

## SUBCHAPTER 70I - MINIMUM LICENSING STANDARDS FOR RESIDENTIAL CHILD-CARE

### SECTION .0100 - GENERAL LICENSING REQUIREMENTS

#### 10A NCAC 70I .0101 LICENSING ACTIONS

- (a) All rules in 10A NCAC 70I apply to residential child-care facilities.
- (b) License.
  - (1) The Department of Health and Human Services, Division of Social Services, hereafter referred to as the "licensing authority," shall issue a license when it determines that a residential child-care facility is in compliance with rules in Subchapters 70I and in the case of specialized residential child care programs, 70J of this Chapter.
  - (2) A license shall be issued for a period of two years.
  - (3) A residential child-care facility shall not be licensed under both G.S. 131D and G.S. 122C.
  - (4) Residential child-care facilities initially licensed after August 1, 2011 shall have a three year or longer accreditation from either the Council on Accreditation (COA), The Joint Commission (TJC), The Commission on Accreditation of Rehabilitation Facilities (CARF), or The Council on Quality and Leadership (CQL).
- (c) Changes in any information on the license.
  - (1) A residential child-care facility shall send a written request for a change in its license to the licensing authority. The request shall include information that is necessary to assure the change is in compliance with the rules in Subchapters 70I and 70J of this Chapter.
  - (2) The licensing authority shall change a license during the period of time it is in effect if the change is in compliance with rules in Subchapters 70I and 70J.
- (d) Termination.
  - (1) When a residential child-care facility voluntarily discontinues child-caring operations, either temporarily or permanently, the residential child-care facility shall notify the licensing authority in writing of the date, reason, and anticipated length of closing.
  - (2) If a license is not renewed by the end of the licensure period, the licensing authority shall automatically terminate the license.
  - (3) If a license issued pursuant to this Subchapter is terminated for more than 60 days, the facility shall meet all requirements for a new facility before being relicensed.
  - (4) Any existing licensed residential child-care facility that is closed or vacant for more than one year shall meet all requirements of a new facility prior to being relicensed.
- (e) Adverse Licensure Action.
  - (1) The licensing authority shall deny, suspend, or revoke a license when a residential child-care facility is not in compliance with the rules in Subchapters 70I and 70J unless the residential child-care facility, within 10 business days from the date the residential child-care facility initially received the deficiency report from the licensing authority, submits a plan of correction. The plan of correction shall specify the following:
    - (A) the measures that will be put in place to correct the deficiency;
    - (B) the systems that will be put in place to prevent a re-occurrence of the deficiency;
    - (C) the individual or individuals who will monitor the corrective action; and
    - (D) the date the deficiency will be corrected, which shall be no later than 60 days from the date the residential child-care facility submits a plan of correction.
  - (2) The licensing authority shall notify a residential child-care facility in writing of the decision to deny, suspend, or revoke a license.
  - (3) Appeal procedures specified in 10A NCAC 70L .0301 are applicable for persons seeking an appeal to the licensing authority's decision to deny, suspend, or revoke a license.
- (f) Licensure Restriction.
  - (1) An applicant who meets any of the following conditions shall have his or her licensure denied:
    - (A) the applicant owns a facility or agency licensed under G.S. 122C and that facility or agency incurred a penalty for a Type A or B violation under Article 3 of G.S. 122, or any combination thereof, and any one of the following conditions exist:
      - (i) A single violation has been assessed in the six months prior to the application.
      - (ii) Two violations have been assessed in the 18 months prior to the application and 18 months have not passed from the date of the most recent violation.

- (iii) Three violations have been assessed in the 36 months prior to the application and 36 months have not passed from the date of the most recent violation.
  - (iv) Four or more violations have been assessed in the 60 months prior to application and 60 months have not passed from the date of the most recent violation.
  - (B) the Department of Health and Human Services has initiated revocation or summary suspension proceedings against any facility licensed pursuant to G.S. 122C, Article 2; G.S. 131D, Articles 1 or 1A; or G.S. 110, Article 7 that was previously held by the applicant and the applicant voluntarily relinquished the license and 60 months have not passed from the date of the revocation or summary suspension;
  - (C) there is a pending appeal of a denial, revocation or summary suspension of any facility licensed pursuant to G.S. 122C, Article 2; G.S. 131D, Articles 1 or 1A; or G.S. 110, Article 7 that is owned by the applicant;
  - (D) the applicant has an individual as part of their governing body or management who previously held a license that was revoked or summarily suspended under G.S. 122C, Article 2; G.S. 131D, Articles 1 or 1A; and G.S. 110, Article 7 and the rules adopted under these laws and 60 months have not passed from the date of the revocation or summary suspension;
  - (E) the applicant is an individual who has a finding or pending investigation by the Health Care Personnel Registry in accordance with G.S. 131E-256; or
  - (F) the applicant is an individual who has a finding on the Responsible Individual's List as described in 10A NCAC 70A .0102.
- (2) The denial of licensure pursuant to this Paragraph shall be in accordance with G.S. 122C-23(e1) and G.S. 131D-10.3(h). A copy of these statutes may be obtained through the internet at <http://www.ncleg.net/Statutes/Statutes.html>.
  - (3) The facility or agency shall inform the licensing authority of any current licenses or licenses held in the past five years for residential child-care facilities, child-placing agencies, or maternity homes in other states. The agency shall provide written notification from the licensing authority in other states regarding violations, penalties, or probationary status imposed in that state. The licensing authority shall take this information into consideration when granting a North Carolina license.

*History Note: Authority G.S. 131D-10.3; 131D-10.5; 143B-153; Eff. July 1, 1999 (See S. L. 1999, c. 237, s. 11.30); Temporary Amendment Eff. July 1, 2003; Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on December 18, 2003); Amended Eff. August 1, 2011; September 1, 2007; Readopted Eff. October 1, 2017.*