

1 10A NCAC 13D .2001 is proposed for readoption with changes as follows:

2
3 **10A NCAC 13D .2001 DEFINITIONS**

4 The following definitions will apply throughout this Subchapter:

- 5 (1) "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or
6 punishment with resulting physical harm, pain or mental anguish.
- 7 (2) "Accident" means an unplanned ~~or unwanted~~ event resulting in the injury or wounding, no matter
8 how slight, of a patient or other individual.
- 9 ~~(3) "Accredited medical record technician" means a person trained in record maintenance and
10 preservation, and accredited by the American Health Information Management Association.~~
- 11 (3) "Addition" means an extension or increase in floor area or height of a building.
- 12 ~~(4) "Adequate" means, when applied to various services, that the services are at least satisfactory in
13 meeting a referred to need when measured against contemporary professional standards of practice.~~
- 14 ~~(5) (4) "Administrator" means a person licensed by the North Carolina State Board of Examiners for
15 Nursing Home Administrators who administers, manages, supervises, or is in general administrative
16 charge of a nursing home, without regard to whether such individual has an ownership interest in
17 such home or whether his or her functions and duties are shared with one or more individuals as
18 defined in accordance with G.S. 90-276, Article 20, and who has authority for and is responsible for
19 the overall operation of a facility. G.S. 90-274(4).~~
- 20 (5) "Alteration" means any construction or renovation to an existing structure other than repair,
21 maintenance, or addition.
- 22 ~~(6) "Appropriate" means right, suitable or proper for the specified use or purpose, suitable or proper,
23 when used as an adjective. When used as a transitive verb it means to set aside for some specified
24 exclusive use.~~
- 25 ~~(7) (6) "Brain injury long term care" means an interdisciplinary, intensive maintenance program for patients
26 who have incurred brain damage caused by external physical trauma and who have completed a
27 primary course of rehabilitative treatment and have reached a point of no gain or progress for more
28 than three consecutive months. ~~Services are~~ Brain injury long term care is provided through a
29 medically supervised interdisciplinary process and ~~are~~ is directed toward maintaining the individual
30 at the optimal level of physical, cognitive and behavioral functions.~~
- 31 ~~(8) (7) "Capacity" means the maximum number of patient or resident beds for which the facility is licensed
32 to maintain at any given time.~~
- 33 ~~(9) "Case manager" means the individual responsible for the coordination of services, for a given
34 patient, between disciplines so that the patient may reach optimal rehabilitation through the
35 judicious use of resources.~~
- 36 ~~(10) (8) "Combination facility" means a combination home as defined in G.S. 131E-101.~~

1 ~~(11)~~ (9) "Comprehensive, inpatient rehabilitation program" means a program for the treatment of persons
2 with functional limitations or chronic disabling conditions who have the potential to achieve a
3 significant improvement in activities of daily ~~living~~, living, including bathing, dressing, grooming,
4 transferring, eating, and using speech, language or other communication systems. A comprehensive,
5 rehabilitation program utilizes a coordinated and integrated, interdisciplinary approach, directed by
6 a physician, to assess patient needs and to provide treatment and evaluation of physical,
7 psychosocial and cognitive deficits.

8 ~~(12)~~ "Convalescent care" means ~~care given for the purpose of assisting the patient or resident to regain~~
9 ~~health or strength.~~

10 ~~(13)~~ (10) "Department" means the North Carolina Department of Health and Human Services.

11 ~~(14)~~ "Dietitian" means a person who is licensed according to G.S. 90, Article 25, or is registered by the
12 Commission on Dietetic Registration (CDR) of the American Dietetic Association (ADA) according
13 to the standards and qualifications as referenced in the second edition of the
14 "Accreditation/Approval Manual for Dietetic Education Program," "The Registration Eligibility
15 Application for Dietitians" and the "Continuing Professional Education" which are hereby
16 incorporated by reference, including subsequent amendments and editions. Copies of the manual
17 may be purchased from ADA Sales Order Department, 216 W. Jackson Blvd., Chicago, IL 60606-
18 6995 for twenty one dollars and ninety five cents (\$21.95), plus three dollars (\$3.00) shipping and
19 handling.

20 ~~(15)~~ (11) "Director of nursing" means a registered nurse who has authority and direct responsibility for all
21 nursing services and nursing care.

22 ~~(16)~~ (12) "Discharge" means a ~~patient who physically relocates~~ physical relocation of a patient to another
23 health care setting setting, or is discharged home ~~the discharge of a patient to his or her home, or~~
24 ~~relocated~~ the relocation of a patient from a nursing bed to an adult care home ~~bed~~ bed, or from an
25 adult care home bed to a nursing bed.

26 ~~(17)~~ "Drug" means substances:

27 ~~(a)~~ ~~recognized in the official United States Pharmacopoeia, official National Formulary, or~~
28 ~~any supplement to any of them;~~

29 ~~(b)~~ ~~intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in~~
30 ~~man or other animals;~~

31 ~~(c)~~ ~~intended to affect the structure or any function of the body of man or other animals, i.e.,~~
32 ~~substances other than food; and~~

33 ~~(d)~~ ~~intended for use as a component of any article specified in Subitems (a), (b), or (c) of this~~
34 ~~Subparagraph.~~

35 ~~(18)~~ (13) "Existing facility" means a facility currently ~~licensed~~ licensed, or a proposed facility, a proposed
36 addition to a licensed ~~facility~~ facility, or a proposed remodeled licensed facility that will be built
37 according to plans design development drawings and specifications ~~which have been~~ approved by

1 the Department ~~through the design development drawings stage~~ for compliance with the standards
2 established in Sections .3100, .3200, and .3400 of this Subchapter, prior to the effective date of this
3 Rule.

4 ~~(19) "Exit conference" means the conference held at the end of a survey or investigation between the~~
5 ~~Department's representatives and the facility administration representative.~~

6 ~~(20)~~ (14) "Facility" means a nursing facility or combination facility as defined in this Rule.

7 ~~(21) "Finding" (when used in conjunction with the Nurse Aide program) means a determination by the~~
8 ~~Department that an allegation of patient abuse or neglect, or misappropriation of patient property~~
9 ~~has been substantiated.~~

10 ~~(22) "HIV Unit" means designated areas dedicated to patients or residents known to have Human~~
11 ~~Immunodeficiency Virus disease.~~

12 ~~(23)~~ (15) "Incident" means any ~~happening, accident, event~~ event, or occurrence ~~which that~~ which that is unplanned, or
13 unusual ~~unusual, or unwanted~~ and has actually caused harm to a ~~patient~~ patient, or has the potential
14 for harm.

15 ~~(24)~~ (16) "Inpatient rehabilitation facility or unit" means a free-standing facility or a unit (unit pertains to
16 contiguous dedicated beds and spaces) within an existing licensed health service facility approved
17 in accordance with G.S. 131E, Article 9 to establish inpatient, rehabilitation beds and to provide a
18 comprehensive, inpatient rehabilitation program.

19 ~~(25)~~ (17) "Interdisciplinary" means an integrated process involving ~~a representative~~ representatives from
20 appropriate disciplines of the health care team.

21 ~~(26) "Licensed" means holding a current and valid license as required under the General Statutes of North~~
22 ~~Carolina.~~

23 ~~(27) "Licensed practical nurse" means a nurse who is licensed as a practical nurse under G.S. 90, Article~~
24 ~~9A.~~

25 ~~(28)~~ (18) "Licensee" means the person, firm, partnership, association, corporation or organization to whom
26 a license to operate the facility has been issued. The licensee is the legal entity ~~which that~~ which that is
27 responsible for the operation of the business.

28 ~~(29) "Medical consultations" means consultations which the rehabilitation physician, the attending~~
29 ~~physician or other authorized persons determine are necessary to meet the acute medical needs of~~
30 ~~the patient and do not include routine medical needs.~~

31 ~~(30) "Medication" means drug as defined in Item (17) of this Rule.~~

32 ~~(31)~~ (19) "Medication error rate" means ~~a discrepancy between what~~ the measure of discrepancies between
33 medication that was ordered for a patient by the health care provider and ~~what~~ medication that is
34 actually ~~administered.~~ administered to the patient. ~~It~~ The medication error rate is calculated by
35 dividing the number of errors observed ~~divided~~ by the surveyor by the opportunities for ~~error~~ error,
36 multiplied times 100.

- 1 ~~(32)~~ (20) "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful,
2 temporary or permanent use of a patient's belongings or money without the patient's consent.
- 3 ~~(33)~~ (21) "Neglect" means a failure to provide goods and services necessary to avoid physical harm, mental
4 anguish or mental illness.
- 5 ~~(34)~~ (22) "New facility" means a proposed facility, a proposed addition to an existing facility or a proposed
6 remodeled portion of an existing facility that ~~is constructed~~ will be built according to plans design
7 development drawings and specifications approved by the Department ~~subsequent to~~ for compliance
8 with the standards established in Sections .3100, .3200, and .3400 of this Subchapter after the
9 effective date of this Rule. ~~If determined by the Department that more than half of an existing facility~~
10 ~~is remodeled, the entire existing facility shall be considered a new facility.~~
- 11 ~~(35)~~ (23) "Nurse Aide" means a person who is listed on the N.C. Nurse Aide Registry and ~~is in compliance~~
12 ~~with 42 CFR Part 483 which is incorporated by reference, including subsequent amendments.~~
13 provides nursing or nursing-related services to patients in a nursing home. A nurse aide is not a
14 licensed health professional. Nursing homes that participate in Medicare or Medicaid shall comply
15 with 42 CFR Part 483.75(e) which is incorporated by reference, including subsequent amendments.
16 ~~Copies of the Code of Federal Regulations may be purchased from the Superintendent of~~
17 ~~Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15202-7954 for~~
18 ~~thirty eight dollars (\$38.00) and may be purchased with a credit card by a direct telephone call to~~
19 ~~the G.P.O. at (202) 512-1800. The Code of Federal Regulations may be accessed at~~
20 http://www.access.gpo.gov/nara/cfr/waisidx_08/42cfr483_08.
- 21 ~~(36)~~ "Nurse aide trainee" means a person who has not completed an approved nurse aide training course
22 and competency evaluation and is demonstrating knowledge, while performing tasks for which they
23 have been found proficient by an instructor. ~~These tasks shall be performed under the direct~~
24 ~~supervision of a registered nurse. The term does not apply to volunteers.~~
- 25 ~~(37)~~ (24) "Nursing facility" means a nursing home as defined in G.S. 131E-101.
- 26 ~~(38)~~ "Nurse in charge" means the licensed nurse to whom duties for a specified number of patients and
27 staff for a specified period of time have been delegated, such as for Unit A on the 7-3 or 3-11 shift.
- 28 ~~(39)~~ "Occupational therapist" means a person licensed in the State of North Carolina as an occupational
29 therapist in accordance with the provisions of G.S. 90, Article 18D.
- 30 ~~(40)~~ "Occupational therapist assistant" means a person licensed in the State of North Carolina as an
31 occupational therapist assistant in accordance with the provisions of G.S. 90, Article 18D.
- 32 ~~(41)~~ "On duty personnel" means personnel who are responsive to patient needs and physically present in
33 the facility performing assigned duties.
- 34 ~~(42)~~ (25) "Patient" means any person admitted for nursing care.
- 35 ~~(43)~~ "Pharmaceutical care" means the provision of drug therapy and other pharmaceutical care services
36 to achieve intended medication outcomes and minimize negative effects of drug therapy.
- 37 ~~(44)~~ "Pharmacist" means a person who is licensed to practice pharmacy in North Carolina.

- 1 ~~(45) "Physician" means a person licensed under G.S. 90, Article 1 to practice medicine in North Carolina.~~
- 2 ~~(46) "Proposal" means a Negative Action Proposal containing information that may ultimately be~~
- 3 ~~classified as violations.~~
- 4 ~~(47) "Provisional License" means an amended license recognizing significantly less than full compliance~~
- 5 ~~with the licensure rules.~~
- 6 ~~(48) "Psychologist" means a person licensed as a practicing psychologist in accordance with G.S. 90,~~
- 7 ~~Article 18A.~~
- 8 ~~(49) "Physiatrist" means a licensed physician who has completed a physical medicine and rehabilitation~~
- 9 ~~residency training program approved by the Accreditation Council of Graduate Medical Education~~
- 10 ~~or the American Osteopathic Association.~~
- 11 ~~(50) "Physical therapist" means a person licensed in the State of North Carolina as a physical therapist~~
- 12 ~~in accordance with the provisions of G.S. 90, Article 18B.~~
- 13 ~~(51) "Physical therapist assistant" means a person licensed in the State of North Carolina as a physical~~
- 14 ~~therapist assistant in accordance with the provisions of G.S. 90-270.24, Article 18B.~~
- 15 ~~(52) "Recreational therapist" means a person certified by the State of North Carolina Therapeutic~~
- 16 ~~Recreational Certification Board.~~
- 17 ~~(53) "Registered Nurse" means a nurse who is licensed as a registered nurse under G.S. 90, Article 9A.~~
- 18 ~~(54) "Registered Records Administrator" means a person who is registered by the American Health~~
- 19 ~~Information Management Association.~~
- 20 ~~(55) "Rehabilitation nurse" means a registered nurse licensed in North Carolina, with training, either~~
- 21 ~~academic or on the job, in physical rehabilitation nursing and at least one year experience in~~
- 22 ~~physical rehabilitation nursing.~~
- 23 ~~(56) "Rehabilitation aide" means an unlicensed assistant who works under the supervision of a registered~~
- 24 ~~nurse, licensed physical therapist or occupational therapist in accordance with the appropriate~~
- 25 ~~occupational licensure laws governing his or her supervisor and consistent with staffing~~
- 26 ~~requirements as set forth in Rule .3027 of this Subchapter. Any rehabilitation aide, who works in a~~
- 27 ~~nursing department and is under the supervision of a registered nurse, shall be listed on the North~~
- 28 ~~Carolina Nurse Aide Registry and have received additional staff training as listed in Rule .3028 of~~
- 29 ~~this Subchapter.~~
- 30 ~~(57) "Rehabilitation physician" means a physiatrist or a physician who is qualified, based on education,~~
- 31 ~~training and experience, regardless of specialty, to provide medical care to rehabilitation patients.~~
- 32 ~~(58)(26) "Remodeling" means alterations, renovations, rehabilitation work, repairs to structural systems, and~~
- 33 ~~replacement of building systems at a nursing facility or combination facility.~~
- 34 (27) "Repair" means reconstruction or renewal of any part of an existing building for the purpose of its
- 35 maintenance.
- 36 ~~(59) (28) "Resident" means any person admitted for care to an adult care home part of a combination facility~~
- 37 ~~as defined in G.S. 131E-101.~~

1 ~~(60)~~ (29) "Respite care" means services provided for ~~persons admitted to a nursing facility~~ a patient on a
2 temporary basis, not to exceed 30 days.

3 ~~(61)~~ "Significant medication error" means an error which causes the patient discomfort or jeopardizes
4 the health and safety of the patient. Factors to consider when determining significance of error
5 include the patient's condition, the drug category (need titration of blood levels, etc.) and frequency
6 of the error.

7 ~~(62)~~ "Single unit or unit dose package" means each dose of medication is individually packaged in a
8 properly sealed and properly labeled container in accordance with the U.S. Pharmacopeia and
9 professional standards.

10 ~~(63)~~ "Sitter" means an employee or volunteer who provides companionship and social interaction to a
11 particular patient, usually on a private duty basis.

12 ~~(64)~~ "Social worker" means a person who meets the qualifications set forth in Rule .2802 of this
13 Subchapter.

14 ~~(65)~~ "Speech and language pathologist" means a person licensed in the State of North Carolina as a
15 speech and language pathologist in accordance with the provisions of G.S. 90, Article 22.

16 ~~(66)~~ "Supervisor in charge" (adult care home) means any employee to whom supervisory duties for the
17 adult care home portion of a combination home have been delegated by either the administrator or
18 director of nursing.

19 ~~(67)~~ (30) "Surveyor" means an authorized representative of the Department who inspects nursing facilities
20 and combination facilities to determine compliance with rules as set forth in G.S. 131E-117 and
21 applicable state and federal laws, rules and regulations. G.S. 131E-117, Subchapters 13D and 13F
22 of this Chapter, and 42 CFR Part 483, Requirements for States and Long Term Care Facilities.

23 ~~(68)~~ "Unit dose system" means a drug distribution system in which each dose of medication is contained
24 in, and administered from, single unit or unit dose packages.

25 ~~(69)~~ (31) "Ventilator dependence" is defined as physiological dependency by a patient on the use of a
26 ventilator for more than eight hours a day.

27 ~~(70)~~ (32) "Violation" means a ~~finding which directly relates to a patient's or resident's health, safety or~~
28 ~~welfare, or which creates a substantial risk that death or serious physical harm will occur. It is~~
29 ~~determined to be an infraction of~~ failure to comply with the regulations, standards and requirements
30 set forth in G.S. 131E - 117 and 131D - 21 or ~~applicable state and federal laws, rules and regulations.~~
31 Subchapters 13D and 13F of this Chapter, or 42 CFR Part 483, Requirements for States and Long
32 Term Care Facilities, that directly relates to a patient's or resident's health, safety, or welfare, or
33 which creates a substantial risk that death, or serious physical harm will occur.

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35 *History Note:* Authority G.S. 131E-104;
36 RRC objection due to lack of statutory authority Eff. July 13, 1995;
37 Eff. January 1, ~~1996.~~ 1996.

