

### **10A NCAC 13K .1116 APPLICATION OF PHYSICAL PLANT REQUIREMENTS**

The physical plant requirements for each hospice residential facility or unit shall be applied as follows:

- (1) New construction shall comply with all the requirements of this Section.
- (2) Except where otherwise specified, existing buildings shall meet the licensure and code requirements in effect at the time of licensure, construction, alteration, or modification.
- (3) Rules contained in this Section are minimum requirements and are not intended to prohibit buildings, systems, or operational conditions that exceed minimum requirements.
- (4) The Division may grant an equivalency to allow alternate methods, procedures, design criteria, or functional variation from the requirements of this Rule and the rules contained in this Section. The equivalency may be granted by the Division when a governing body submits a written equivalency request to the Division that states the following:
  - (a) the rule citation and the rule requirement that will not be met because strict conformance with current requirements would be:
    - (i) impractical;
    - (ii) unable to be met due to extraordinary circumstances;
    - (iii) unable to be met due to new programs; or
    - (iv) unable to be met due to unusual conditions;
  - (b) the justification for the equivalency; and
  - (c) how the proposed equivalency meets the intent of the corresponding rule requirement.
- (5) In determining whether to grant an equivalency request, the Division shall consider whether the request will reduce the safety and operational effectiveness of the facility. The governing body shall maintain a copy of the approved equivalence issued by the Division.
- (6) Where rules, codes, or standards have any conflict, the more stringent requirement shall apply.

*History Note: Authority G.S. 131E-202;  
Eff. February 1, 1996;  
Readopted Eff. October 1, 2021.*