20service%20regulation/subchapter%20a/subchapter%20a%20-</a></del><br/>25 <del><a href=).~~

26  
27 *History Note: Authority G.S. 143B-165; 150B-11; 150B-14;*  
28 *Eff. November 1, 1989;*  
29 *Pursuant to G.S. 150B-21.3A; rule is necessary without substantive public interest Eff. March 22,*  
30 *~~2015-2015;~~*  
31 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*  
32 *Readopted Eff. August 1, 2026. ~~May 1, 2026.~~*

1 10A NCAC 13A .0203 is readopted with changes 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; him or her;  
12 (4) the consequence of a failure to issue a declaratory ruling.
- 13 (c) Whenever a majority of the Commission believes for good cause that the issuance of a declaratory ruling will  
14 not serve the public interest, it may refuse to issue one. When good cause is deemed to exist, the Commission  
15 will 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 may 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 collection of documents, data, and communications assembled by  
21 an agency during the development of a rule evidences a failure by the agency to consider  
22 specified relevant factors;  
23 (3) if there has been similar controlling factual determination in a contested case, or if the factual  
24 context being raised for a declaratory ruling was specifically considered upon adoption of the  
25 rule being questioned as evidence by the rulemaking record;  
26 (4) if circumstances stated in the request or otherwise known to the agency show that a contested  
27 case hearing would presently be appropriate.
- 28 (e) Where a declaratory ruling is deemed to be in the public interest, the Commission will issue the ruling within  
29 60 days of receipt of the petition.
- 30 (f) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedure as  
31 may shall be appropriate in a particular case.
- 32 (g) The Commission may issue notice to persons who might be affected by the ruling that written comments may  
33 be submitted or oral presentations received at a scheduled hearing. Notice will be cited on the Department of  
34 Health Services Regulation rules action page and disseminated through email to the interested parties'  
35 listserv.
- 36 (h) A digital record of all declaratory ruling procedures will be maintained for as long as the ruling has validity.  
37 This record will contain:

- 1 (1) the original request,
- 2 (2) reasons for refusing to issue a ruling,
- 3 (3) all written memoranda and information submitted,
- 4 (4) any written minutes or audio tape or other record of the oral hearing, and
- 5 (5) a statement of the ruling.

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

10  
11 *History Note: Authority G.S. 143B-165; 150B-4;*

12 *Eff. November 1, 1989;*

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.* ~~*May 1, 2026.*~~

## **Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### **Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;; and”
  - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

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".*

**Response: Updated in text.**

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

**Response: Updated in text.**

*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"?*

**Response: Updated in text.**

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

**Response: Updated in text.**

*In (c) line 29, "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?*

**Response: Updated in text.**

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

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**

***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, "10A NCAC 01" is not in the Code. Are you referring to Section .0100 within Subchapter 10A? Also, replace "adopted" with "incorporated".*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

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

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13A .0203

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

**Response: Updated in text.**

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

**Response: Updated in text.**

*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).*

**Response: Updated in text.**

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

**Response: Updated in text.**

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

**Response: Updated in text.**

*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?*

**Response: Updated in text.**

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

## Burgos, Alexander N

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**Subject:** FW: RRC Meeting April 2026-Request for Technical Changes

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Friday, April 17, 2026 12:26 PM  
**To:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Re: RRC Meeting April 2026-Request for Technical Changes

Hey Shanah,

In my opinion, the August 1, 2026 effective date was relied upon by the public-business community to determine when they must be in compliance with your proposed rules. The public has to formulate a plan to comply based on the official notification published in the Register. The public may not be able to alter their plan and complete the necessary steps to comply with your rules if the effective date is moved up three months earlier than what is published. The earlier effective date "(3) produces an effect that could not reasonably have been expected based on the proposed text of the rule."

I've been informed by more senior colleagues that the RRC has historically objected to rules with an earlier effective date than what was published. RRC Staff strives to be consistent with our recommendations when those recommendations are sufficiently supported by the law and circumstances.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: RRC Meeting April 2026-Request for Technical Changes

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**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Thursday, April 16, 2026 2:42 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

That is part of the reasoning. She truly wanted to see this rule through readoption and we didn't view this as a substantial change in any way.

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, April 16, 2026 2:41 PM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

Thank you for the reply. For my question below about the reason for the date change...is it because Ms. Speroff is retiring at the end of May?

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**Subject:** FW: RRC Meeting April 2026-Request for Technical Changes

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**From:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Sent:** Thursday, April 16, 2026 12:52 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

Sorry, I was taken a bit off guard. We had a fiscal note for 13D, not 13A. We had one comment at the public hearing for 13D. Jim Wrenn, atty from Smith Anderson law firm came to support our amendments and thanked us for considering all of their comments when we began the original readoption.

Please let me know your recommendations.

Thanks you

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**From:** Black, Shanah  
**Sent:** Thursday, April 16, 2026 12:39 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

Hey Travis,

I don't agree. The comment period stayed the same. I do not think this is a substantial change at all.

The rules states an agency shall not adopt a rule if over 12 months have passed since the comment period, or the time for commenting on the rule has elapsed. We had a proper comment period. The comment period is not until the proposed effective date.

There have been no comments on either sets of rules. OSBM stated we needed no fiscal note for these rules because they have not been substantially changed.

Beverly Speroff in adult care licensure who drafted these rules and fiscal note for 13D is retiring at the end of May and wanted to see these readopted before she left.

Please let me know if you will not recommend approval of the rules if we keep this effective date.

Thanks

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, April 16, 2026 12:21 PM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

Shanah,

The MCC's publication of these rules in the 40:12 edition of the Register has a proposed effective date of August 1, 2026. However, the History Note for each rule indicates an effective date of April 1, 2026 (except the 13A rules). What is the reason for this change in the effective date? Why does this not constitute a substantial change under G.S. 150B-21.2(g)(2)-(3)?

My concern is that this change (2) addresses an issue that is not addressed in the proposed text of the rule, and the earlier effective date (3) produces an effect that could not reasonable have been expected based on the proposed text of the rule. The official notice led the public to believe they had several months to make comments, file objections, or take other actions to express any concerns they may have. The earlier effective date could not have reasonably been expected based on the proposed effective date that was published.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**Subject:** FW: RRC Meeting April 2026-Request for Technical Changes

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**From:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Sent:** Thursday, April 9, 2026 11:03 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

So sorry to hear that, and hope you feel better soon. Thanks for the quick response.

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, April 9, 2026 11:02 AM  
**To:** Black, Shanah <[shanah.black@dhhs.nc.gov](mailto:shanah.black@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

Good morning,

Thank you for the email. Please disregard those requests and see the attached corrections.

I came home from Spring Break with my family and tested positive for Covid and Flu B. I've been trying to work from home when able, but I'm obviously not on my A game. Please notify me if you have any other questions.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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

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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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, "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

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13A .0203

**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:

*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

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

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**

***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)(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

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

AGENCY: North Carolina Medical Care Commission

RULE CITATION: 10A NCAC 13D .2105

**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:

*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

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**

***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, 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Burgos, Alexander N

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**Subject:** FW: RRC Meeting April 2026-Request for Technical Changes

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**From:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Sent:** Thursday, April 9, 2026 10:33 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

Good morning,

Some of the technical changes requested are not in the rule you cited. Could you please relook at these 2 rules and let me know what rule were meant to cite? Thanks

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), line 4, add a comma after “revoke”, delete the first “or”, and add a comma after “license”.*

**Response: This does not appear in this rule.**

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

**Response: This does not appear in this rule.**

*Line 7, add “their” before “full.”*

**Response: This does not appear in this rule.**

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..."*

**Response: Updated in text.**

*In (b)(2), line 13, delete "address needs" and "but not limited to." Change "including" to "include".*

**Response: this isn't in the rule.**

*Line 15, add a comma after "status."*

**Response: this isn't in the rule.**

*Line 17, change "will" to "shall".*

**Response: this isn't in the rule.**

## Burgos, Alexander N

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**From:** Black, Shanah  
**Sent:** Wednesday, April 8, 2026 11:04 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N  
**Subject:** RE: RRC Meeting April 2026-Request for Technical Changes

Thank you

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Wednesday, April 8, 2026 11:00 AM  
**To:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RRC Meeting April 2026-Request for Technical Changes

Good morning,

I'm the attorney who reviewed the rules submitted by the Medical Care Commission for the April 2026 RRC meeting. The RRC will formally review these rules at its meeting on Tuesday, April 28, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on April 22, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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## **Burgos, Alexander N**

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**Subject:** FW: Medical Care Commission-April Meeting

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**From:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Sent:** Tuesday, March 24, 2026 1:46 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: Medical Care Commission-April Meeting

Sorry, I am rereading this. When you publish the rules and there aren't substantial changes, they aren't put in the Register.

## Burgos, Alexander N

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**Subject:** FW: Medical Care Commission-April Meeting

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**From:** Black, Shanah <shanah.black@dhhs.nc.gov>  
**Sent:** Tuesday, March 24, 2026 1:23 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Re: Medical Care Commission-April Meeting

Good afternoon, this is my first time going through periodic review to readoption. I made a mistake and thought it should be added. The rule text is being readopted without substantial changes. Thanks

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## **Burgos, Alexander N**

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**From:** Wiggs, Travis C  
**Sent:** Tuesday, March 24, 2026 12:35 PM  
**To:** Black, Shanah  
**Cc:** Burgos, Alexander N  
**Subject:** Medical Care Commission-April Meeting

Shanah,

I've been assigned the MCC readoption rules to review. I'm just starting to review and noticed the notice of text was not published in the Register for 10A NCAC 13A .0101 and .0201. The Register says "Readoption Without Substantive Changes" beside the rule citation and name. Why was the notice of text not published in the Register for these rules?

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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