

1 10A NCAC 13B .1902 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13B .1902 DEFINITIONS**

4 The following definitions shall apply throughout this Section, unless text otherwise clearly indicates to the contrary:

- 5 (1) "Accident" means something occurring by chance or without intention ~~which~~ that has caused
6 physical or mental harm to a patient, ~~resident~~ resident, or employee.
- 7 (2) "Administer" means ~~the direct application of a drug to the body of a patient by injection, inhalation,~~
8 ~~ingestion or other means. as defined in G.S. 90-87.~~
- 9 (3) "Administrator" means the person who has authority for and is responsible to the governing board
10 for the overall operation of a facility.
- 11 (4) "Brain injury long-term care" is defined as an interdisciplinary, intensive maintenance program for
12 patients who have incurred brain damage caused by external physical trauma and who have
13 completed a primary course of rehabilitative treatment and have reached a point of no gain or
14 progress for more than three consecutive months. Services are provided through a medically
15 supervised interdisciplinary process and are directed toward maintaining the individual at the
16 optimal level of physical, ~~eognitive~~ cognitive, and behavioral functioning.
- 17 ~~(5) "Capacity" means the maximum number of patient or resident beds which the facility is licensed to~~
18 ~~maintain at any given time. This number shall be determined as follows:~~
- 19 ~~(a) Bedrooms shall have minimum square footage of 100 square feet for a single bedroom and~~
20 ~~80 square feet per patient or resident in multi-bedded rooms. This minimum square footage~~
21 ~~shall not include space in toilet rooms, washrooms, closets, vestibules, corridors, and~~
22 ~~built-in furniture.~~
- 23 ~~(b) Dining, recreation and common use areas available shall total no less than 25 square feet~~
24 ~~per bed for skilled nursing and intermediate care beds and no less than 30 square feet per~~
25 ~~bed for adult care home beds. Such space must be contiguous to patient and resident~~
26 ~~bedrooms.~~
- 27 ~~(6)(5)~~ (5) "Combination Facility" means any hospital with nursing home beds ~~which~~ that is licensed to provide
28 more than one level of care such as a combination of intermediate care ~~and/or~~ and skilled nursing
29 care and adult care home care.
- 30 ~~(7) "Convalescent Care" means care given for the purpose of assisting the patient or resident to regain~~
31 ~~health or strength.~~
- 32 ~~(8)(6)~~ (6) "Department" means the North Carolina Department of Health and Human Services.
- 33 ~~(9)(7)~~ (7) "Director of Nursing" means the nurse who has authority and ~~direct~~ responsibility for all nursing
34 services and nursing care.
- 35 ~~(10)(8)~~ (8) "Dispense" means ~~preparing and packaging a prescription drug or device in a container and labeling~~
36 ~~the container with information required by state and federal law. Filling or refilling drug containers~~

1 ~~with prescription drugs for subsequent use by a patient is "dispensing". Providing quantities of unit~~
 2 ~~dose prescription drugs for subsequent administration is "dispensing", as defined in G.S. 90-87.~~

3 ~~(11)~~(9) "Drug" means substances:

4 ~~(a) recognized in the official United States Pharmacopoeia, official National Formulary, or~~
 5 ~~any supplement to any of them;~~

6 ~~(b) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in~~
 7 ~~man or other animals;~~

8 ~~(c) intended to affect the structure or any function of the body of man or other animals, i.e.,~~
 9 ~~substances other than food; and~~

10 ~~(d) intended for use as a component of any article specified in (a), (b), or (c) of this~~
 11 ~~Subparagraph; but does not include devices or their components, parts, or accessories. as~~
 12 ~~defined in G.S. 90-87.~~

13 ~~(12)~~(10) "Duly Licensed" means holding a current and valid license as required under the General Statutes of
 14 North Carolina.

15 ~~(13) "Existing Facility" means a licensed facility; or a proposed facility, proposed addition to a licensed~~
 16 ~~facility or proposed remodeled licensed facility that will be built according to plans and~~
 17 ~~specifications which have been approved by the department through the preliminary working~~
 18 ~~drawings stage prior to the effective date of this Rule.~~

19 ~~(14) "Exit Conference" means the conference held at the end of a survey, inspection or investigation, but~~
 20 ~~prior to finalizing the same, between the department's representatives who conducted the survey,~~
 21 ~~inspection or investigation and the facility administration representative(s).~~

22 ~~(15)~~(11) "Incident" means an intentional or unintentional action, occurrence or happening ~~which~~ that is likely
 23 to cause or lead to physical or mental harm to a patient, ~~resident~~ resident, or employee.

24 ~~(16)~~(12) "Licensed Practical Nurse" means ~~a nurse who is duly licensed as a practical nurse under G.S. 90,~~
 25 ~~Article 9A, as defined in G.S. 90-171.30 or G.S. 90-171.32.~~

26 ~~(17) "Licensee" means the person, firm, partnership, association, corporation or organization to whom a~~
 27 ~~license has been issued.~~

28 ~~(18)~~(13) "Medication" means drug as defined in ~~(42)~~ Item (9) of this Rule.

29 ~~(19) "New Facility" means a proposed facility, a proposed addition to an existing facility or a proposed~~
 30 ~~remodeled portion of an existing facility that is constructed according to plans and specifications~~
 31 ~~approved by the department subsequent to the effective date of this Rule. If determined by the~~
 32 ~~department that more than one half of an existing facility is remodeled, the entire existing facility~~
 33 ~~shall be considered a new facility.~~

34 ~~(20)~~(14) "Nurse Aide" means any individual providing nursing or nursing-related services to patients in a
 35 facility, and is not a licensed health professional, a qualified dietitian or someone who volunteers to
 36 provide such services without pay, and who is listed in a nurse aide registry approved by the
 37 Department.

1 ~~(21)~~(15) "Nurse Aide Trainee" means an individual who has not completed an approved nurse aide training
 2 course and competency evaluation and is demonstrating knowledge, while performing tasks ~~for~~
 3 ~~which that~~ they have been found proficient in by an instructor. These tasks shall be performed under
 4 the ~~direct~~ supervision of a registered nurse. The term does not apply to volunteers.

5 ~~(22)~~(16) "Nursing Facility" means that portion of a nursing home certified under Title XIX of the Social
 6 Security Act (Medicaid) as in compliance with federal program standards for nursing facilities. It
 7 is often used ~~as~~ synonymous with the term "nursing ~~home~~" home, ~~which is~~ the usual prerequisite
 8 level for state licensure for nursing facility (NF) certification and Medicare skilled nursing facility
 9 (SNF) certification.

10 ~~(23)~~(17) "Nurse in Charge" means the nurse to whom duties for a specified number of patients and staff for
 11 a specified period of time have been delegated, such as for Unit A on the 7-3 or 3-11 shift.

12 ~~(24)~~(18) "On Duty" means personnel who are awake, dressed, and responsive to patient needs and ~~physically~~
 13 present in the facility performing assigned duties.

14 ~~(25)~~(19) "Patient" means any person admitted for care to a skilled nursing or intermediate care facility.

15 ~~(26)~~(20) "Physician" means ~~a person licensed under G.S. Chapter 90, Article 1 to practice medicine in North~~
 16 ~~Carolina. as defined in G.S. 90-9.1 or G.S. 90-9.2.~~

17 ~~(27)~~(21) "Qualified Dietitian" means ~~a person who meets the standards and qualifications established by the~~
 18 ~~Committee on Professional Registration of the American Dietetic Association included in~~
 19 ~~"Standards of Practice" seven dollars and twenty five cents (\$7.25) or "Code of Ethics for the~~
 20 ~~Profession of Dietetics" two dollars and fifteen cents (\$2.15), American Dietetic Association, 216~~
 21 ~~W. Jackson Blvd., Chicago, IL 60606-6995, as defined in 42 CFR 483.60(a)(1), herein incorporated~~
 22 ~~by reference including subsequent amendments and editions. Electronic copies of 42 CFR 483.60~~
 23 ~~can be obtained free of charge at [https://www.ecfr.gov/cgi-bin/text-](https://www.ecfr.gov/cgi-bin/text-idx?SID=1260800a39929487f0ca55b0ab5e710b&mc=true&tpl=/ecfrbrowse/Title42/42cfrv5_02.tpl#0)~~
 24 ~~idx?SID=1260800a39929487f0ca55b0ab5e710b&mc=true&tpl=/ecfrbrowse/Title42/42cfrv5_02.t~~
 25 ~~pl#0.~~

26 ~~(28)~~(22) "Registered Nurse" means ~~a nurse who is duly licensed as a registered nurse under~~ as defined in
 27 G.S. 90, Article 9A.

28 ~~(29)~~(23) "Resident" means ~~any person admitted for care to an adult care home. as defined in G.S.131D-2.1.~~

29 ~~(30)~~ "Sitter" means ~~an individual employed to provide companionship and social interaction to a~~
 30 ~~particular resident or patient, usually on a private duty basis.~~

31 ~~(31)~~(24) "Supervisor-in-Charge" means a duly licensed nurse to whom supervisory duties have been
 32 delegated by the Director of Nursing.

33 ~~(32)~~(25) "Ventilator dependence" means physiological dependency by a patient on the use of a ventilator for
 34 more than eight hours a day.

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 36 *History Note:* *Filed as a Temporary Amendment Eff. October 1, 1990 For a Period of 142 Days to Expire on*
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3 *Amended Eff. February 1, 1993; December 1, 1991; March 1, 1991; March 1, ~~1990.~~ 1990.*
4 *Readopted Eff. April 1, 2020.*