

SECTION .0300 - THE BUILDING

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

A family care home shall meet the following physical plant requirements:

- (1) New construction and existing buildings proposed for use as a Family Care Home shall comply with the requirements of this Section.
- (2) Except where otherwise specified, existing licensed facilities or portions of existing licensed facilities shall meet the licensure and code requirements in effect at the time of licensure, construction, change in service, change in bed capacity, addition, modification, renovation, or alteration.
- (3) New additions, alterations, modifications, and repairs shall meet the requirements of this Section.
- (4) The Division may grant an equivalency to allow alternate methods, procedures, design criteria, or functional variation from the requirements of this Rule and the rules contained in this Section. The equivalency may be granted by the Division when the owner or his appointed representative submits a written equivalency request to the Division that states the following:
 - (a) the rule citation and the rule requirement that will not be met because strict conformance with current requirements would be:
 - (i) impractical;
 - (ii) unable to be met due to extraordinary circumstances. For the purpose of this Rule, "extraordinary circumstances" means situations that are unexpected and beyond the control of the facility; or
 - (iii) unable to be met due to new programs.
 - (b) the justification for the equivalency; and
 - (c) how the proposed equivalency meets the intent of the corresponding rule requirement.
- (5) In determining whether to grant an equivalency request, the Division shall consider whether the request will reduce the safety and operational effectiveness of the facility. The facility shall maintain a copy of the approved equivalency issued by the Division.
- (6) Where rules, codes or standards have any conflict, the more stringent requirement shall apply.

*History Note: Authority G.S. 131D-2.16; 143B-165;
Eff. July 1, 2005;
Readopted Eff. April 1, 2025.*