

1 10A NCAC 13D .3102 is proposed for readoption as follows:

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3 **10A NCAC 13D .3102 APPLICATION OF PHYSICAL PLANT REQUIREMENTS**

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

5 (1) New construction shall comply with the requirements of Sections .3100-.3400 of this Subchapter.

6 (2) Except where otherwise specified, existing buildings shall meet licensure and code requirements in
7 effect at the time of construction, alteration or modification.

8 (3) New additions, alterations, modifications and repairs shall meet the technical requirements of
9 Sections .3100-.3400 of this Subchapter; however, where strict conformance with current
10 requirements would be impractical, the Division may approve alternative measures where the
11 facility can demonstrate to the Division’s satisfaction that the alternative measures do not reduce
12 the safety or operating effectiveness of the facility.

13 (4) Rules contained in Sections .3100-.3400 of this Subchapter are minimum requirements and are not
14 intended to prohibit buildings, systems or operational conditions that exceed minimum
15 requirements.

16 (5) Equivalency: Alternate methods, procedures, design criteria and functional variations from the
17 physical plant requirements, because of extraordinary circumstances, new programs or unusual
18 conditions, may be approved by the Division when the facility can effectively demonstrate to the
19 Division’s satisfaction, that the intent of the physical plant requirements are met and that the
20 variation does not reduce the safety or operational effectiveness of the facility.

21 (6) Where rules, codes or standards have any conflict, the most stringent requirement shall apply.

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23 *History Note: Authority G.S. 131E-104;*

24 *Eff. January 1, 1996;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
26 *2015-2015:*

27 *Readopted Eff. August 1, 2026.*