



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:** September 16, 2019

**TO:** Interested Parties

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

**RE:** Proposed Readoption/Amendment/Repeal of Licensing of Adult Care Homes of Seven or More Beds and Licensing of Family Care Homes Rules: 10A NCAC 13F and 10A NCAC 13G

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal analysis that has been prepared in connection with the proposed rule. As a result of the periodic review of the rules in Subchapter 10A NCAC 13G, 54 rules determined as “Necessary With Substantive Public Interest” are required to be readopted. At this time, six rules for the Licensing of Family Care Homes are being proposed for readoption. In addition, four rules for the Licensing of Adult Care Homes of Seven or More Beds are being proposed for amendment and one rule is proposed for repeal.

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:

10A NCAC 13F Licensing of Adult Care Homes of Seven or More Beds

10A NCAC 13F .0202 The License (Amend)  
10A NCAC 13F .0204 Applying for a License to Operate a Facility Not Currently Licensed (Amend)  
10A NCAC 13F .0208 Renewal of License (Amend)  
10A NCAC 13F .0209 Conditions for License Renewal (Repeal)  
10A NCAC 13F .0212 Denial or Revocation of License (Amend)

10A NCAC 13G Licensing of Family Care Homes

10A NCAC 13G .0202 The License (Readopt)  
10A NCAC 13G .0204 Applying for a License to Operate a Home Not Currently Licensed (Readopt)  
10A NCAC 13G .0208 Renewal of License (Readopt)  
10A NCAC 13G .0209 Conditions for License Renewal (Readopt as a Repeal)

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

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603  
MAILING ADDRESS: 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701  
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3750 • FAX: 919-733-2757

10A NCAC 13G Licensing of Family Care Homes (Continued)

10A NCAC 13G .0212 Denial and Revocation of License (Readopt)

10A NCAC 13G .0213 Appeal of Licensure Action (Readopt as a Repeal)

In accordance with G.S. 150B-21.3A(d)(2), a fiscal analysis was prepared for rules with substantive change. Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on July 8, 2019 in accordance with G.S. 150B-21.4. A fiscal analysis is not required for rules repealed and readopted as a repeal in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules were published in today's September 16, 2019 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 October 30, 2019 at 1:00 p.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is in the Dorothea Dix Park. Ms. Nadine Pfeiffer, DHSR Rule-Review Manager, is accepting public comments on these rules and the fiscal analysis from September 16, 2019 – November 15, 2019. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is April 1, 2020.

A copy of the proposed rules, fiscal analysis, 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>.

Please feel free to contact the Adult Care Licensure Section at (919) 855-3765, should you have questions related to this memorandum or the proposed rule text and fiscal note.

Enclosures

cc: Mark Payne, Director, Health Service Regulation  
Emery Milliken, Deputy Director, DHSR  
Joel Johnson, Assistant General Counsel, DHHS  
Megan Lamphere, Chief, Adult Care Licensure Section  
Doug Barrick, Adult Care Licensure Section  
Tichina Hamer, Adult Care Licensure Section