

1 10A NCAC 13D .2001 is proposed for amendment as follows:

2
3 **SECTION .2000 – GENERAL INFORMATION**

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5 **10A NCAC 13D .2001 DEFINITIONS**

6 In addition to the definitions set forth in G.S. 131E-101, the following definitions shall apply throughout this
7 Subchapter:

- 8 (1) "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or
9 punishment with resulting physical harm, pain, or mental anguish. Abuse also includes the willful
10 deprivation by an individual, including a caretaker, of goods or services that are necessary to attain
11 or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents,
12 irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It
13 includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or
14 enabled through the use of technology. Willful, as used in this definition of abuse, means the
15 individual must have acted deliberately, not that the individual must have intended to inflict injury
16 or harm. This definition is as defined in 42 CFR § 483.5, which is incorporated by reference,
17 including subsequent amendments. The Code of Federal Regulations may be accessed at
18 <https://www.ecfr.gov>.
- 19 (2) "Accident" means an unplanned event resulting in the injury or wounding of a patient or other
20 individual.
- 21 (3) "Addition" means an extension or increase in floor area or height of a building.
- 22 (4) "Administrator" as defined in G.S. 90-276(4).
- 23 (5) "Alteration" means any construction or renovation to an existing structure other than repair,
24 maintenance, or addition.
- 25 ~~(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. Brain injury long term care is provided through a medically~~
29 ~~supervised interdisciplinary process and is directed toward maintaining the individual at the optimal~~
30 ~~level of physical, cognitive, and behavioral functions.~~
- 31 ~~(7)~~(6) "Capacity" means the maximum number of patient or resident beds for which the facility is licensed
32 to maintain at any given time.
- 33 ~~(8)~~(7) "Combination facility" means a combination home as defined in G.S. 131E-101.
- 34 ~~(9)~~(8) "Comprehensive, inpatient rehabilitation program" means a program for the treatment of persons
35 with functional limitations or chronic disabling conditions who have the potential to achieve a
36 significant improvement in activities of daily living, including bathing, dressing, grooming,
37 transferring, eating, and using speech, language, or other communication systems. A

1 comprehensive, inpatient rehabilitation program utilizes a coordinated and integrated,
2 interdisciplinary approach, directed by a physician, to assess patient needs and to provide treatment
3 and evaluation of physical, psychosocial, and cognitive deficits.

4 ~~(10)~~(9) "Department" means the North Carolina Department of Health and Human Services.

5 ~~(11)~~(10) "Director of nursing" means a registered nurse who has authority and responsibility for all nursing
6 services and nursing care.

7 ~~(12)~~(11) "Discharge" means a physical relocation of a patient to another health care setting; the discharge of
8 a patient to his or her home; or the relocation of a patient from a nursing bed to an adult care home
9 bed, or from an adult care home bed to a nursing bed.

10 ~~(13)~~(12) "Existing facility" means a facility currently licensed and built prior to the effective date of this
11 Rule.

12 ~~(14)~~(13) "Facility" means a nursing facility or combination facility as defined in this Rule.

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

15 ~~(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 ~~(17)~~(15) "Interdisciplinary" means an integrated process involving representatives from disciplines of the
20 health care team.

21 ~~(18)~~(16) "Licensee" means the person, firm, partnership, association, corporation, or organization to whom
22 a license to operate the facility has been issued. The licensee is the legal entity that is responsible
23 for the operation of the business.

24 ~~(19)~~(17) "Medication error rate" means the measure of discrepancies between medication that was ordered
25 for a patient by the health care provider and medication that is administered to the patient. The
26 medication error rate is calculated by dividing the number of errors observed by the surveyor by the
27 opportunities for error, multiplied times 100.

28 ~~(20)~~(18) "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful,
29 temporary or permanent use of a patient's belongings or money without the patient's consent.

30 ~~(21)~~(19) "Neglect" means a failure to provide goods and services necessary to avoid physical harm, mental
31 anguish, or mental illness.

32 ~~(22)~~(20) "New facility" means a facility for which an initial license is sought, a proposed addition to an
33 existing facility, or a proposed remodeled portion of an existing facility that will be built according
34 to construction documents and specifications approved by the Department for compliance with the
35 standards established in Sections .3100, .3200, and .3400 of this Subchapter.

36 ~~(23)~~(21) "Nurse Aide" means a person who is listed on the N.C. Nurse Aide Registry and provides nursing
37 or nursing-related services to patients in a nursing home. A nurse aide is not a licensed health

1 professional. Nursing homes that participate in Medicare or Medicaid shall comply with 42 CFR
2 483.35, which is incorporated by reference, including subsequent amendments. The Code of Federal
3 Regulations may be accessed at <https://www.ecfr.gov>.

4 ~~(24)~~(22) "Nursing facility" means a nursing home as defined in G.S. 131E-101.

5 ~~(25)~~(23) "Patient" means any person admitted for nursing care.

6 ~~(26)~~(24) "Remodeling" means alterations, renovations, rehabilitation work, repairs to structural systems, and
7 replacement of building systems at a nursing or combination facility.

8 ~~(27)~~(25) "Repair" means reconstruction or renewal of any part of an existing building for the purpose of its
9 maintenance.

10 ~~(28)~~(26) "Resident" means any person admitted for care to an adult care home part of a combination facility.

11 ~~(29)~~(27) "Respite care" means services provided for a patient on a temporary basis, not to exceed 30 days.

12 ~~(30)~~(28) "Surveyor" means a representative of the Department who inspects nursing facilities and
13 combination facilities to determine compliance with rules, laws, and regulations as set forth in G.S.
14 131E-117; Subchapters 13D and 13F of this Chapter; and 42 CFR Part 483, Requirements for States
15 and Long Term Care Facilities.

16 ~~(31)~~(29) "Violation" means a failure to comply with rules, laws, and regulations as set forth in G.S. 131E-
17 117 and 131D-21; Subchapters 13D and 13F of this Chapter; or 42 CFR Part 483, Requirements for
18 States and Long Term Care Facilities, that relates to a patient's or resident's health, safety, or welfare,
19 or that creates a risk that death, or physical harm may occur.

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21 *History Note: Authority G.S. 131E-104;*
22 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*
23 *Eff. January 1, 1996;*
24 *Readopted Eff. July 1, 2016;*
25 *Amended Eff. October 1, 2021; January 1, ~~2021~~, 2021;*
26 *Amended Eff. August 1, 2026.*