

1 10A NCAC 13G .1604 is proposed for amendment as follows:

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3 **10A NCAC 13G .1604 RATING CALCULATION**

4 (a) Ratings shall be based on:

- 5 (1) Inspections completed pursuant to G.S. ~~131D-2(b)(1a)~~; 131D-2.11(a) and (a1);
- 6 (2) Statutory and Rule requirements listed in Rule .1603 of this Section;
- 7 (3) Type ~~A~~ A1, Type A2, or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34;
- 8 and
- 9 (4) Other items listed in Subparagraphs (c)(1) and (c)(2) of this Rule.

10 (b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which
11 results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule
12 .1602(a) of this Section.

13 (c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual or
14 biennial inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added
15 or subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:

16 (1) Merit Points

- 17 (A) If the facility corrects ~~citations~~ a standard deficiency of noncompliance with the statutes
18 or rules listed in Rule .1603 of this Subchapter, ~~which are not related to the identification~~
19 ~~of a Type A violation or an uncorrected Type B violation~~, the facility shall receive 1.25
20 merit points for each corrected deficiency;
- 21 (B) ~~If the facility receives citations on its annual inspection with no Type A or Type B violations~~
22 ~~and the rating from the annual inspection is one or zero stars, the facility may request~~
23 ~~Division of Health Service Regulation to conduct a follow up inspection not less than 60~~
24 ~~days after the date of the annual inspection. A follow up inspection shall be completed~~
25 ~~depending upon the availability of Division of Health Service Regulation staff. As~~
26 ~~determined by the follow up review, the facility shall receive 1.25 merit points for each~~
27 ~~corrected deficiency; If the facility corrects a citation for which a Type B violation was~~
28 ~~identified, the facility shall receive 1.75 merit points;~~
- 29 (C) ~~If the facility corrects the citation for which a Type A violation was identified, the facility~~
30 ~~shall receive 2.5 merit points and shall receive an additional 2.5 merit points following the~~
31 ~~next annual inspection if no further Type A violations are identified; If the facility corrects~~
32 ~~a previously uncorrected Type B violation, the facility shall receive 1.75 merit points;~~
- 33 (D) ~~If the facility corrects a previously uncorrected Type B violation, the facility shall receive~~
34 ~~1.25 merit points; If the facility corrects the citation for which a Type A1 or Type A2~~
35 ~~violation was identified, the facility shall receive 5 merit points;~~
- 36 (E) ~~If the facility corrects a previously uncorrected Type A1 or A2 violation, the facility shall~~
37 ~~receive 5 merit points;~~

- 1 ~~(E)~~(F) If the facility's admissions have been ~~suspended~~, suspended pursuant 131D-2.7, to the
2 facility shall receive 5 merit points if the suspension is removed;
- 3 ~~(G)~~ If the facility's license is restored to a full license after being downgraded to a provisional
4 license, the facility shall receive 5 merit points;
- 5 ~~(F)~~(H) If the facility participates in any quality improvement program pursuant to G.S. 131D-10,
6 the facility shall receive 2.5 merit points;
- 7 ~~(G)~~ If the facility receives NC NOVA special licensure designation, the facility shall receive
8 2.5 merit points;
- 9 ~~(I)~~ If the facility establishes an ongoing resident council which meets at least quarterly, the
10 facility shall receive .5 merit point;
- 11 ~~(J)~~ If the facility establishes an ongoing family council which meets at least quarterly, the
12 facility shall receive .5 merit point;
- 13 ~~(K)~~ If the facility's designated on-site staff member who directs the facility's infection control
14 activities in accordance with G.S. 131D-4.4A has completed the "Infection Control in Long
15 Term Care Facilities" course offered by the University of North Carolina Statewide
16 Program for Infection Control and Epidemiology (SPICE) every two years, the facility
17 shall receive .5 merit point;
- 18 ~~(H)~~(L) ~~On or after the effective date of this Rule, if~~ If the facility permanently installs a generator
19 or has a contract with a generator provider to provide emergency power for essential
20 functions of the facility, the facility shall receive 2 merit points. For purposes of this
21 ~~Section, Rule~~, essential functions mean those functions necessary to maintain the health or
22 safety of residents during power outages greater than ~~6 hours~~. hours and include the fire
23 alarm system, heating, lighting, refrigeration for medication storage, minimal cooking,
24 elevators, medical equipment, computers, door alarms, special locking systems, sewage
25 and well operation where applicable, sprinkler system, and telephones. If the facility has
26 an existing permanently installed generator or an existing contract with a generator
27 provider, the facility shall receive 1 merit point for maintaining the generator in working
28 order or continuing the contract with a generator provider; ~~and~~
- 29 ~~(I)~~(M) ~~On or after the effective date of this Rule, if~~ If the facility installs automatic sprinklers in
30 compliance with the North Carolina Building Code, and maintains the system in working
31 order, the facility shall receive 3 merit points. If the facility has an existing automatic
32 sprinkler, the facility shall receive 2 merit points for subsequent ratings for maintaining the
33 automatic sprinklers in ~~good working order~~. order; and
- 34 ~~(N)~~ If the facility engages the services of a third-party company to conduct resident and family
35 satisfaction surveys at least annually for the purpose of improving resident care, the facility
36 shall receive 1 merit point. Resident and family satisfaction surveys shall not be conducted
37 by any employees of the facility, or a third-party company affiliated with the facility. The

satisfaction survey results shall be made available upon request and in a location accessible to residents and visitors in the facility.

(2) Demerit Points

(A) For each ~~standard deficiency citation~~ of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;

(B) For each citation of a Type ~~A~~ A1 or Type A2 violation, the facility shall receive a demerit of ~~10 points;~~ points, and if the Type A1 or Type A2 violation remains uncorrected as result of a follow-up inspection, the facility shall receive an additional demerit of 10 points;

(C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected as the result of a follow-up inspection, the facility shall receive an additional demerit of 3.5 points;

(D) If the facility's admissions are ~~suspended,~~ suspended pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to ~~G.S. 131D-4.2, G.S. 131D-2.7,~~ G.S. 131D-2.7, G.S. 131D-4.2, the facility shall not receive any demerit points; ~~and~~

(E) If the facility's license is downgraded to a provisional license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 10 points;

~~(E)~~(F) If the facility receives a notice of revocation against its ~~license,~~ license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 ~~points;~~ points; and

(G) If the facility's license is summarily suspended pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points.

(d) Facilities shall be given a rating of zero to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:

(1) Four stars shall be assigned to any facility whose score is 100 points or greater on two consecutive annual or biennial inspections;

(2) Three stars shall be assigned for scores of 90 to 99.9 points, or for any facility whose score is 100 points or greater on one annual or biennial inspection;

(3) Two stars shall be assigned for scores of 80 to 89.9 points;

(4) One star shall be assigned for scores of 70 to 79.9 points; and

(5) Zero stars shall be assigned for scores of 69.9 points or lower.

History Note: Authority G.S. 131D-4.5; 131D-10;

Eff. July 3, 2008; 2008;

Readopted Eff. August 1, 2025;

Amended Eff. August 1, 2025.