

1 10A NCAC 13F .0301 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13F .0301 APPLICATION OF PHYSICAL PLANT REQUIREMENTS**

4 ~~The physical plant requirements for each adult care home shall be applied as follows~~ Adult Care Homes shall apply
5 the following physical plant requirements:

- 6 (1) New construction shall comply with the requirements of this Section.
- 7 (2) Except where otherwise specified, ~~existing~~ licensed facilities or portions of ~~existing~~ licensed
8 facilities shall meet the licensure and code requirements in effect at the time of licensure,
9 construction, change in service or bed count, addition, modification, renovation, or ~~alteration~~;
10 alteration, ~~however, in no case shall the requirements for any licensed facility facility, where no~~
11 ~~addition or renovation has been made, be less than those requirements found in the 1971 "Minimum~~
12 ~~and Desired Standards and Regulations" for "Homes for the Aged and Infirm", copies of which are~~
13 ~~available at the Division of Health Service Regulation, 701 Barbour Drive, Raleigh, North Carolina,~~
14 ~~27603 at no cost;~~
- 15 ~~(3)~~ In no case shall the requirements for a licensed facility, where no addition or renovation has been
16 made, be less than those requirements found in the 1971 "Minimum and Desired Standards and
17 Regulations" for "Homes for the Aged and Infirm", copies of which are available at the Division of
18 Health Service Regulation, 1800 Umstead Drive, Raleigh, North Carolina, 27603 at no cost.
- 19 ~~(3)(4)~~ (4) New additions, alterations, ~~modifications~~ modifications, and repairs shall meet the ~~technical~~
20 ~~requirements of this Section;~~ Section.
- 21 ~~(4)(5)~~ (5) Effective July 1, 1987, resident bedrooms and resident services shall not be permitted on the second
22 floor of ~~any~~ a facility licensed for seven or more beds prior to April 1, 1984 and classified as two-
23 story wood frame construction by the North Carolina State Building ~~Code;~~ Code.
- 24 ~~(5)(6)~~ (6) Rules contained in this Section are minimum requirements and are not intended to prohibit
25 buildings, ~~systems~~ systems, or operational conditions that exceed minimum ~~requirements;~~
26 requirements.
- 27 ~~(6)~~ The bed capacity and services provided in a facility shall be in compliance with G.S. 131E, Article
28 9 regarding Certificate of Need. A facility shall be licensed for no more beds than the number for
29 which required physical space and other required facilities are available;
- 30 (7) ~~Equivalency: Alternate methods, procedures, design criteria and functional variations from the~~
31 ~~physical plant requirements shall be approved by the Division when the facility can effectively~~
32 ~~demonstrate that the intent of the physical plant requirements are met and that the variation does not~~
33 ~~reduce the safety or operational effectiveness of the facility; and~~ The Division may grant an
34 equivalency to allow alternate methods, procedures, design criteria, or functional variation from the
35 requirements of this Rule and the rules contained in this Section. The equivalency may be granted
36 by the Division when a facility submits a written equivalency request to the Division that states the
37 following:

1 (a) the rule citation and the rule requirement that will not be met because strict conformance
2 with current requirements would be:

- 3 (i) impractical;
- 4 (ii) unable to be met due to extraordinary circumstances;
- 5 (iii) unable to be met due to new programs; or
- 6 (iv) unable to be met due to unusual conditions;
- 7 (b) the justification for the equivalency; and
- 8 (c) how the proposed equivalency meets the intent of the corresponding rule requirement.

9 (8) In determining whether to grant an equivalency request, the Division shall consider whether the
10 request will reduce the safety and operational effectiveness of the facility. The governing body shall
11 maintain a copy of the approved equivalence issued by the Division.

12 ~~(8)~~(9) Where rules, ~~codes~~ codes, or standards have ~~any~~ a conflict, the ~~most~~ more stringent requirement
13 shall ~~apply and any conflicting requirement shall not~~ apply.

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15 *History Note:* Authority G.S. 131D-2.16; 143B-165;
16 Temporary Adoption Eff. July 1, 2004;
17 Eff. July 1, ~~2005~~, 2005;
18 Readopted Eff. January 1, 2025.