

Fiscal Note for Readoption of 15 NCAC 18A .1601-.1621

Agency: North Carolina Commission for Public Health
Department of Health and Human Services
Division of Public Health
Environmental Health Section
Food Protection and Facilities Branch

Rule Citations: 15 NCAC 18A .1601 Definitions
15 NCAC 18A .1602 Approval of Plans
15 NCAC 18A .1603 Inspections
15 NCAC 18A .1604 Reinspections: Visits
15 NCAC 18A .1605 Inspection Forms
15 NCAC 18A .1606 Scoring System
15 NCAC 18A .1607 Floors
15 NCAC 18A .1608 Walls and Ceilings
15 NCAC 18A .1609 Lighting and Ventilation
15 NCAC 18A .1610 Toilet: Handwashing: Laundry and Bathing
15 NCAC 18A .1611 Water Supply
15 NCAC 18A .1612 Drinking Water Facilities: Ice Handling
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15 NCAC 18A .1621 Employees

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Rulemaking Authority: G.S. 130A-235

Impact Summary: State Government: Yes
Local Government: Yes
Private Sector: Yes
Substantial Impact: No

Introduction and Purpose

The North Carolina Department of Health and Human Services (DHHS), Division of Public Health, Environmental Health Section, Food Protection and Facilities Branch (FPFB) is responsible for the administration of sanitation requirements in residential care facilities, that are issued a license or certificate by DHHS. These requirements are set forth in the Rules at 15A NCAC 18A .1600, all of which are proposed for readoption in accordance with G.S. 150B-21.3A. As part of the readoption process, the rules are proposed to be updated to clarify existing language and align with current practices. The proposed changes to the rules were made following consultation with FPFB, industry stakeholders and staff in the DHHS, Division of Health Service Regulation (“DHSR”), which is the agency that licenses the institutions that are subject to sanitation inspections under these rules.

Description of Proposed Rules

A brief description of each rule has been provided below. The text of proposed rules has been included in the **Appendix**.

15 NCAC 18A .1601, “Definitions”

The terms “Bed linen,” “Clean,” “Good repair,” “Licensing agency,” “Linen,” “Non-community water supply,” “Solid waste,” are used in the existing rules, but had not previously been defined in this rule. These terms have been added to this definitions rule for the purpose of clarifying existing language. These changes are not expected to result in an economic impact.

The existing definitions for the terms “Resident” and “Residential care facility” have been changed to clarify existing rule requirements, update outdated terminology, and reflect current practices. After consultation with DHSR, the term “Manager” has been replaced with the current terminology “Administrator,” and the definition for “Resident” has been updated to reflect that change. The definition for “Residential care facility” has been updated to replace the term “Department of Human Resources” with the term “Department,” which has also been defined, and correctly cross-reference the specific Institutions Sanitation rule number “.1301.” The term “Potentially hazardous food” has been replaced with the current terminology “Time/Temperature Control for Safety Food” or “TCS Food.” These changes are not expected to result in an economic impact.

The term “Department of Environment and Natural Resources” was replaced by the term “Department,” which now correctly refers to the North Carolina Department of Health and Human Services, and the part of the definition regarding authorized representatives has now been moved to a new term, “Regulatory authority.” The terms “director,” “foster care,” “family foster home,” “sanitarian,” and “sanitize” were removed from this rule because it is no longer necessary to define them. These changes are not expected to result in an economic impact.

In addition to the above, “pest” and “pest harborage” were added to replace “vermin” and “vermin harborage,” which were not previously defined, and a definition was added for “disinfectant.” These terms are defined here for clarity. The addition of these new terms and definitions is not expected to result in an economic impact.

15A NCAC 18A .1602, “Approval of Plans”

This rule governs the approval of construction plans for an institution. This rule was deemed unnecessary due to the limited construction standards set forth in subsequent rules that would warrant such approval and that ultimately the licensing agency determines eligibility for licensures. No fiscal analysis is required for the repeal of a rule.

15 NCAC 18A .1603, “Inspections”

This rule lays out the process for sanitation inspections in institutions. Paragraph (a) has been updated to clarify language regarding how the inspections are conducted. The term “regulatory authority” has been added to this Paragraph and has the same meaning as the older term that it replaces in Paragraph (a), which is “Department.” The term “administrator” has been added to this Paragraph and has the same meaning as the older undefined term that it replaces in Paragraph (a), which is “person in charge.” Rule language requiring inspections and safety reporting of family foster homes has been removed because the sanitation inspection requirements of these facilities are no longer required due to other statutory changes, making this obsolete. Finally, Paragraph (b) has been created to relocate inspection form requirements from Rule .1605 to provide clarity. These changes are not expected to result in any private sector economic impact but are anticipated to have an impact on state and local government from necessary training, which is discussed later in the fiscal note.

In Paragraph (b), there are also a few small additions to the documentation requirements for the Registered Environmental Health Specialist (REHS). However, it is expected that these new items will take minimal time to complete. These changes are not expected to result in an economic impact.

15 NCAC 18A .1604, “Reinspections: Visits”

This rule describes the procedures for reinspection of a residential care facility. The changes made to the rule include to update and replace the outdated term “sanitarian” with the defined term “regulatory authority” and the outdated term “manager” with the defined term “administrator”. Reinspection request requirements have been clarified grammatically while maintaining the same standards. These changes are not expected to result in an economic impact.

15 NCAC 18A .1605, “Inspection Forms”

The content of this rule has been relocated to Paragraph (b) of Rule .1603 for clarity and succinct purposes. This rule is proposed to be repealed in entirety, as it will no longer be needed. No fiscal analysis is required for the repeal of a rule.

15 NCAC 18A .1606, “Scoring System”

This rule describes the grading of residential care facilities based on sanitation inspections. Paragraph (a) has removed the requirements for family foster homes, as they are no longer under this regulatory authority’s purview. Paragraph (b)(2) has removed the “Provisional” classification and reinspection requirements as part of the existing scoring structure. Following consultation with DHSR, the licensing agency, the provisional classification was deemed unnecessary, as DHSR does not take action on the basis of a provisional score. The “Disapproved” classification has also been clarified to remove that a facility may be deemed “Disapproved” based on dangerous health conditions or failing to remediate previous a “Provisional” classification. There are professional expectations that the regulatory authority will notify the licensing agency of any potential concerns regarding resident safety. The classification changes in paragraph (b) impose a less stringent burden on regulated persons and, as such, no fiscal analysis is required pursuant to G.S. 150B-21.3A(d)(2). Paragraph (c) has been created to provide clarity on the number of demerits that could be accrued on a sanitation inspection form based on a sanitation evaluation. Section (c)(1) through (c)(41) all reference a specific line item on subsequent rules. Demerit values were applied based on public health significance and similar regulatory precedence in other existing agency rules. Previously, these values were assigned by Department policy. Codifying these values increases transparency in the scoring system, and in some instances, the burden on regulated entities has been reduced. For example, the demerit values for the violations in Section (c)(30) and (c)(33) have been reduced from 6 demerits to 5 demerits. This increased transparency will improve expectations for the grading of facilities. These changes either reduce regulatory burden or are not expected to result in an economic impact.

15 NCAC 18A .1607, “Floors”

This rule describes the requirements for floors in a residential care facility. The rule has been revised to clarify existing language. These changes are not expected to result in an economic impact.

15 NCAC 18A .1608, “Walls and Ceilings”

This rule describes the requirements for doors, walls, window trim, and ceilings in residential care facilities. The language has been updated to more clearly identify areas to be kept clean and in good repair, all of which have historically been understood to be subject to these requirements. These changes are not expected to result in an economic impact.

15 NCAC 18A .1609, “Lighting and Ventilation”

This rule describes the requirements for lighting and ventilation in residential care facilities. Paragraph (a) has been edited for clarification, but the substance remains unchanged. Paragraph (b) is unchanged. These changes are not expected to result in an economic impact.

15 NCAC 18A .1610, “Toilet: Handwashing and Bathing Facilities”

This rule describes the general requirements for toilet, handwashing, and bathing facilities. Paragraph (a) has been edited for clarity. Also, the reference to laundry facilities has been removed from this paragraph and relocated to Rule .1617. Paragraph (b) has been revised to clarify existing language by replacing the word “lavatories” with “hand sinks” and specifying the types of towels as “hand-drying”. These changes are not expected to result in an economic impact.

15 NCAC 18A .1611, “Water Supply”

This rule describes the requirements for a residential care facility’s water supply. Paragraph (a) is revised to acknowledge that a facility may be connected to a community water supply (under 18C) as well as a non-community supply (under 18A .1700) and to remove any nonpublic water supply approvals outside the scope of the .1700 rules mentioned in this paragraph. This paragraph was also revised to preserve a preexisting exception to well setbacks for facilities licensed prior to this Rule’s effective date. Paragraph (b) has been edited for clarity, maintaining the annual water sampling of non-community water supplies in current rule. Specific requirements for Nitrates and Coliform bacteria sampling have been struck and generally mentioned as bacteriological examinations.

Further editing has removed the requirement for pesticide sampling and re-sampling based on water supply distance from facility foundation, as industry no longer uses chemicals of concern in pesticides, such as chlordane (which was banned in the mid 1980’s), that necessitated this language in the rule. Its removal imposes a less stringent burden on regulated persons. Paragraph (c) has been revised to clarify existing language regarding cross-connections. It removes language regarding backflow connections as they are a type of cross-connection. Paragraph (d) has been revised to clarify existing language regarding the temperature, availability, and pressure of water in residential care facilities. A new provision is proposed to define a proper range of “hot water,” meaning water provided at temperatures between 105- and 116-degrees Fahrenheit, which are temperature parameters that reduce burn hazards and reduce the risk of legionella. This range is achievable with the use of domestic water heating equipment and is therefore not expected to require operational changes. These changes were made to align with current practices in similar facilities that are governed under 15A NCAC 18A .1300. These changes either reduce regulatory burden or are not expected to result in an economic impact.

15 NCAC 18A .1612, “Drinking Water Facilities: Ice Handling”

This rule describes requirements for drinking fountains and multi-use utensils designed to serve water and ice. This rule is intended to be repealed in its entirety, as it is no longer necessary and obsolete. No fiscal analysis is required for the repeal of a rule.

15 NCAC 18A .1613, “Liquid Wastes”

This rule describes requirements for sewage disposal. This rule has been edited to clarify the sanitary handling of liquid waste generated at a residential care facility by using specific references to the sanitation requirements in rule .1900. These changes are not expected to result in an economic impact.

15 NCAC 18A .1614, “Solid Wastes”

This rule describes the requirements for solid waste. Paragraph (a) has been edited to clarify and simplify the storage requirements. Paragraph (b) clarifies requirements for outdoor waste receptacles. Paragraph (c) introduces the new term “Pest harborage” as it relates to the frequency of solid waste removal from premises. These changes are not expected to result in an economic impact.

15 NCAC 18A .1615, “Pest Control and Outdoor Premises”

This rule describes pest control, pesticide use, and outdoor furniture and equipment. Paragraph (a) has been revised to clarify existing requirements for the presence of pests and preventing pests from entering a residential care facility. The new definition of “pest” has been incorporated in this paragraph. A sentence has also been added regarding keeping outdoor furniture and playgrounds in good repair. Paragraph (b) has been revised for clarity by citing the North Carolina statutes and federal regulations that govern pesticide approval and use. These changes are not expected to result in an economic impact.

15 NCAC 18A .1616, “Chemical and Medication Storage”

This rule describes the requirements for the storage of medications and chemicals. The majority of the rule language was removed as no longer necessary. Requirements were simplified to require chemicals and medications to be used and stored in accordance with manufacturers’ instructions. It is not expected that this will require operational changes nor have an economic impact.

15 NCAC 18A .1617, “Beds: Linen: Laundry: Furniture”

This rule describes requirements for the condition of furnishings and mattresses, the cleaning frequency and storage methods of linens, and the maintenance of laundry facilities. Paragraph (a) has been revised to clarify requirements for furnishings and mattresses. Paragraphs (b) and (c) have been revised for clarification purposes. A new paragraph (d) has been added to incorporate the verbiage regarding laundry facilities that was relocated from .1610(a). These changes to the rule are not expected to result in an economic impact.

15 NCAC 18A .1618, “Food Service Utensils and Equipment”

This rule describes the requirements for food service utensils and equipment and food storage areas in residential care facilities. Paragraph (a) has been revised to simplify the cleanliness and repair standards of food service equipment and utensils. Paragraph (b) has been revised to simplify the cleaning frequency standards of food contact surfaces of utensils and equipment. Paragraph (c) has been revised to simplify the handling and storage of utensils. Paragraph (d) has been revised to simplify the facility requirements for a sink to clean food service equipment and utensils and to remove the rules regarding cleaners containing poisonous substances because it is not a common practice and the provisions in .1616 will restrict this practice from occurring. Paragraph (e) removes cloth requirements as they are addressed in .1617 under “linens” and relocates the requirements for food storage areas from paragraph (i). Paragraphs (f), (g), (h), & (i) have all been removed for redundancy or deemed unnecessary with the simplification of the preceding sections. These changes to the rules are not expected to result in an economic impact.

15 NCAC 18A .1619, “Food”

This rule describes the requirements for food provided by the residential care facility. The header has been simplified and renamed “Food.” Paragraph (a) has been revised to incorporate the NC Food Code requirements incorporated in 15A NCAC 18A Section .2600 regarding approved food sources. This replaces existing language with clearly defined terms for safe sources of food for these facilities for

purposes of clarity. The Food Code was previously used to interpret existing rule language, and this now codifies these standards for clarity and transparency. Paragraph (b) has been removed because the practice of obtaining home canned food items is not common and the provisions in Paragraph (a) can allow for canned items obtained lawfully. These changes are not expected to result in an economic impact.

15 NCAC 18A .1620, “Food Protection”

This rule describes requirements for food protection in residential care facilities. Paragraph (a) has been revised to incorporate the temperature requirements of the NC Food Code during storage, preparation, transportation, display, and service. The term “TCS foods,” which is the term currently used by the industry in place of the older phrase “potentially hazardous foods” has been added. Language has been added to allow for the use of Time as a public health control without the extra requirements of written procedures as required by NC Food Code incorporated in 15A NCAC 18A Section .2600. Generally, “TCS foods” must be held below or above critical temperatures to ensure the safety of food to be served. When Time as a public health control is implemented, “TCS foods” can be held outside those critical temperatures for a specified length of time, thus using time, rather than temperature, as the tool that ensures the safety of the food to be served. All specific food temperature requirements have been removed because they can be met through incorporating NC Food Code. TCS foods are required to be maintained in accordance with the NC Food Code. These changes may result in an economic impact to the private sector and is further described in the Impact Analysis section of this fiscal note. Paragraph (b) has been rewritten for clarity to allow for live animals (pets) to travel the home unrestricted with the food and food contact surface provisions in place. Paragraph (c) has been revised to clarify existing requirements regarding the provision of equipment to maintain the safe storage of food and relocated the requirement for an indicating thermometer in all cold storage equipment from paragraph (a). Paragraph (d) has been updated to align storage requirements with those of NC Food Code which were used previously to interpret these requirements but were not defined in rule. The changes to paragraphs (b) through (d) are not expected to result in an economic impact.

15 NCAC 18A .1621, “Employees”

This rule describes requirements for employee handwashing and excluding and restricting due to illness. It also establishes a new requirement for cleaning kits and written procedures for responding to vomiting and diarrheal events. Paragraph (a) has been revised to clarify existing requirements pertaining to handwashing methods by incorporating NC Food Code as the most up to date methodology for food safety. The existing paragraph (b) has been rewritten for clarity and the current contents moved to Paragraph (c). Paragraph (b) now refers to the frequency of handwashing after specific contamination events. Paragraph (c) aligns requirements for staying out of work due to illness with those that are set forth in the NC Food Code. This change was made to reflect the most current science and best practices for preventing disease transmission. The existing rule language prohibits an employee who has a communicable or infectious disease, a boil, an infected wound, or an acute respiratory infection with cough or nasal discharge from working in an institution in a capacity where there is a likelihood of contaminating food or food contact surfaces and transmitting a disease or illness to others. In contrast, the requirements under the revised rule will allow for employees to be excluded from work or to continue working subject to certain restrictions that help prevent disease transmission, such as wearing an impermeable bandage over an infected wound or being symptom-free for a certain number of days. These changes to this rule are expected to result in an economic impact and are discussed further in the Impact Analysis section of this fiscal note.

Impact Analysis

State Government Impact

The impact on state government is expected to consist solely of costs associated with providing training on the updated rules to registered environmental health specialists (REHSs) at local health departments. Under G.S. 130A-4, REHSs employed by local health departments (“local REHSs”) are delegated authority to operate as authorized agents of the NC Department of Health and Human Services in administering and enforcing certain environmental health laws. One area in which local REHSs carry out this work is conducting sanitation inspections of residential care facilities in accordance with these rules. Training for these local REHSs will be conducted by REHSs who are employed by the Division of Public Health (“state REHSs”). The state REHSs provide oversight, technical assistance, and training on a regular basis to the local REHSs at regional and district education meetings. Following the readoption of these rules, state REHS staff will develop and provide training on the updated rules to local REHSs.

The average salary for the state REHS staff that will be involved in the development and delivery of training is \$65,086. Using this figure, as well as an estimate of the value of fringe benefits, it is calculated that the hourly rate of a state REHS staff member at \$43.23. The time spent by state REHSs will be an opportunity cost, as the State does not intend to hire any additional staff to help do this work.

Table 1: Average Hourly Pay Rate for State REHS		
Salary and Fringe Benefits¹		
Salary/Benefit	% of Salary	Total Value
Salary	100	\$65,086
FICA	7.65	\$4,979.07
Retirement, Death, and Disability Benefit	19.70	\$12,821.91
Health Insurance	10.81	\$7,035.78
Hourly Rate Calculation		
Total Salary + Fringe	Hours Worked / Year	Hourly REHS Rate
\$77,995.62	2080	\$43.23

The regional and district education meetings where state REHSs will present the training are regularly scheduled events and will not be convened solely for the purpose of providing training on the updated rules. Based on state REHS familiarity with the subject matter and experience with similar training, it is expected that one state REHS will spend approximately 10 hours total (a one-time effort) developing training materials on the updated rules. Additionally, given the small number of substantial changes to these rules, it is anticipated that each local REHS will need just 1 hour of training on the updated rules to become proficient in their administration. The training will be delivered by state REHSs who are each assigned to one of two regions in North Carolina and who will each deliver the training once, amounting to a total of 2

¹ The benefits listed were identified using the North Carolina Office of State Human Resources "Total Compensation Calculator," which is available at <https://oshr.nc.gov/state-employee-resources/classification-compensation/total-compensation-calculator>.

hours of state staff time. The training courses are expected to be held virtually and will therefore not require travel or overnight accommodation. The state will not take in any new fees as a result of changes to the rules.

As demonstrated by the calculations in Table 2 below, the total cost to the state for these rule changes is estimated as a one-time opportunity cost of \$518.76.

Table 2: Estimated Impact on State Government (Opportunity Cost)		
State REHS Staff Time Spent on Training Development (one time)		
Number of Hours to Complete	REHS Hourly Rate	Cost to State Government
10	\$43.23	\$432.30
State REHS Staff Time Spent Delivering Training		
Number of Hours to Complete	REHS Hourly Rate	Cost to State Government
2 (1 hrs. x 2 meetings)	\$43.23	\$86.46
TOTAL ESTIMATED STATE GOVERNMENT IMPACT.....		\$518.76

Local Government Impact

Local health departments will be responsible for ensuring that their REHS staff receive training on the updated rules by attending the trainings offered by the state REHSs. The average salary for a local REHS in North Carolina is \$50,038.46.² Using this figure, as well as an estimate of the value of fringe benefits, it is calculated that the hourly rate of a local REHS is \$33.13. It is anticipated that the time spent by local REHS staff attending training will likely be an opportunity cost, as it is not anticipated that local health departments will hire additional staff to help do this work.

Table 3: Average Hourly Pay Rate for Local REHS		
Salary and Fringe Benefits³		
Salary/Benefit	% of Salary	Total Value
Salary	100	\$50,038.46
All Benefits	38.2	\$18,865.00

² The average REHS salary was estimated using the UNC School of Government’s County Salary Survey, for which 2019 data is the most recently available information, and which is available at: <https://lgwi.web.unc.edu/salarydash>.

³ The value of benefits was identified using the U.S. Bureau of Labor Statistics’ latest available figures from December 2019 on employer costs for employee compensation for state and local government workers, which is available at: <https://www.bls.gov/news.release/ecec.t03.htm>.

Hourly Rate Calculation		
Total Salary + Fringe	Hours Worked / Year	Hourly REHS Rate
\$68,903.46	2080	\$33.13

As noted in the previous section, it is anticipated that one training on the updated rules will last 1 hour. By attending the training, local REHS staff will receive continuing education credits toward their yearly requirement for REHS credentialing. The North Carolina Board of REHSs requires local health department environmental health staff members to maintain a minimum number of continuing education training hours per year to maintain their status as REHSs. The training courses are anticipated to be approved by the Board and, if approved, will count toward local REHS staffs’ educational requirements. Mileage is not included as a cost because travel is expected to be unnecessary, as trainings will be held virtually. Similarly, costs for printed materials are not included because the new rules will be made available online at no cost. There are approximately 800 REHSs employed by North Carolina’s 86 local health departments, each of whom will need to receive the 1 hour of training.

As demonstrated by the calculations in Table 4 below, the total cost for this one-time training for local REHS staff will amount to an estimated total opportunity cost of \$26,504.00 to local government. It is expected that these costs will be opportunity costs, as participating in training is a regular part of local REHS staff’s responsibilities, and it is unlikely that local health departments will hire additional staff to do this work. It is challenging to know how this total cost to local government will translate to costs for each of North Carolina’s 86 local health departments, which employ varying numbers of REHS staff.

Table 4: Estimated Impact on Local Government (Opportunity Cost)			
Training for Local REHSs			
Number of Hours to Complete Training	REHS Hourly Rate	Number of REHS to Receive Training	Cost to Local Government
1	\$33.13	800	\$26,504.00
TOTAL ESTIMATED LOCAL GOVERNMENT IMPACT			
\$26,504.00 (opportunity cost)			

Private Sector Impact

The revised rules are expected to result in an impact to the private sector in three areas: potential impacts resulting from changes to Rule .1620(a) that align requirements for temperature holding for certain foods with the standards set forth in the North Carolina Food Code; changes to Rule .1621(c) that require exclusion or restriction of an employee to prevent disease transmission; and costs associated with complying with a new requirement in Rule .1621(d) regarding cleaning supplies and written procedures for responding to vomiting and diarrheal events.

Aligning Food Temperature Holding Requirements with the North Carolina Food Code

Rule .1620(a) governs the methods for ensuring that “time and temperature control for safety” foods, or “TCS” foods, are safe to consume. Under the existing rule, the TCS foods are referred to as “potentially hazardous foods.” The change in terminology reflects current industry and regulatory practices and norms. Pursuant to the existing rule, TCS foods must be held below 45 degrees Fahrenheit (for cold items) or above 140 degrees Fahrenheit (for hot foods). The proposed language of the Rule now requires that all TCS foods be maintained at temperatures as set forth in 15A NCAC 18A .2600, which are the rules that make up the North Carolina Food Code (NC Food Code). The rules at 15A NCAC 18A .2600 also adopt by reference the 2017 United States Food and Drug Administration Food Code and Supplement (FDA Food Code).

This revision to the rule will result in two key changes: First, hot TCS foods will only need to be kept at 135 degrees Fahrenheit under the NC Food Code (a five-degree decrease). Second, cold TCS foods must be maintained at 41 degrees (a four-degree decrease). The change in cold holding temperature may require some facilities to lower their refrigeration temperature, resulting in a small increase in energy cost that is hard to quantify. These changes reflect the most recent science on food safety and will bring this rule into alignment with national standards. Methods for safe handling of TCS foods are used daily by residential care staff in the preparation and serving of meals, so it is anticipated that one impact to these facilities will be the need to spend time training staff on these new temperature holding requirements which will occur during the first initial inspection. It is challenging to know how much time will be dedicated to this type of training and which staff will be involved, but it is expected that this impact to be an opportunity cost, as residential care facilities are unlikely to hire new staff for this work.

Restricting or Excluding Employees from Work to Prevent Disease Transmission

Rule .1621(c) has been updated by striking existing requirements for excluding residential care facility employees from work due to illness and aligning the requirements with the rules in 15A NCAC 18A .2600. As previously explained, the rules at 15A NCAC 18A .2600 (the NC Food Code) incorporate by reference the FDA Food Code. The existing rule language, which has been struck, requires employees to be excluded from work when they have a communicable disease that can be transmitted by food, a boil, an infected wound, or an acute respiratory infection with a cough or nasal discharge. The requirements set forth in the FDA Food Code identify illnesses, conditions, and symptoms that may result in the transmission of disease through food or food service including: when an employee has symptoms including vomiting, sore throat with a fever, or diarrhea; when an employee is infected with Norovirus, Shigella spp., Salmonella (non-typhoidal), Shiga toxin-producing E. coli, hepatitis A, or Typhoid fever; and when an employee has an uncovered infected wound or pustular boil.

However, in contrast to the existing rule language, the FDA Food Code allows for employees to be excluded from work or permitted to return to work, subject to certain restrictions. The FDA Food Code provides a detailed framework for determining when employees with certain diseases or conditions should be excluded from work based on type of symptoms or how long an employee has been asymptomatic. Similarly, the framework establishes criteria for permitting employees to return to work subject to restrictions that will help prevent disease transmission, such as wearing an impermeable bandage over an infected wound, being asymptomatic for a certain number of days, or producing a note from a health professional stating that the employee cannot spread the disease to others.

The revised rule language reflects the current science and best practices for preventing disease transmission in the food preparation and food service context. Under the revised rule language, the new option to allow certain employees to return to work, subject to restrictions, will avoid the unnecessary

exclusion of employees, lost wages for employees who cannot work, and costs for these facilities that must find other staff to work in place of ill or injured employees. It is challenging to quantify this impact, but it is anticipated that this change to the rule will benefit these facilities employees and employers while still being protective of public health and safety.

Cleaning Supplies and Written Procedures for Vomiting and Diarrheal Events

Rule .1621(d) has been updated to include a new requirement that residential cares have certain cleaning supplies on-site and written procedures that direct employees on how to respond to vomiting or diarrheal events. Based on experience and conversations with the industry, many residential cares already have the required cleaning supplies on-site and have written procedures in place. For those facilities that do not, compliance with this new requirement will involve time spent writing the written procedures. It is challenging to know how much time would be required to draft the written procedures and which staff at a residential care would be tasked with this work; however, it is estimated that the written procedures would require one hour of staff time to develop and would likely be an opportunity cost. A sample plan can be offered by the Department to use as a template for the written procedure.

Residential care facilities that do not already have cleaning supplies on-site for vomiting or diarrheal events will also be required to purchase the supplies, which is estimated will range from \$12.00 to \$23.00 in price. These figures were reported by stakeholders in the restaurant and food establishment industry who provided feedback on a similar requirement that was added to the NC Food Code when the rules at 15A NCAC 18A .2600 were readopted in 2021 and who already had cleaning kits in their establishments. The benefit of codifying this requirement is that the risk of certain communicable diseases and conditions, such as Norovirus, will be reduced because residential cares will be required to have written procedures in place and appropriate cleaning supplies on hand for responding to contamination events that could allow such illnesses to spread.

Summary

The proposed changes to the rules in 15A NCAC 18A .1600 serve to clarify existing language and update the rules to align with current practices, as well as to add new requirements for exclusion and restriction of sick employees and the requirement of cleaning supplies and written procedures for responding to vomiting and diarrheal incidents. The changes to the rules will help ensure the continued protection of the health and safety of facility residents and employees. For state and local government, the impact of the proposed changes to the rules will arise from opportunity costs associated with training on the updated rules and are estimated to total \$518.76 and \$26,504.00, respectively. The impacts to the private sector are challenging to quantify, but are expected to arise from costs associated with training staff on the change to temperature holding requirements for TCS foods, which is expected to be an opportunity cost; reduction in lost wages for employees who can return to work, subject to restrictions, rather than being excluded from work due to illness; reduction in costs for facilities that may have previously needed to find additional staff to cover for employees who were excluded from work due to illness, but who will now be permitted to return to work, subject to restrictions; time spent developing written procedures for responding to vomiting and diarrheal events, which is expected to be an opportunity cost for residential cares that do not already have written procedures; and the cost of acquiring cleaning supplies, which are expected to range in price from \$12.00 to \$23.00 for each facility that does not already have cleaning supplies on-site.

Appendix

SECTION .1600 - SANITATION OF RESIDENTIAL CARE FACILITIES

Rules .1601 - .1622 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1601 - .1622); has been transferred and recodified from Rules .0201 - .0222 of Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .0201 - .0222), effective April 4, 1990.

15A NCAC 18A .1601 is proposed for reoption with substantive changes as follows:

15A NCAC 18A .1601 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) “Administrator” means the person designated by the licensee to be responsible for the daily operation of the residential care facility.
- (2) “Bed linens” means bed sheets, pillowcases, mattress covers, blankets, and duvet covers.
- (3) “Clean” means that an object or surface has been made free of garbage, solid waste, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.
- ~~(4) “Department of Environment and Natural Resources” “Department” means the Secretary, or his authorized representative, North Carolina Department of Health and Human Services.~~
- ~~(2) “Director” means the State Health Director.~~
- ~~(3) “Foster Care” means the care of individuals as defined in G.S. 131D-10.2(9).~~
- ~~(4) “Family foster home” means a facility as defined in G.S. 131D-10.2(8).~~
- ~~(5) “Manager” means the person in responsible charge of a residential care facility.~~
- ~~(6) “Potentially hazardous food” means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including Clostridium botulinum. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.~~
- ~~(7) “Residential care facility” means an establishment providing room or board and for which a license or certificate for payment is obtained from the Department of Human Resources. However, the term shall not include a child day care facility or an institution as defined in 15A NCAC 18A .1300.~~
- (5) “Disinfectant” means a disinfectant as defined at 40 C.F.R. 158.2203 that has been registered with the United States Environmental Protection Agency in accordance with 40 C.F.R. 152, which are hereby incorporated by reference, including any subsequent amendments or editions, and are available free of charge at <https://www.ecfr.gov/>.
- (6) “Good repair” means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall operate in accordance with the manufacturer’s instructions.

- (7) “Licensing agency” means the North Carolina Department of Health and Human Services, Division of Health Service Regulation.
- (8) “Linen” means bath towels, hand drying towels, bed linens, and pillows.
- (9) “Non-community water supply” means as defined in G.S. 130A-313(10).
- (10) “Pest” means as defined in G.S. 143-460(26a).
- (11) “Pest harborage” means any condition that provides water or food and shelter for pests.
- (12) “Regulatory authority” means the Department or authorized agent of the Department.
- ~~(8)~~(13) “Resident” means a person, other than the ~~manager, administrator,~~ his or her immediate family, and residential care facility employees staff, who is residing in a residential care facility.
- (14) “Residential care facility” means an establishment providing room or board and for which a license or certificate for payment is obtained from the Department, but does not include a child day care facility or an institution as defined in 15A NCAC 18A .1301.
- ~~(9)~~ “Sanitarian” means a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and rules.
- ~~(10)~~ “Sanitize” means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (15) “Solid waste” means as defined in G.S. 130A-290(35).
- (16) “Time/Temperature Control for Safety Food” or “TCS Food” means as defined in Part 1-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.

History Note: Authority G.S. 130A-4; 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. July 1, 1993; September 1, 1990; March 1, 1988; July 1, 1984;
 Temporary Amendment Eff. May 5, 1998;
 Temporary Amendment Expired January 26, 1999;
 Amended Eff. November 1, ~~2002~~; 2002;
 Readopted Eff. April 1, 2024.

15A NCAC 18A .1602 is proposed for readoption through repeal as follows:

15A NCAC 18A .1602 APPROVAL OF PLANS

History Note: Authority G.S. 130A-235;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;

Amended Eff. September 1, 1990. 1990;

Repealed Eff. April 1, 2024.

15A NCAC 18A .1603 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1603 INSPECTIONS

~~(a) The regulatory authority shall inspect~~ Inspections of residential care facilities shall be made by the Department at least once a year prior to the expiration of the residential care facility's license. license issued by the licensing agency. The Department shall provide a ~~Inspections are required for family foster homes only for those homes served by individual or non-community water supplies or on-site sewage systems. A copy of the inspection form shall be provided to the person in charge~~ administrator of the facility. If conditions found at the time of the inspection are dangerous to the health of the residents, the agency supervising the family foster home shall be notified immediately by telephone or other direct means by the sanitarian.

~~(b) The inspection of institutions shall be documented on inspection form provided by the Department. The form shall include at least the following information:~~

- (1) name and address of residential care facility;
- (2) name of licensee;
- (3) an explanation for all demerits incurred during the inspection and scoring;
- (4) classification in accordance with Rule .1606 of this Section;
- (5) the date on which the inspection is conducted; and
- (6) the signature of the regulatory authority.

History Note: Authority G.S. 130A-4; 130A-235;

Eff. February 1, 1976;

Readopted Eff. December 5, 1977;

Amended Eff. July 1, 1993. 1993;

Readopted Eff. April 1, 2024.

15A NCAC 18A .1604 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1604 REINSPECTIONS: VISITS

The ~~sanitarian~~ regulatory authority may reinspect or visit residential care facilities at any time to ensure ~~insure~~ compliance with these Rules. When the administrator requests an inspection of their facility to improve a classification ~~requested by the manager to inspect for the purpose of improving a classification,~~ the ~~sanitarian~~ regulatory authority shall make at least one ~~an~~ unannounced inspection within 30 days. ~~The sanitarian shall give assistance in the explanation and interpretation of these Rules.~~

History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, ~~1990~~; 1990;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1605 is proposed for readoption through repeal as follows:

15A NCAC 18A .1605 INSPECTION FORMS

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; June 30, ~~1980~~; 1980;
Repealed Eff. April 1, 2024.

15A NCAC 18A .1606 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1606 GRADING SCORING SYSTEM

(a) ~~The grading of residential care facilities~~ Residential care facility sanitation scores shall be based upon the standards of construction and operation set out in Rules .1607 ~~through~~—.1621 of this Section; ~~however, family foster homes are required to comply only with Rule .1611(a) and (b) and Rule .1613 of this Section.~~

(b) The grade score of the facility shall be classified as follows:

- (1) ~~as approved~~ “Approved” if the demerit score is less than 40 ~~20 or less~~ and no six-demerit ~~six demerit point~~ item is violated; and
- (2) ~~as provisional if any six demerit point item is violated, or if the demerit score is more than 20 but not more than 40; The duration of such classification shall not exceed seven days; provided, that a longer period may be established if construction or renovation is involved;~~
- (3)~~(2)~~ ~~as disapproved~~ “Disapproved” if the demerit score is 40 or greater, or if any six-demerit item is violated, ~~more than 40, if the conditions found are dangerous to the health of the residents, or if the conditions resulting in the provisional classification have not been corrected within the specified time.~~

(c) The sanitation score is the total amount determined by adding demerits for each item found not to be in compliance with the Rules of this Section. The demerit value of each item is determined as follows:

- (1) Violation of Rule .1607 of this Section regarding the cleanliness of floors and carpet shall equal 2 demerits and repair of floors and carpet shall equal 1 demerit.
- (2) Violation of Rule .1608 of this Section regarding the cleanliness of walls, ceilings, and attachments

- shall equal 2 demerits and repair of walls, ceilings, and attachments shall equal 1 demerit.
- (3) Violation of Rule .1609(a) of this Section regarding the illumination of required spaces shall equal 2 demerits.
 - (4) Violation of Rule .1609(b) of this Section regarding the cleanliness and state of repair of windows, fixtures, and ventilation equipment shall equal 2 demerits.
 - (5) Violation of Rule .1610(a) of this Section regarding the availability of toileting, handwashing, and bathing facilities shall equal 5 demerits.
 - (6) Violation of Rule .1610(a) of this Section regarding the cleanliness and state of repair of toileting, handwashing, and bathing facilities shall equal 4 demerits.
 - (7) Violation of Rule .1610(b) of this Section regarding the handwashing sink design shall equal 4 demerits.
 - (8) Violation of Rule .1610(b) of this Section regarding the supply and storage provisions in bathrooms shall equal 4 demerits.
 - (9) Violation of Rule .1611(a) of this Section regarding the water supply shall equal 6 demerits.
 - (10) Violation of Rule .1611(c) of this Section regarding cross-connections shall equal 5 demerits.
 - (11) Violation of Rule .1611(d) of this Section regarding the pressure availability and temperature of water at fixtures shall equal 4 demerits.
 - (12) Violation of Rule .1613 of this Section regarding liquid waste disposal shall equal 6 demerits.
 - (13) Violation of Rule .1614(a) of this Section regarding the locations of storage waste disposal shall equal 2 demerits.
 - (14) Violation of Rule .1614(b) of this Section regarding the covering, cleanliness, and state of repair of solid waste containers shall equal 2 demerits.
 - (15) Violation of Rule .1614(c) of this Section regarding solid waste disposal frequency shall equal 2 demerits.
 - (16) Violation of Rule .1615(a) of this Section regarding pest presence shall equal 3 demerits.
 - (17) Violation of Rule .1615(a) of this Section regarding the prevention of harborage conditions shall equal 2 demerits.
 - (18) Violation of Rule .1615(a) of this Section regarding the state of repair of outdoor furniture shall equal 2 demerits.
 - (19) Violation of Rule .1616 of this Section regarding the storage of substances shall equal 4 demerits.
 - (20) Violation of Rule .1617(a) of this Section regarding the cleanliness of furnishings shall equal 2 demerits.
 - (21) Violation of Rule .1617(a) of this Section regarding the state of repair of furnishings shall equal 2 demerits.
 - (22) Violation of Rule .1617(b) of this Section regarding the provisions and state of repair of bed linens shall equal 4 demerits.
 - (23) Violation of Rule .1617(b) of this Section regarding the cleanliness and cleaning frequency of bed

linens shall equal 4 demerits.

- (24) Violation of Rule .1617(c) of this Section regarding the storage of clean linen shall equal 3 demerits.
- (25) Violation of Rule .1617(d) of this Section regarding the cleanliness and state of repair of laundry areas and equipment shall equal 3 demerits.
- (26) Violation of Rule .1618(a) of this Section regarding the state of repair of food utensils and equipment, except temperature holding equipment, shall equal 3 demerits.
- (27) Violation of Rule .1618(b) of this Section regarding the cleanliness of food utensils and equipment shall equal 4 demerits.
- (28) Violation of Rule .1618(b) of this Section regarding the cleanliness of the non-food contact sides of equipment shall equal 2 demerits.
- (29) Violation of Rule .1618(c) of this Section regarding the storage of equipment and utensils shall equal 2 demerits.
- (30) Violation of Rule .1618(d) of this Section regarding the provisions for ware washing shall equal 5 demerits.
- (31) Violation of Rule .1618(e) of this Section regarding the cleanliness of food storage areas shall equal 3 demerits.
- (32) Violation of Rule .1619 of this Section regarding the safety and approved sources of foods shall equal 5 demerits.
- (33) Violation of Rule .1620(a) of this Section regarding the time and temperature control of food shall equal 5 demerits.
- (34) Violation of Rule .1620(b) of this Section regarding the prohibitions of live pets shall equal no more than 3 demerits.
- (35) Violation of Rule .1620(c) of this Section regarding the provisions and state of repair of temperature holding equipment shall equal 5 demerits.
- (36) Violation of Rule .1620(c) of this Section regarding the availability of accurate temperature indicating devices shall equal no more than 2 demerits.
- (37) Violation of Rule .1620(d) of this Section regarding the storage of food shall equal 4 demerits.
- (38) Violation of Rule .1621(a) of this Section regarding handwashing methods shall equal 4 demerits.
- (39) Violation of Rule .1621(b) of this Section regarding when to wash hands shall equal 4 demerits.
- (40) Violation of Rule .1621(c) of this Section regarding restricting or excluding employees shall equal 5 demerits.
- (41) Violation of Rule .1621(d) of this Section regarding cleaning supplies and written procedures for responding to vomiting or diarrheal events shall equal 2 demerits.

*History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;*

Amended Eff. July 1, 1993; January 1, ~~1978~~. 1978;

Readopted Eff. April 1, 2024.

15A NCAC 18A .1607 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1607 FLOORS

All floors shall be ~~easily cleanable and shall be~~ kept clean and in good repair.

History Note: Authority G.S. 130A-4; 130A-235;

Eff. February 1, 1976;

Readopted Eff. December 5, 1977. ~~1977~~. 1977;

Readopted Eff. April 1, 2024.

15A NCAC 18A .1608 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1608 WALLS AND CEILINGS

(a) The interior walls and ceilings ~~ceilings, including doors, window, and window trim, of all rooms and areas~~ shall be kept clean and in good repair.

(b) Wall and ceiling attachments, such as light fixtures, fans, and vent covers, shall be kept clean and in good repair.

History Note: Authority G.S. 130A-4; 130A-235;

Eff. February 1, 1976;

Readopted Eff. December 5, 1977. ~~1977~~. 1977;

Readopted Eff. April 1, 2024.

15A NCAC 18A .1609 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1609 LIGHTING AND VENTILATION

(a) All rooms shall be ~~well lighted~~ illuminated by natural or artificial means.

(b) Ventilation equipment shall be kept clean and in good repair.

History Note: Authority G.S. 130A-4; 130A-235;

Eff. February 1, 1976;

Readopted Eff. December 5, 1977;

Amended Eff. July 1, 1993; October 1, 1985; July 1, 1984. ~~1984~~. 1984;

Readopted Eff. April 1, 2024.

15A NCAC 18A .1610 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1610 TOILET: HANDWASHING: ~~LAUNDRY AND BATHING~~ FACILITIES

- (a) All residential care facilities shall ~~be provided with approved sanitary~~ provide toilet, ~~handwashing, handwashing~~ and bathing facilities that are available for use by residents and employees, complying with state licensure requirements. These ~~facilities, and laundry~~ facilities ~~when provided,~~ shall be kept clean and in good repair.
- (b) All ~~lavatories~~ hand sinks and baths shall be supplied with hot and cold running water through mixing devices. The residential care facility shall provide each ~~Each~~ resident with ~~will be provided~~ soap and individual hand-drying towels. These hand-drying towels will be stored separately after being used.

*History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, ~~1977.~~ 1977;
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1611 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1611 WATER SUPPLY

- (a) Water supplies at residential care facilities shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A .1700, as applicable. .1700; ~~however wells shall be approved without meeting the setback to building foundation requirements found in 15A NCAC 18A .1720, if water sampling in accordance with Paragraph (b) of this Rule does not indicate a health threat.~~ For facilities licensed by the licensing agency before this Rule's effective date, a well that does not meet the setback to building foundation requirements found in 15A NCAC 18A .1720 shall be approved if water sampling in accordance with Paragraph (b) of this Rule indicates the water is safe for human consumption.
- (b) ~~At least once a year, samples of water shall be collected~~ In residential care facilities that use a non-community water supply, a sample of water shall be collected by the Department once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 41C .0102 to perform bacteriological examinations. ~~Department to perform examinations for Nitrates and Coliform bacteria. If the well is located less than 25 feet from a building foundation, the well shall also be sampled for pesticides upon application for licensure or approval. After the initial pesticide sample is collected and analyzed, the well shall be sampled again for pesticides following any treatment for structural pests.~~
- (c) ~~No backflow connections or cross connections with unapproved supplies shall exist.~~ A residential care facility's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8).
- (d) ~~Adequate hot water heating facilities shall be provided.~~ Residential care facilities shall provide water heating facilities. Hot and cold running water under pressure shall be provided to carry out all operations. Hot water shall be provided at temperatures between 105 degrees Fahrenheit and 116 degrees Fahrenheit at handwashing and bathing facilities. food preparation areas and any other areas in which water is required for cleaning.

History Note: Authority G.S. 95-225; 130A-4; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; July 1, 1984;
Temporary Amendment Eff.; May 5, 1998;
Temporary Amendment Expired January 26, 1999;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. August 1, ~~2000~~ 2000;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1612 is proposed for readoption through repeal as follows:

15A NCAC 18A .1612 DRINKING WATER FACILITIES: ICE HANDLING

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, ~~1990~~ 1990;
Repealed Eff. April 1, 2024.

15A NCAC 18A .1613 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1613 LIQUID WASTES

All sewage originating from the residential care facility ~~and other liquid wastes~~ shall be disposed by using or in a public publicly operated sewage treatment plant or in a sewage disposal sewer system that meets the requirements of Section .1900 of this Subchapter. ~~or, in the absence of a public sewer system, by an approved, properly operating sanitary sewage system.~~

History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, ~~1984~~ 1984;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1614 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1614 SOLID WASTES

- (a) All solid wastes shall be kept in ~~durable, rust-resistant, nonabsorbent, watertight, rodent proof standard waste containers which shall be kept covered when filled or stored or not in continuous use.~~ leak-proof, non-absorbent containers.
- (b) ~~Outdoor~~ Outside waste containers shall be kept covered with tight-fitting lids when not in use. stored on a rack to prevent overturning. Waste containers shall be kept ~~clean.~~ clean and in good repair.
- (c) All solid wastes shall be ~~disposed of with sufficient~~ removed from the premises at a frequency that and in such a manner as to prevent prevents pest harborages, insect breeding and public health nuisances.

History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990. 1990;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1615 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1615 VERMIN PEST CONTROL: CONTROL AND OUTDOOR PREMISES

- (a) ~~Effective measures~~ Pests shall not be taken to keep insects, rodents, and other vermin out of the present in a residential care facility. facility and to prevent their breeding, harborage, or presence on the premises. Openings to the outside of a residential care facility building or buildings shall be equipped with doors that are flush with the door frame when closed, closed windows, window screening on windows that can be opened, or controlled air currents to prevent pests from entering the building or buildings. The external premises of a residential care facility shall be kept neat, clean, adequately drained, and free of litter and pest vermin harborage. Outdoor furniture and playgrounds shall be kept in good repair. All openings to the outer air shall be effectively protected against the entrance of flying insects by screens, closed doors, closed windows, or other effective means.
- (b) Only those pesticides that are registered in accordance with 40 C.F.R. 152 and G.S. 143-442 shall be used at a residential care facility, which have been approved for a specific use and properly registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture. Such pesticides shall be used as directed on the label and shall be so handled and stored as to avoid health hazards.

History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1984. 1984;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1616 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1616 ~~STORAGE: MISCELLANEOUS~~ CHEMICAL AND MEDICATION STORAGE

- ~~(a) Rooms or spaces which are provided and used for the storage of clothing, personal effects, luggage, necessary equipment and supplies and for items not in routine use, shall be kept clean.~~
- ~~(b) Pesticides, herbicides and other substances which may be hazardous if ingested, inhaled, or handled, shall be stored in a closet, cabinet or box not accessible to young children unless otherwise required in the rules of the licensing agency.~~
- ~~(c) Household cleaning agents such as bleaches, detergents and polishes shall be stored out of the reach of young children unless otherwise required in the rules of the licensing agency.~~
- ~~(d) Chemicals used for cleaning, bleaches, pesticides, and all ~~Medications~~ medications shall be stored and used in accordance with the manufacturer's instructions. ~~in a separate cabinet, closet or box not accessible to young children unless otherwise required in the rules of the licensing agency~~~~

History Note: *Authority G.S. 130A-4; 130A-235;*
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, ~~1990~~. 1990;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1617 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1617 ~~BEDS: LINEN: LAUNDRY: FURNITURE~~

- (a) ~~All furniture, Furnishings, including furniture, mattresses, curtains, draperies, and other furnishings blinds,~~ shall be kept clean and in good repair. Mattresses shall be kept clean, dry, and in good repair.
- (b) Clean bed linen in good repair shall be provided for each resident and shall be changed when no longer clean. ~~soiled.~~
- (c) Clean linen shall be stored and handled in a ~~sanitary~~ manner to protect from contamination and separate from linen that is not clean. ~~soiled linen.~~
- (d) Laundry areas and equipment shall be kept clean and in good repair.

History Note: *Authority G.S. 130A-4; 130A-235;*
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, ~~1990~~. 1990;
Readopted Eff. April 1, 2024.

15A NCAC 18A .1618 is proposed for reoption with substantive changes as follows:

15A NCAC 18A .1618 FOOD SERVICE UTENSILS AND EQUIPMENT

(a) All food service equipment and utensils shall be ~~so constructed as to be easily cleaned~~ kept clean and shall be kept in good repair. ~~All surfaces with which food or drink comes in contact shall, in addition, be easily accessible for cleaning, nontoxic, corrosion resistant, nonabsorbent, and free of open crevices. Disposable articles shall be made from nontoxic materials.~~

(b) All ~~multi-use eating and drinking utensils shall be thoroughly cleaned after each usage, and the facilities needed for the operations of washing and rinsing shall be provided.~~ food contact surfaces of utensils and equipment shall be cleaned after each use.

(c) All pots, pans and other utensils used in the preparation or serving of food or drink, and all food storage utensils, shall be thoroughly cleaned after each use. ~~Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non food contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.~~ Utensils and equipment shall be handled and stored in a manner as to protect from contamination.

(d) ~~No polish or other substance containing cyanide or other poisonous material shall be used for the cleaning or polishing of eating or cooking utensils.~~ Residential care facilities shall provide a kitchen sink for cleaning food service equipment and utensils.

(e) All cloths used in the kitchen shall be clean. ~~Disposable items shall be used only once.~~ Food storage areas shall be kept clean and free of pests.

(f) ~~All containers and clean utensils shall be stored in a clean place. Containers and clean utensils shall be covered, inverted, stored in tight, clean cabinets, or otherwise stored in such a manner as to prevent contamination. After cleaning and until use, food contact surfaces of equipment shall be protected from contamination. Utensils shall be handled in such a manner as to prevent contamination.~~

(g) ~~Disposable utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.~~

(h) ~~Acceptable facilities for washing multi-use eating and drinking utensils, and pots, pans and other cooking utensils, include 2-section residential sinks, in counters. It is not necessary that such sinks be deep enough to permit immersion of large utensils.~~

(i) ~~Acceptable storage facilities include residential kitchen cabinets, which should be kept clean and free of vermin.~~

*History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, ~~1990~~. 1990;
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1619 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1619 FOOD SUPPLIES

~~(a) All food, including milk and milk products, shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption.~~ food provided by a residential care facility for consumption by residents shall comply with Parts 3-1 and 3-2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653.

~~(b) If non-acid or low-acid home-canned foods are used, they shall be boiled for ten minutes in order to destroy any toxin that may have been produced by bacteria surviving the canning process.~~

*History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, ~~1990~~. 1990;
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1620 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1620 FOOD PROTECTION

~~(a) All TCS food foods, while being stored, prepared, served, and during transportation, shall be protected from contamination. All perishable foods shall be stored at such maintained at temperatures required by Part 3-501.16 of the Food Code, incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653, during storage, preparation, transportation, display, and service of the TCS food. Time as a public health control as set forth in Part 3-501.19 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653, may be used, except that written procedures shall not be required. as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (45° F. or below, or 140° F. or above) except during necessary periods of preparation and serving. Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45° F. or below; or quick-thawed as part of the cooking process; or by a method approved by the sanitarian. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C). Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165° F (74° C) or higher throughout before being served or before being placed in a hot food storage facility, except that food in intact packages from regulated food manufacturing plants may initially be reheated to 140° F (60° C). Stuffings, poultry, stuffed meats and poultry, and pork and pork products, shall be thoroughly cooked before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially~~

~~hazardous prepared food shall be prepared, preferably from chilled products, with a minimum of manual contact, and on surfaces and with utensils which are clean. Portions of food once served to an individual shall not be served again.~~

~~(b) Live pets animals shall not be allowed in any room or area in which food is prepared or stored. Live pets, unless caged and restricted from the immediate eating area, shall not be allowed in any room or area in which food is served. Live animals shall be permitted in a residential care facility's dining areas if the live animal does not come into physical contact with residential care facility employees engaged in the preparation or handling of food, serving dishes, utensils, tableware, linens, unwrapped single service and single use articles, or food contact surfaces.~~

~~(c) Refrigeration facilities, hot food storage facilities, and effective insulated facilities, Equipment shall be provided and maintained to keep as needed to assure the maintenance of all food at required temperatures during storage, preparation, and serving. storage and transport. Cold holding equipment shall be provided with an indicating thermometer that is accurate to ± 3 degrees Fahrenheit or ± 1.5 degrees Celsius.~~

~~(d) Containers of food All food shall be stored as required by Parts 3-302.11, 3-302.12, 3-305.11, and 3-305.12 of the Food Code, incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653. above the floor, on clean racks, shelves, or other clean surfaces, in such a manner as to be protected from splash and other contamination.~~

*History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. October 1, 1993; September 1, ~~1990~~. 1990;
Readopted Eff. April 1, 2024.*

15A NCAC 18A .1621 is proposed for readoption with substantive changes as follows:

15A NCAC 18A .1621 FOOD SERVICE PERSONS EMPLOYEES

~~(a) All persons, while preparing or serving food or washing equipment or utensils, shall wear clean outer garments, and conform to proper hygienic practices. They shall wash their hands thoroughly before starting work and as often as necessary to remove soil and contamination. After visiting a toilet room, such persons shall wash their hands thoroughly in a lavatory and in no case in the kitchen sink. They shall not use tobacco in any form while preparing or serving food. Residential care facility employees shall wash their hands as required by Paragraph (b) of this Rule using the handwashing method required for food employees in Part 2-301.12 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652.~~

~~(b) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces, with disease causing organisms or transmitting the illness to other persons. Residential care facility employees shall wash their hands immediately:~~

- (1) before beginning work;
- (2) before preparing food;
- (3) after each visit to the toilet;
- (4) before and after resident contact;
- (5) after coughing, sneezing, or using a handkerchief or disposable tissue; and
- (6) after using tobacco, eating, or drinking.

(c) Residential care facility employees shall comply with the requirements for exclusion from work and restriction due to communicable disease or illness required for food employees as set forth in Parts 2-201.12 and 2-201.13 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652.

(d) The residential care facility shall have gloves, personal protective equipment, disinfectant, individual disposable towels, and a coagulating agent on-site for employees to use and a written procedure for employees to follow when responding to vomitus or fecal matter on facility surfaces. The procedure shall specify the actions that employees shall take to minimize the exposure of employees, residents, guests, food, and additional surfaces to vomitus or fecal matter.

History Note: Authority G.S. 130A-4; 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, ~~1990~~ 1990;
Readopted Eff. April 1, 2024.