

1 10A NCAC 13G .0301 is readopted as published in 39:06 NCR 282-316 as follows:

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

4 ~~The physical plant requirements for each A family care home shall be applied as follows~~ meet the following physical  
5 plant requirements:

6 (1) New construction and ~~existing~~ buildings proposed for use as a Family Care Home shall comply with  
7 the requirements of this ~~Section;~~ Section.

8 (2) Except where otherwise specified, ~~existing~~ licensed homes or portions of ~~existing~~ licensed homes  
9 shall meet the licensure and code requirements in effect at the time of licensure, construction, change  
10 in ~~service or service, change in~~ bed count, addition, modification, renovation or alteration;  
11 renovation, or alteration. ~~however, in no case shall the requirements for any licensed home, where~~  
12 ~~no addition or renovation has been made, be less than those requirements found in the 1971~~  
13 ~~"Minimum and Desired Standards and Regulations" for "Family Care Homes", copies of which are~~  
14 ~~available at the Division of Health Service Regulation, 701 Barbour Drive, Raleigh, North Carolina~~  
15 ~~27603 at no cost;~~

16 ~~(3) In no case shall the requirements for a licensed home, where no addition or renovation has been~~  
17 ~~made, be less than those requirements found in the 1971 "Minimum and Desired Standards and~~  
18 ~~Regulations" for "Family Care Homes", copies of which are available at no cost at the Division of~~  
19 ~~Health Service Regulation, 1800 Umstead Drive, Raleigh, North Carolina 27603.~~

20 ~~(3)(4)~~ (4) New additions, alterations, ~~modifications~~ modifications, and repairs shall meet the requirements of  
21 this ~~Section;~~ Section.

22 ~~(4) Rules contained in this Section are minimum requirements and are not intended to prohibit~~  
23 ~~buildings, systems or operational conditions that exceed minimum requirements;~~

24 ~~(5) Equivalency: Alternate methods, procedures, design criteria and functional variations from the~~  
25 ~~physical plant requirements shall be approved by the Division when the home can effectively~~  
26 ~~demonstrate to the Division's satisfaction, that the intent of the physical plant requirements are met~~  
27 ~~and that the variation does not reduce the safety or operational effectiveness of the home; and The~~  
28 ~~Division may grant an equivalency to allow alternate methods, procedures, design criteria, or~~  
29 ~~functional variation from the requirements of this Rule and the rules contained in this Section. The~~  
30 ~~equivalency may be granted by the Division when a facility submits a written equivalency request~~  
31 ~~to the Division that states the following:~~

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

34 ~~(i) impractical;~~

35 ~~(ii) unable to be met due to extraordinary circumstances;~~

36 ~~(iii) unable to be met due to new programs; or~~

37 ~~(iv) unable to be met due to unusual conditions;~~

- 1           **(b)** the justification for the equivalency; and
- 2           **(c)** how the proposed equivalency meets the intent of the corresponding rule requirement.
- 3       **(6)** ~~Where rules, codes or standards have any conflict, the most stringent requirement shall apply. In~~ Where rules, codes or standards have any conflict, the most stringent requirement shall apply. In
- 4           determining whether to grant an equivalency request, the Division shall consider whether the request
- 5           will reduce the safety and operational effectiveness of the facility. The facility shall maintain a copy
- 6           of the approved equivalency issued by the Division, and
- 7       **(7)** ~~Where rules, codes or standards have any conflict, the more stringent requirement shall apply.~~

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9   *History Note:*    *Authority G.S. 131D-2.16; 143B –165;*  
10                    *Eff. July 1, ~~2005-2005~~;*  
11                    *Readopted Eff. February 1, 2025.*