



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

DATE: March 15, 2023
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager *NP*
RE: Proposed Readoption/Amendment 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 Subchapters 10A NCAC 13F and 10A NCAC 13G, 97 rules determined as “Necessary With Substantive Public Interest” are required to be readopted. At this time, two rules for the Licensing of Adult Care Homes of Seven or More Beds are proposed for readoption. In addition, two rules for the Licensing of Family Care Homes are proposed for readoption and one rule is proposed for amendment.

The North Carolina Medical Care 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 .0702 Discharge of Residents (Readopt)
10A NCAC 13F .1307 Special Care Unit Resident Profile and Care Plan (Readopt)

10A NCAC 13G Licensing of Family Care Homes

10A NCAC 13G .0504 Competency Evaluation and Validation for Licensed Health Professional Support Tasks (Amend)
10A NCAC 13G .0705 Discharge of Residents (Readopt)
10A NCAC 13G .1301 Use of Physical Restraints and Alternatives (Readopt)

Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on January 19, 2023 in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules were published in today’s March 15, 2023 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <https://www.oah.nc.gov/rules-division/north-carolina-register>.

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

OFFICE OF THE DIRECTOR

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

A public hearing is scheduled for April 27, 2023 at 10:00 a.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 fiscal analysis from March 15, 2023 through May 15, 2023, close of business. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is October 1, 2023.

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: John Meier, IV, MD, Chair, N.C. Medical Care Commission
Mark Payne, Director, Health Service Regulation
Emery Milliken, Deputy Director, DHSR
Raj Premakumar, Deputy General Counsel, DHHS
Megan Lamphere, Chief, Adult Care Licensure Section
Libby Kinsey, Assistant Chief, Adult Care Licensure Section
Shalisa Jones, Regulatory Analyst, Adult Care Licensure Section