

1 10A NCAC 14C .1102 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 14C .1102 PERFORMANCE STANDARDS**

4 ~~(a) An applicant proposing to add nursing facility beds to an existing facility, except an applicant proposing to transfer~~
5 ~~existing certified nursing facility beds from a State Psychiatric Hospital to a community facility, shall not be approved~~
6 ~~unless the average occupancy, over the nine months immediately preceding the submittal of the application, of the~~
7 ~~total number of licensed nursing facility beds within the facility in which the new beds are to be operated was at least~~
8 ~~90 percent.~~

9 ~~(b) An applicant proposing to establish a new nursing facility or add nursing facility beds to an existing facility,~~
10 ~~except an applicant proposing to transfer existing certified nursing facility beds from a State Psychiatric Hospital to a~~
11 ~~community facility, shall not be approved unless occupancy is projected to be at least 90 percent for the total number~~
12 ~~of nursing facility beds proposed to be operated, no later than two years following the completion of the proposed~~
13 ~~project. All assumptions, including the specific methodologies by which occupancies are projected, shall be clearly~~
14 ~~stated.~~

15 ~~(c) An applicant proposing to add adult care home beds to an existing facility shall not be approved unless the average~~
16 ~~occupancy, over the nine months immediately preceding the submittal of the application, of the total number of~~
17 ~~licensed adult care home beds within the facility in which the new beds are to be operated was at least 85 percent.~~

18 ~~(d) An applicant proposing to establish a new adult care home facility or add adult care home beds to an existing~~
19 ~~facility shall not be approved unless occupancy is projected to be at least 85 percent for the total number of adult care~~
20 ~~home beds proposed to be operated, no later than two years following the completion of the proposed project. All~~
21 ~~assumptions, including the specific methodologies by which occupancies are projected, shall be stated.~~

22 (a) For the purposes of this Rule the following definitions shall apply:

23 (1) "Approved beds" means nursing home or adult care home beds that were issued a certificate of need
24 but are not being used to provide services as of the application deadline for the review period.

25 (2) "Existing beds" means nursing home or adult care home beds that are being used to provide services
26 as of the application deadline for the review period.

27 (3) "Maximum capacity" means the total number of existing, approved, and proposed nursing home or
28 adult care home beds times 365 days.

29 (4) "Occupancy rate" means the total number of patient days of care provided in the nursing home or
30 adult care home beds during a full fiscal year of operation divided by maximum capacity expressed
31 as a percentage.

32 (5) "Proposed beds" means the nursing home or adult care home beds proposed in the application under
33 review.

34 (b) An applicant proposing to develop nursing home beds pursuant to a need determination in the annual State Medical
35 Facilities Plan in effect as of the first day of the review period shall:

36 (1) provide projected utilization of the existing, approved, and proposed beds during each of the first
37 three full fiscal years of operation following completion of the project;

- 1 (2) project an occupancy rate for the existing, approved, and proposed beds of at least 90 percent of
- 2 maximum capacity during the third full fiscal year of operation following completion of the project;
- 3 and
- 4 (3) provide the assumptions and methodology used to project the utilization and occupancy rate required
- 5 by Subparagraphs (1) and (2) of this Paragraph.

6 (c) An applicant proposing to develop adult care home beds pursuant to a need determination in the annual State
7 Medical Facilities Plan in effect as of the first day of the review period shall:

- 8 (1) provide projected utilization of the existing, approved, and proposed beds during each of the first
- 9 three full fiscal years of operation following completion of the project;
- 10 (2) project an occupancy rate for the existing, approved, and proposed beds of at least 85 percent of
- 11 maximum capacity during the third full fiscal year of operation following completion of the project;
- 12 and
- 13 (3) provide the assumptions and methodology used to project the utilization and occupancy rate required
- 14 by Subparagraphs (1) and (2) of this Paragraph.

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16 *History Note: Authority G.S. ~~131E-175; 131E-176; 131E-177(1); 131E-183(b)~~; S.L. 2001, c. 234;*
17 *Eff. November 1, 1996;*
18 *Temporary Amendment Eff. January 1, 2002;*
19 *Amended Eff. April 1, ~~2003~~; 2003;*
20 *Readopted Eff. January 1, 2023.*