

1 10A NCAC 13E .0302 is proposed for adoption as follows:

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3 **10A NCAC 13E .0302 CAPACITY**

4 (a) Pursuant to G.S. 131D-6.1(c)(8), the Division of Health Service Regulation shall not approve a capacity for an
5 overnight respite services program of greater than six participants. For the purposes of this Rule, “capacity” means
6 the maximum number of participants that the overnight respite services program is licensed to maintain at any given
7 time.

8 (b) An overnight respite services program shall not exceed the capacity shown on its license.

9 (c) Prior to an increase in capacity by adding rooms, altering rooms, or changing use of space, the overnight respite
10 services program shall submit a request for capacity increase and two building plans of each floor to the Construction
11 Section. One plan shall indicate the current use of rooms in the existing building. The other plan shall indicate the
12 proposed use of rooms in the existing building and its addition, alteration, or change in use of space. For an addition
13 to an existing building, the building plans shall also indicate how the addition will be tied into the existing building
14 and any proposed changes to the building structure.

15 (d) When the overnight respite services program increases its capacity by the addition to or alteration of an existing
16 building, the entire overnight respite services program shall comply with the North Carolina Fire Prevention Code,
17 which is incorporated herein by reference, including all subsequent amendments and editions. Copies of this code may
18 be purchased from the International Code Council online at <http://www.iccsafe.org/Store/Pages/default.aspx> at a cost
19 of eighty-five dollars (\$85.00) or accessed electronically free of charge at
20 http://codes.iccsafe.org/app/book/toc/2012/North_Carolina/Fire/index.html.

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22 *History Note: Authority G.S. 131D-6.1;*

23 *Eff. April 1, 2017.*