

1 10A NCAC 13D .2105 is amended as published in 40:12 NCR 986-998 as follows:

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3 **10A NCAC 13D .2105 TEMPORARY CHANGE IN BED CAPACITY**

4 ~~(a) A continuing care retirement community, having an agreement to care for all residents regardless of level of care~~
5 ~~needs, may temporarily increase bed capacity by 10 percent or 10 beds, whichever is less, over the licensed bed~~
6 ~~capacity for a period up to 60 days following notification to and approval by the Division of Health Service Regulation~~
7 ~~and the period may be extended by an additional 60 days.~~

8 ~~(b)(a)~~ In an emergency situation, such as a natural disaster, a facility may exceed its licensed capacity as determined
9 by its disaster plan and as authorized by the Division of Health Service Regulation. Emergency authorizations shall
10 not exceed 60 days.

11 ~~(a)(b)~~ A continuing care retirement community, having an agreement to care for all residents regardless of level of
12 care needs, may temporarily increase bed capacity by 10 percent or 10 beds, whichever is less, over the licensed bed
13 capacity for a period up to 60 days following notification to and approval by the Division of Health Service Regulation
14 and the period may be extended by an additional 60 days.

15 (c) The Division shall authorize, in writing, a temporary increase in licensed beds in accordance with Paragraphs (a)
16 and (b) of this Rule, if it is determined that:

- 17 (1) the increase is not associated with a capital expenditure; and
- 18 (2) the increase would not jeopardize the health, safety and welfare of the patients.

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20 *History Note: Authority G.S. 131E-104; 131E-112;*
21 *Eff. January 1, 1996;*
22 *Amended Eff. March 1, 2013;*
23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
24 *2015-2015;*
25 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
26 *Amended Eff. August 1, 2026-May 1, 2026.*