

SECTION .3100 - DESIGN AND CONSTRUCTION

10A NCAC 13D .3101 GENERAL RULES

(a) Each facility shall be planned, constructed, equipped, and maintained to provide the services offered in the facility.

(b) A new facility or remodeling of an existing facility shall meet the requirements of the North Carolina State Building Code, all applicable volumes, which is incorporated by reference, including all subsequent amendments. Copies of this code may be purchased from the Department of Insurance Engineering and Codes Division located at 410 North Boylan Avenue, Raleigh, NC 27603 at a cost of two hundred fifty dollars (\$250.00). Existing licensed facilities shall meet the requirements of the North Carolina State Building Code in effect at the time of construction or remodeling.

(c) Any existing building converted from another use to a nursing facility shall meet all requirements of a new facility.

(d) The sanitation, water supply, sewage disposal and dietary facilities shall comply with the rules of the Commission for Public Health, which are incorporated by reference, including all subsequent amendments. Copies of these Rules may be obtained from the Department of Environment and Natural Resources, Division of Environmental Health, Environmental Health Services Section, 1630 Mail Service Center, Raleigh, NC 27699-1630 at no cost.

(e) The adult care home portion of a combination facility shall meet the rules for a nursing facility contained in Sections .3100, .3200, .3300, and .3400 of this Subchapter, except when separated by two-hour fire resistive construction. When separated by two-hour fire-resistive construction, the adult care home portion of the facility shall meet the rules for domiciliary homes in 10A NCAC 13F, Licensing of Adult Care Homes, which are incorporated by reference, including all subsequent amendments; and domiciliary resident areas must be located in the domiciliary section of the facility. Copies of 10A NCAC 13F can be obtained free of charge from the Division of Health Service Regulation, Adult Care Licensure Section, 2708 Mail Service Center, Raleigh, NC 27699-2708.

(f) An addition to an existing facility shall meet the same requirements as a new facility.

*History Note: Authority G.S. 131E-104; 42 U.S.C. 1396;
Eff. January 1, 1996.*

10A NCAC 13D .3102 APPLICATION OF PHYSICAL PLANT REQUIREMENTS

The physical plant requirements for each facility shall be applied as follows:

- (1) New construction shall comply with the requirements of Sections .3100-.3400 of this Subchapter.
- (2) Except where otherwise specified, existing buildings shall meet licensure and code requirements in effect at the time of construction, alteration or modification.
- (3) New additions, alterations, modifications and repairs shall meet the technical requirements of Sections .3100-.3400 of this Subchapter; however, where strict conformance with current requirements would be impractical, the Division may approve alternative measures where the facility can demonstrate to the Division's satisfaction that the alternative measures do not reduce the safety or operating effectiveness of the facility.
- (4) Rules contained in Sections .3100-.3400 of this Subchapter are minimum requirements and are not intended to prohibit buildings, systems or operational conditions that exceed minimum requirements.
- (5) Equivalency: Alternate methods, procedures, design criteria and functional variations from the physical plant requirements, because of extraordinary circumstances, new programs or unusual conditions, may be approved by the Division when the facility can effectively demonstrate to the Division's satisfaction, that the intent of the physical plant requirements are met and that the variation does not reduce the safety or operational effectiveness of the facility.
- (6) Where rules, codes or standards have any conflict, the most stringent requirement shall apply.

*History Note: Authority G.S. 131E-104;
Eff. January 1, 1996.*

10A NCAC 13D .3103 SITE

The site of the proposed facility must be approved by the Department prior to construction and shall:

- (1) be accessible by public roads and public transportation;
- (2) be accessible to fire fighting services;
- (3) have a water supply, sewage disposal system, garbage disposal system and trash disposal system approved by the local health department having jurisdiction;
- (4) meet all local ordinances and zoning laws; and

- (5) be free from exposure to hazards and pollutants.

*History Note: Authority G.S. 131E-104;
Eff. January 1, 1996.*

10A NCAC 13D .3104 PLANS AND SPECIFICATIONS

(a) When construction or remodeling is planned, final working drawings and specifications shall be submitted by the owner or his appointed representative to the Department for review and approval. Schematic drawings and preliminary working drawings shall be submitted by the owner prior to the required submission of final working drawings. The Department will forward copies of each submittal to the Department of Insurance and the Division of Environmental Health for review and approval. Three copies of the plan shall be provided at each submittal.

(b) Approval of final plans and specifications must be obtained from the Department prior to licensure. Approval of plans shall expire after one year unless a building permit for the construction has been obtained prior to the expiration date of the approval of final plans.

(c) If an approval expires, renewed approval shall be issued provided revised plans meeting all current regulations, codes, and standards are submitted and reviewed.

(d) Completed construction or remodeling shall conform to the minimum standards established in Sections .3100, .3200, .3300, and .3400 of this Subchapter. Prior to approval for licensure, one set of "as built working drawings" shall be furnished to the Department. Final working drawings and building construction including building systems operation must be approved by the Department prior to licensure.

(e) The owner or his designated agent shall notify the Department when actual construction or remodeling starts and at points when construction is 50 percent, 75 percent, and 90 percent complete and upon final completion. New construction or remodeling must be approved in writing by the Department prior to use.

*History Note: Authority G.S. 131E-104;
Eff. January 1, 1996.*