

**RULES GOVERNING  
THE SANITATION OF  
RESIDENTIAL CARE  
FACILITIES  
15A NCAC 18A .1600**

**NORTH CAROLINA**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**DIVISION OF PUBLIC HEALTH**

**ENVIRONMENTAL HEALTH SECTION**

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EHS 2094 – INSPECTION OF RESIDENTIAL CARE FACILITY



Part 4. Institutions and Schools.

**§ 130A-235. Regulation of sanitation in institutions; setback requirements applicable to certain water supply wells.**

(a) For protection of the public health, the Commission shall adopt rules to establish sanitation requirements for all institutions and facilities at which individuals are provided room or board and for which a license to operate is required to be obtained or a certificate for payment is obtained from the Department. The rules shall also apply to facilities that provide room and board to individuals but are exempt from licensure under G.S. 131D-10.4(1). No other State agency may adopt rules to establish sanitation requirements for these institutions and facilities. The Department shall issue a license to operate or a certificate for payment to such an institution or facility only upon compliance with all applicable sanitation rules of the Commission, and the Department may suspend or revoke a license or a certificate for payment for violation of these rules. In adopting rules pursuant to this section, the Commission shall define categories of standards to which such institutions and facilities shall be subject and shall establish criteria for the placement of any such institution or facility into one of the categories. This section shall not apply to State institutions and facilities subject to inspection under G.S. 130A-5(10). This section shall not apply to a single-family dwelling that is used for a family foster home or a therapeutic foster home, as those terms are defined in G.S. 131D-10.2.

(a1) Notwithstanding any law, rule, or policy to the contrary, the frequency of food service inspections in nursing homes or nursing home beds licensed under Part 1 of Article 5 of Chapter 131E of the General Statutes or Part 1 of Article 6 of Chapter 131E of the General Statutes that are also certified by the Centers for Medicare and Medicaid Services shall be reduced to a minimum of two inspections per year until October 1, 2012, and thereafter reduced to a minimum of one inspection per year, if the facility achieves a grade "A" sanitation score. If the facility receives a grade "B" or lower on its annual food service inspection, the county may conduct inspections until the food service operation achieves a grade "A" sanitation score. Nothing in this section prohibits the county from conducting an evaluation or inspection in response to a complaint or in the interest of public safety.

(b) Rules that establish a minimum distance from a building foundation for a water supply well shall provide that an institution or facility located in a single-family dwelling served by a water supply well that is located closer to a building foundation than the minimum distance specified in the rules may be licensed or approved if the results of water testing meet or exceed standards established by the Commission and there are no other potential health hazards associated with the well. At the time of application for licensure or approval, water shall be sampled and tested for pesticides, nitrates, and bacteria. Thereafter, water shall be sampled and tested at intervals determined by the Commission but not less than annually. A registered sanitarian or other health official who is qualified by training and experience shall collect the water samples as required by this subsection and may examine the well location to determine if there are other potential health hazards associated with the well. A well shall comply with all other applicable sanitation requirements established by the Commission.

(c) The Department may suspend or revoke a license or approval for a violation of this section or rules adopted by the Commission. (1945, c. 829, s. 1; 1957, c. 1357, s. 1; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 1987, c. 543, s. 1; 1989, c. 727, s. 143; 1997-443, s. 11A.79; 1998-136, s. 1; 2001-109, s. 1; 2001-487, s. 84(a); 2011-226, s. 1.)



**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 DEFINITIONS**

The following definitions shall apply throughout this Section:

- (1) "Department of Environment and Natural Resources" means the Secretary, or his authorized representative.
- (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.
- (8) "Resident" means a person, other than the manager, his immediate family, and staff, residing in a residential care facility.
- (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.

*History Note:* Authority G.S. 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

**15A NCAC 18A .1602 APPROVAL OF PLANS**

Plans and specifications for new construction or modification of residential care facilities, except family foster homes, shall be submitted to the agency designated by the state licensure regulations and to the local health department for review and approval before beginning construction.

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

**15A NCAC 18A .1603 INSPECTIONS**

Inspections of residential care facilities shall be made by the Department at least once a year prior to the expiration of the license. 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 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.

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

*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. July 1, 1993.*

**15A NCAC 18A .1604 REINSPECTIONS: VISITS**

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

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

**15A NCAC 18A .1605 INSPECTION FORMS**

The grading of residential care facilities shall be done on an inspection form furnished by the Department to local health departments. The form shall include at least the following information:

- (1) name and address of facility,
- (2) name of person in charge,
- (3) number of residents,
- (4) classification,
- (5) standards of construction and operation as listed in Rule .1607 to .1621 of this Section,
- (6) signature of authorized representative.

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

**15A NCAC 18A .1606 GRADING**

(a) The grading of residential care facilities shall be based upon the standards of construction and operation set out in Rules .1607 - .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 of the facility shall be classified as follows:

- (1) as approved if the demerit score is 20 or less and no six demerit point item is violated;
- (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) as disapproved if the demerit score is 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.

*History Note: Authority G.S. 130A-235;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. July 1, 1993; January 1, 1978.*

**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-235;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977.*



**15A NCAC 18A .1608 WALLS AND CEILINGS**

The walls and ceilings of all rooms and areas shall be kept clean and in good repair.

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

**15A NCAC 18A .1609 LIGHTING AND VENTILATION**

- (a) All rooms shall be well lighted by natural or artificial means.
- (b) Ventilation equipment shall be kept clean and in good repair.

*History Note:* Authority G.S. 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1993; October 1, 1985; July 1, 1984.

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

- (a) All residential care facilities shall be provided with approved sanitary toilet, handwashing and bathing facilities complying with state licensure requirements. These facilities, and laundry facilities when provided, shall be kept clean and in good repair.
- (b) All lavatories and baths shall be supplied with hot and cold running water through mixing devices. Each resident will be provided soap and individual towels. These towels will be stored separately after being used.

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

**15A NCAC 18A .1611 WATER SUPPLY**

- (a) Water supplies shall meet the requirements in 15A NCAC 18A .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.
- (b) At least once a year, samples of water shall be collected by the Department and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the 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.
- (d) Adequate hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas and any other areas in which water is required for cleaning.

*History Note:* Authority G.S. 95-225; 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.

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

Common drinking cups shall not be provided or used. If ice is provided for residents, it shall be handled, transported, stored and dispensed in such a manner as to be protected against contamination.

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

*Amended Eff. September 1, 1990.*

**15A NCAC 18A .1613 LIQUID WASTES**

All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by an approved, properly operating sanitary sewage system.

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

**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.
- (b) Outdoor containers shall be stored on a rack to prevent overturning. Waste containers shall be kept clean.
- (c) All solid wastes shall be disposed of with sufficient frequency and in such a manner as to prevent insect breeding and public health nuisances.

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

**15A NCAC 18A .1615 VERMIN CONTROL: PREMISES**

- (a) Effective measures shall be taken to keep insects, rodents, and other vermin out of the residential care facility and to prevent their breeding, harborage, or presence on the premises. The premises shall be kept neat, clean, adequately drained, and free of litter and vermin harborage. 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 shall be used 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-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1984.*

**15A NCAC 18A .1616 STORAGE: MISCELLANEOUS**

- (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) Medications shall be stored 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-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990.*

**15A NCAC 18A .1617 BEDS: LINEN: FURNITURE**

- (a) All furniture, mattresses, curtains, draperies, and other furnishings shall be kept clean and in good repair.
- (b) Clean bed linen in good repair shall be provided for each resident and shall be changed when soiled.
- (c) Clean linen shall be stored and handled in a sanitary manner and separate from soiled linen.

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

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

- (a) All equipment and utensils shall be so constructed as to be easily cleaned 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.
- (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.
- (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.
- (e) All cloths used in the kitchen shall be clean. Disposable items shall be used only once.
- (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-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990.

#### **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.
- (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-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990.

#### **15A NCAC 18A .1620 FOOD PROTECTION**

- (a) All foods, while being stored, prepared, served, and during transportation, shall be protected from contamination. All perishable foods shall be stored at such temperatures 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 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.

(c) Refrigeration facilities, hot food storage facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, and serving.

(d) Containers of food shall be stored 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-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. October 1, 1993; September 1, 1990.*

#### **15A NCAC 18A .1621 FOOD SERVICE PERSONS**

(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.

(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.

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

#### **15A NCAC 18A .1622 SEVERABILITY**

If any provision of this Section, or the application thereof to any person or circumstance is held invalid, the remainder of these Rules or the application of such provision to other persons or circumstances, shall not be affected thereby.

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



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