

1 10A NCAC 13E .0302 is adopted with changes as published in 31:06 NCR, pp. 462-474, 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 of greater  
5 than six participants for an overnight respite services ~~program of greater than six participants.~~ program. For the  
6 purposes of this Rule, “capacity” means the maximum number of participants that the overnight respite services  
7 program is licensed to ~~maintain~~ house at any given 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,~~ reference including ~~all~~ subsequent amendments and editions. Copies of this  
18 code may be purchased from the International Code Council online at <http://www.iccsafe.org/Store/Pages/default.aspx>  
19 at a cost 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](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.*