



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

**MEMORANDUM**

**DATE:** March 15, 2021

**TO:** Interested Parties

**FROM:** Nadine Pfeiffer, Rule Review Manager *NP*

**RE:** Proposed Amendment to Rules for the Licensing of Nursing Homes  
10A NCAC 13D

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a permanent rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal note that has been prepared in connection with the proposed rule. The proposed rule amendment is being made to correct language inaccuracies with Nursing Home licensure physical plant construction definitions.

The North Carolina Medical Care Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions:

Licensing of Nursing Homes:  
10A NCAC 13D .2001 Definitions (Amend)

It was determined no fiscal impact will result from the technical changes to this proposed rule amendment; therefore, no fiscal analysis is required.

The proposed rule text is attached to this memo and was published in today's March 15, 2021 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <https://www.oah.nc.gov/documents/nc-register>.

A public hearing is scheduled for April 28, 2021 at 10:00 a.m. by teleconference. If you would like to participate in the public hearing, please use the following conference telephone number: 1-877-848-7030, and access code: 5133201. Ms. Nadine Pfeiffer, DHSR Rule Review Manager, is accepting public comments on this rule from March 15, 2021 through May 14, 2021. Comments will also be accepted via conference call at the public hearing. The proposed effective date of this rule is October 1, 2021.

A copy of the proposed rule and instructions for submitting comment can be found at the Division of Health Service Regulation web site at <https://info.ncdhhs.gov/dhsr/ruleactions.html>.

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION**

**OFFICE OF THE DIRECTOR**

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Please feel free to contact the Construction Section at (919) 855-4520, should you have questions related to this memorandum or the proposed rule text.

Enclosures

cc: Dr. John Meier, IV, M.D., Chair, N.C. Medical Care Commission  
Mark Payne, Director, Health Service Regulation  
Emery Milliken, Deputy Director, DHSR  
Joel Johnson, Assistant General Counsel, DHHS  
Becky Wertz, Chief, Nursing Home Licensure and Certification  
Beverly Speroff, Assistant Chief, Nursing Home Licensure and Certification  
Jeff Harms, Acting Chief, Construction Section  
Tammy Sylvester, Engineering Supervisor, Construction Section