



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**Commission for Public Health**

**ROY COOPER** • Governor

**KODY H. KINSLEY** • Secretary

**MARK T. BENTON** • Chief Deputy Secretary for Health

**SUSAN KANSAGRA** • Assistant Secretary for Public Health

Division of Public Health

**MEMORANDUM**

**DATE:** December 1, 2023

**TO:** Rulemaking Interested Persons

**FROM:** Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health and  
Director of Regulatory and Legal Affairs, Division of Public Health

**RE:** Notification of Proposed Rule Readoptions: 15A NCAC 18A Section .1600

Pursuant to G.S. 150B-21.2, this memorandum serves as the required notice to interested persons that the Commission for Public Health (CPH) is proposing to readopt 15A NCAC 18A .1601-.1621, regarding the administration and enforcement of sanitation standards in residential care facilities. These rules are proposed for readoption in accordance with G.S. 150B-21.3A and, as part of that process, are being updated to clarify existing language and align with current practices. CPH has submitted notice of its intent to readopt these rules to the NC Office of Administrative Hearings (OAH).

In accordance with G.S. 150B-21.4, a fiscal note was prepared for the proposed rules and approved by CPH. The proposed rules are expected to have an impact on state and local funds, but are not expected to have a substantial economic impact. The fiscal note was approved by the NC Office of State Budget and Management (OSBM) on September 19, 2023.

The notice of text that was published in today's edition of the NC Register is attached to this memorandum and may be found on OAH's website at <https://www.oah.nc.gov/rules-division/north-carolina-register>. The text of the proposed rules and fiscal note may be found on the CPH's website at <https://cph.dph.ncdhhs.gov/>.

A public hearing on these proposed rules is scheduled for Friday, January 12, 2024 at 10:00 a.m. The public hearing will be held by teleconference. You may participate in the public hearing by dialing 919-715-0769. No access code is required.

CPH is accepting public comments on the proposed rules from December 1, 2023 through January 30, 2024. You may submit comments by email to [cphcomment@lists.ncmail.net](mailto:cphcomment@lists.ncmail.net) or by mail to Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health, 1931 Mail Service Center, Raleigh, NC 27699-1931. Comments will also be accepted at the public hearing. The proposed effective date of these rules is April 1, 2024.

Should you have questions related to this memorandum, the proposed rules, or the fiscal note, please contact Shane Smith, Branch Head, Food Protection and Facilities Branch, Division of Public Health at (919) 707-5872.

Attachment

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH**

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609  
MAILING ADDRESS: 1931 Mail Service Center, Raleigh, NC 27699-1931  
www.ncdhhs.gov • TEL: 919-707-5000 • FAX: 919-870-4829

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

cc: Dr. Ronald May, Chair, Commission for Public Health  
Dr. Susan Kansagra, Assistant Secretary for Public Health, Division of Public Health  
Mr. Larry Michael, Environmental Health Section Chief, Division of Public Health  
Mr. Shane Smith, Branch Head, Food Protection and Facilities Branch, Division of Public Health

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Commission for Public Health intends to readopt with substantive changes the rules cited as 15A NCAC 18A .1601, .1603, .1604, .1606-.1611, .1613-.1621 and repeal through readoption the rules cited as 15A NCAC 18A .1602, .1605, and .1612.*

*Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://cph.dph.ncdhhs.gov/>

**Proposed Effective Date:** April 1, 2024

**Public Hearing:**

**Date:** January 12, 2024

**Time:** 10:00 a.m.

**Location:** This public hearing will be held by teleconference at (919) 715-0769 (no access code required).

**Reason for Proposed Action:** Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, the Commission for Public Health is proposing to readopt 15A NCAC 18A .1601-.1621, regarding the administration and enforcement of sanitation standards in residential care facilities, to update these rules to clarify existing language and align with current practices.

**Comments may be submitted to:** Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email [cphcomment@lists.ncmail.net](mailto:cphcomment@lists.ncmail.net)

**Comment period ends:** January 30, 2024

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

### CHAPTER 18 - ENVIRONMENTAL HEALTH

#### SUBCHAPTER 18A - SANITATION

#### SECTION .1600 - SANITATION OF RESIDENTIAL CARE FACILITIES

##### 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.
- (1)(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 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 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 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 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 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 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 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 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 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 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 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 LIQUID WASTES**

All sewage originating from the residential care facility and other liquid wastes shall be disposed by using of 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 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 ~~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 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 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 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 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 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 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.