

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1777  
Committee Substitute Favorable 8/14/02**

Short Title: Sanitation Rules/Effective Date & Field Test.

(Public)

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Sponsors:

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Referred to:

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July 17, 2002

A BILL TO BE ENTITLED

1 AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE  
2 RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES,  
3 REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD  
4 TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH  
5 SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND  
6 THOSE RULES; AND TO AUTHORIZE THE MEDICAL CARE COMMISSION  
7 TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND A  
8 RELATED RULE.  
9

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Notwithstanding G.S. 150B-21.3(b), amendments to the  
12 following rules governing sanitation of hospitals, nursing homes, rest homes, and other  
13 institutions, adopted by the Commission for Health Services and approved by the Rules  
14 Review Commission on 18 October 2001, become effective 1 March 2003: 15A NCAC  
15 18A .1301 (Definitions), 15A NCAC 18A .1302 (Approval of Plans), 15A NCAC 18A  
16 .1304 (Inspections), 15A NCAC 18A .1305 (Grading Residential Care Facilities in  
17 Institutions), 15A NCAC 18A .1306 (Public Display of Grade Card), 15A NCAC 18A  
18 .1307 (Reinspections), 15A NCAC 18A .1308 (Approved Institutions), 15A NCAC 18A  
19 .1309 (Floors), 15A NCAC 18A .1310 (Walls and Ceilings), 15A NCAC 18A .1312  
20 (Toilet: Handwashing: Laundry: and Bathing Facilities), 15A NCAC 18A .1313 (Water  
21 Supply), 15A NCAC 18A .1314 (Drinking Water Facilities: Ice Handling), 15A NCAC  
22 18A .1315 (Liquid Wastes), 15A NCAC 18A .1316 (Solid Wastes), 15A NCAC 18A  
23 .1317 (Vermin Control: Premises: Animal Maintenance), 15A NCAC 18A .1318  
24 (Miscellaneous), 15A NCAC 18A .1319 (Furnishings and Patient Contact Items), 15A  
25 NCAC 18A .1320 (Food Service Utensils and Equipment), 15A NCAC 18A .1322  
26 (Milk and Milk Products), 15A NCAC 18A .1323 (Food Protection), and 15A NCAC  
27 18A .1324 (Employees).

1           **SECTION 2.** Notwithstanding G.S. 150B-21.3(b), 15A NCAC 18A .1327  
2 (Incorporated Rules) adopted by the Commission for Health Services and approved by  
3 the Rules Review Commission on 18 October 2001 becomes effective 1 March 2003.

4           **SECTION 3.** Notwithstanding G.S. 150B-21.3(b), amendments to 15A  
5 NCAC 18A .1311 (Lighting, Ventilation and Moisture Control) and 15A NCAC 18A  
6 .1321 (Food Supplies) adopted by the Commission for Health Services and approved by  
7 the Rules Review Commission on 15 November 2001 become effective 1 March 2003.

8           **SECTION 4.** The Division of Environmental Health of the Department of  
9 Environment and Natural Resources, with the assistance of local health departments,  
10 shall field test the amended rules listed in Sections 1 through 3 of this act by conducting  
11 trial inspections of a representative sample of facilities subject to the amended rules  
12 throughout the State. Trial inspections under the amended rules shall be performed  
13 during the period 1 October 2002 through 1 February 2003 in conjunction with the  
14 regular inspection of the representative sample of facilities under rules in effect during  
15 the field test period. A facility that is subject to a trial inspection shall not be liable for  
16 an enforcement action for any violation of an amended rule that is observed during a  
17 trial inspection but may be liable for an enforcement action under rules in effect during  
18 the field test period. The purposes of the field test shall be to determine what  
19 expenditures, if any, will be required of facilities in order to comply with the amended  
20 rules and whether the amended rules will result in lower inspection grades for facilities.  
21 As a part of the field test, the Division shall also review the amended rules, giving  
22 particular attention to applicable federal regulations and to the incorporation by  
23 reference of any other rules or standards in the amended rules, to determine whether the  
24 amended rules will result in any duplication or conflict in applicable requirements or  
25 standards and whether the amended rules will result in duplicative or conflicting  
26 inspection or enforcement policies or procedures. The Division of Environmental  
27 Health shall compile and analyze field test data to determine whether any of the  
28 amended rules should be revised. The Division shall report the results of the field test  
29 required by this Section, any recommendations to the Commission for Health Services  
30 regarding revisions to the amended rules, and the status of any recommended rule  
31 revisions to the Environmental Review Commission on or before 1 March 2003.

32           **SECTION 5.** The Division of Environmental Health of the Department of  
33 Environment and Natural Resources shall offer training to staff of facilities that are  
34 subject to the amended rules listed in Sections 1 through 3 of this act. Training shall be  
35 offered in the various regions of the State as appropriate and shall include information  
36 on the requirements of the amended rules, enforcement policies and procedures, and  
37 updated information as to any revisions to the amended rules that may be recommended  
38 as a result of the field test of the amended rules required by Section 4 of this act.

39           **SECTION 6.** This act constitutes a recent act of the General Assembly  
40 within the meaning of G.S. 150B-21.1(a). Notwithstanding Sections 1 through 3 of this  
41 act, the Commission for Health Services may adopt temporary and permanent rules to  
42 further delay the effective date of any of the rules listed in Sections 1 through 3 of this  
43 act. The Commission for Health Services may adopt temporary and permanent rules to  
44 revise any of the rules listed in Sections 1 through 3 of this act. The Medical Care

1 Commission may adopt temporary and permanent rules to amend 10 NCAC 42D .1504  
2 (Housekeeping and Furnishings). Notwithstanding 26 NCAC 2C .0102(11), the  
3 Commission for Health Services and the Medical Care Commission may adopt  
4 temporary rules as provided in this section until 1 July 2003.

5 **SECTION 7.** This act is effective when it becomes law.