

1 10A NCAC 13E .0309 is amended under temporary procedures as follows:

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3 **10A NCAC 13E .0309 BATHROOM**

4 (a) An overnight respite services program shall have one bathroom for each six or fewer respite participants. A
5 bathroom shall contain a toilet, a ~~lavatory~~, sink and one of the following:

- 6 (1) a roll-in shower designed and equipped for unobstructed shower chair entry and use;
7 (2) a bathtub accessible on three sides; or
8 (3) a manufactured walk-in bathtub or a similar manufactured bathtub designed for transfer of
9 participants into the bathtub that is accessible on one short side and one long side of the bathtub.

10 (b) The bathroom required by Paragraph (a) of this Rule may be shared with the adult day care program or adult day
11 health program only after the Division of Aging ~~and Adult Services~~ of the Department of Health and Human Services
12 determines, in writing, that the requirements of 10A NCAC 06R .0401(g) for an adult day care facility and 10A NCAC
13 06S .0301 for an adult day health facility are met.

14 (c) A bathroom shall be designed to provide privacy. A bathroom with two or more toilets shall have privacy partitions
15 or curtains for each toilet. Each bathtub or shower shall have privacy partitions or curtains. The requirements of this
16 Paragraph shall apply to new and existing facilities.

17 (d) The entrance to the bathroom shall not be through a kitchen, another participant's bedroom, or another bathroom.

18 (e) The bathroom shall be located so that there is no more than 40 feet between any participant's bedroom door and a
19 participant-use bathroom door.

20 (f) Hand grips shall be installed at all toilets, bathtubs, and showers used by participants. Hand grips shall be
21 mechanically fastened or anchored to the walls, be located to help participants in entering and exiting bathtubs,
22 showers, manufactured walk-in tubs, or similar bathing fixtures, and be on the wall adjacent to toilets.

23 (g) Nonskid surfacing or strips shall be installed to the floor or bottom of ~~showers and bathtubs.~~ showers, bathtubs,
24 or similar bathing fixtures.

25 (h) A bathroom shall have ~~mechanical ventilation at the rate of two cubic feet per minute for each square foot of floor~~
26 ~~area.~~ an exhaust system per the North Carolina State Building Code: Residential Code for facilities licensed for less
27 than seven participants, and per the North Carolina State Building Codes for facilities licensed for seven to twelve
28 participants. The ~~mechanical ducted~~ exhaust vent shall be vented directly to the outdoors.

29 (i) The bathroom floor shall have a non-slippery water-resistant covering.

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

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

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