

1 10A NCAC 13E .0302 is amended under temporary procedures as follows:

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3 **10A NCAC 13E .0302 CAPACITY**

4 (a) Pursuant to G.S. 131D-6.1(c)(8), the Division of Health Service Regulation shall not approve a capacity of greater
5 than ~~six~~ twelve (12) participants for an overnight respite services program. For the purposes of this Rule, "capacity"
6 means the maximum number of participants that the overnight respite services program is licensed to house at any
7 given time.

8 (b) An overnight respite services program shall not exceed the capacity shown on its license. The license shall indicate
9 the overnight respite services program's capacity for ambulatory and non-ambulatory participants permitted that an
10 overnight respite services program facility can house at any given time. For the purposes of this Rule, "ambulatory"
11 means the participant is able to respond and evacuate from the facility without verbal or physical assistance from
12 others in the event of an emergency. "Non-ambulatory" means the participant is not able to respond and evacuate from
13 the facility without verbal or physical assistance from others in the event of an emergency.

14 (c) Prior to an increase in capacity by adding rooms, altering ~~rooms, or~~ rooms, remodeling, changing use of ~~space,~~
15 space, or without building modifications, the overnight respite services program shall submit a request for capacity
16 increase and two building plans of each floor to the Construction Section. One plan shall indicate the current use of
17 rooms in the existing building. The other plan shall indicate the proposed use of rooms in the existing building and its
18 addition, alteration, remodeling, or change in use of space. For an addition to an existing building, the building plans
19 shall also indicate how the addition will be tied into the existing building and any proposed changes to the building
20 structure.

21 (d) When the overnight respite services program increases its capacity by the addition to or alteration of an existing
22 building, the entire overnight respite services program shall comply with the North Carolina ~~Fire Prevention Code,~~
23 State Building Codes, which ~~is~~ are incorporated herein by reference including subsequent amendments and editions.
24 Copies of ~~this code— these codes~~ may be ~~purchased from the International Code Council online at~~
25 ~~http://www.iccsafe.org/Store/Pages/default.aspx at a cost of eighty five dollars (\$85.00) or~~ accessed electronically
26 free of charge at <http://codes.iccsafe.org/app/book/toc/2012/North-Carolina/Fire/index.html>.
27 <https://codes.iccsafe.org/codes/united-states/north-carolina>.

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29 *History Note: Authority G.S. 131D-6.1;*

30 *Eff. April 1, ~~2017~~ 2017;*

31 *Temporary Adoption Eff. November 1, 2026.*
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