

1 10A NCAC 13G .0206 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13G .0206 CAPACITY**

4 (a) Pursuant to G.S. ~~131D-2(a)(5)~~, 131D-2.1(5), family care homes may have a capacity of two to six residents. For  
5 the purposes of this Rule, “capacity” means the maximum number of residents permitted to live in a licensed family  
6 care home in accordance with the North Carolina Building Code and the evacuation capability of each resident.

7 (b) The total number of residents shall not exceed the number shown on the license. The license shall indicate the  
8 facility’s capacity according to the number of ambulatory and non-ambulatory individuals permitted to live in the  
9 home. For the purposes of this Rule, “ambulatory” means the individual is able to respond and evacuate from the  
10 facility without verbal or physical assistance from others in the event of an emergency. “Non-ambulatory” means the  
11 individual is not able to respond and evacuate from the facility without verbal or physical assistance from others in  
12 the event of an emergency.

13 (c) A request for an increase in capacity by adding rooms, ~~remodeling~~ remodeling, or without ~~any~~ building  
14 modifications shall be made to the county department of social services and submitted to the Division of Health  
15 Service ~~Regulation, Regulation Construction Section and shall include~~ accompanied by two copies of blueprints or  
16 floor plans. One plan shall show ~~showing~~ the existing building with the current use of ~~rooms~~ rooms, and the second  
17 plan ~~indicating~~ showing the addition, ~~remodeling~~ remodeling, or change in use of ~~spaces~~ spaces, and showing the use  
18 of ~~each~~ every room. If new construction, plans shall show how the addition will be tied into the existing building and  
19 all proposed changes in the structure.

20 (d) When licensed ~~homes~~ facilities increase their designed capacity by the addition to or remodeling of the existing  
21 physical plant, the entire ~~home~~ facility shall meet all current fire safety regulations.

22 (e) The licensee or the licensee's designee shall notify the Division of Health Service Regulation Adult Care Licensure  
23 Section if the ~~overall~~ evacuation capability capabilities of the residents changes ~~from~~ and the facility no longer complies  
24 with the evacuation capability facility’s licensed capacity as listed on the homes facility’s license, license or of the  
25 addition of any non-resident that will be residing within the ~~home-~~ facility. ~~This information shall be submitted through~~  
26 ~~the county department of social services and forwarded to the Construction Section of the Division of Health Service~~  
27 ~~Regulation for review of any possible changes that may be required to the building.~~

28 (f) If there is a temporary change in the capacity of the facility due to a resident’s short term illness or condition that  
29 renders the resident temporarily non-ambulatory, such as end of life condition, the licensee or the licensee’s designee  
30 shall immediately notify the Division of Health Service Regulation Construction Section upon the knowledge of the  
31 change in the resident’s ambulatory status to request approval for the resident to temporarily remain in the facility.

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33 *History Note: Authority G.S. 131D-2.4; 131D-2.16; 143B-165;*

34 *Eff. January 1, 1977;*

35 *Readopted Eff. October 31, 1977;*

36 *Amended Eff. July 1, 2005; July 1, 1990; April 1, 1984; January 1, ~~1983~~ 1983,*

37 *Readopted Eff. January 1, 2025.*