

15A NCAC 18A .3334 COMPLIANCE

(a) The Environmental Health Specialist shall indicate on the Sanitation Inspection of Adult Day Service Facility Form whether the adult day service facility is superior, approved, provisional, or disapproved based on compliance with the rules of this Section. The classification shall be posted in the facility in a conspicuous place designated by the Environmental Health Specialist.

(b) The degree of compliance is indicated by the total demerit-point score which is shown on the Sanitation Inspection of Adult Day Service Facility Form that the Environmental Health Specialist completes.

- (1) For the purpose of issuing a license or certificate to a new operator, a Sanitation Inspection of Adult Day Service Facility Form, shall be forwarded to the licensing or certifying agency only when the facility can be granted a superior classification;
- (2) An adult day service facility shall be classified as superior if the total demerit score is not more than 15 and no 6-demerit-point item is violated;
- (3) An adult day service facility shall be classified as approved if the total demerit score is more than 15 and not more than 30, and no 6-demerit-point item is violated;
- (4) An adult day service facility shall be classified as provisional if any 6-demerit-point item is violated, or if the total demerit-point score is more than 30 but not more than 45. This provisional period shall not exceed seven days unless construction or renovation is necessary to correct any violation, in which case the Environmental Health Specialist may allow a longer provisional period;
- (5) An adult day service facility shall be classified as disapproved if the demerit score is 46 or more, or if conditions which resulted in a provisional classification have not been corrected in the time period specified by the Environmental Health Specialist;
- (6) If the provisional status period exceeds seven days, or the adult day service facility is disapproved, the licensing or certifying agency shall be notified immediately by forwarding a copy of the inspection report to the Licensing or certifying agency. The Environmental Health Specialist shall notify the licensing or certifying agency in accordance with Rule .3303 of this Section;
- (7) The classification card shall not be removed except by or upon the instruction of the Environmental Health Specialist for the purpose of changing classification cards or establishing another conspicuous location.

(c) The Sanitation Inspection of Adult Day Service Facility Form shall be used to document demerits assessed for violation of the rules of this Section as follows:

- (1) Violation of Rules .3304(a),(b),(c), or (f), or Rule .3303(g)(3) of this Section related to food from approved sources, free of spoilage and adulteration shall be assessed 6 demerits.
- (2) Violation of Rules .3304(e),(f); .3305(a); .3306(g)(2);(h)(2), or .3307(d),(f) of this Section related to potentially hazardous food temperatures shall be assessed 5 demerits.
- (3) Violation of Rules .3304(d),(g),(e); .3306(b); .3307(a),(b),(c),(d),(e),(f),(h), or .3308(a) of this Section regarding food properly handled, packaged and identified shall be assessed four demerits.
- (4) Violation of Rules .3304(e), or .3308(d) of this Section related to not re-serving food shall be assessed four demerits.
- (5) Violation of Rules .3305(a); .3306(c),(d),(e),(f); or .3308(b),(e),(f) of this Section regarding protection of and access to food shall be assessed five demerits.
- (6) Violation of Rules .3306(g)(1),(h)(1); .3307(g), or .3310(a)(2) of this Section regarding refrigerators and hot holding units with thermometers and product thermometers shall be assessed three demerits.
- (7) Violation of Rules .3306; .3307(f); .3310(a),(b); .3312(a),(b),(c),(g), or .3313 of this Section related to food service equipment and utensils meeting specifications for refrigeration, sinks, and dishwashing equipment according to type of service shall be assessed 6 demerits.
- (8) Violation of Rules .3310(a), or (b)(4) of this Section regarding requirements for food service handwash lavatories shall be assessed five demerits.
- (9) Violation of Rules .3309(a) or (b) of this Section regarding other food service equipment and utensils materials of construction and repair shall be assessed four demerits.
- (10) Violation of Rules .3304(e); .3306(a), or (b); .3311(a), or (b); .3312(d),(e),(f), or (i); .3313(c), or (f), or .3316(c) of this Section regarding washing, rinsing and sanitizing food-contact surfaces, equipment and utensils shall be assessed six demerits.
- (11) Violation of Rule .3309(a)(8) of this Section regarding reuse of single-service articles shall be assessed six demerits.

- (12) Violation of Rule .3309(a)(7) of this Section regarding reuse of single-use articles shall be assessed two demerits.
- (13) Violation of Rules .3309(b)(5), or (b)(6), or .3311(c) of this Section regarding cleaning of non-food contact surfaces shall be assessed four demerits.
- (14) Violation of Rules .3314, or .3316(c) of this Section regarding protection of equipment and utensils from contamination shall be assessed four demerits.
- (15) Violation of Rules .3312(f), or (h), or .3313(d) of this Section regarding provision of sanitizing solution and testing equipment used to test sanitizer strength shall be assessed three demerits.
- (16) Violation of Rules .3315(a), or (b) of this Section regarding approval of water supplies shall be assessed six demerits.
- (17) Violation of Rules .3315(d), or (e) of this Section regarding supply and maintenance of hot water shall be assessed six demerits.
- (18) Violation of Rule .3315(c) of this Section regarding cross connections and backflow prevention devices shall be assessed four demerits.
- (19) Violation of Rule .3316 of this Section regarding drinking fountains and drinking utensils shall be assessed four demerits.
- (20) Violation of Rules .3310(a)(3), or (b)(2)(C)(4); .3317(a); .3318(a); or .3319(d) of this Section regarding provision and location of toilets and lavatories shall be assessed five demerits.
- (21) Violation of Rules .3317(b) or .3318(c) of this Section regarding location, sizing, cleaning and sanitizing toilet, lavatory, clothing changing and bathing facilities and availability of cleaning and sanitizing supplies shall be assessed four demerits.
- (22) Violation of Rule .3317(c) of this Section regarding location, cleaning and disinfection of potty chairs, bedpans and urinals shall be assessed four demerits.
- (23) Violation of Rule .3318(d) of this Section regarding lavatories being free of storage and provided with soap and disposable towels or heated-air hand drying devices shall be assessed four demerits.
- (24) Violations of Rules .3319(a),(b), or (d) of this Section regarding clothing changing facilities shall be assessed four demerits.
- (25) Violation of Rules .3318(f) or .3319(c) of this Section regarding cleaning and sanitizing clothing changing facilities and provision of cleaning and sanitizing solutions shall be assessed four demerits.
- (26) Violation of Rules .3319(e),(f),(g),(h),(i), or (j) of this Section regarding clothing changing methods shall be assessed five demerits.
- (27) Violation of Rules .3319(c) or .3320(c) of this Section regarding labeling sanitizers and providing test kits for sanitizers shall be assessed three demerits.
- (28) Violation of Rule .3319(c) of this Section regarding clothing changing surfaces being clean and free of storage shall be assessed two demerits.
- (29) Violation of Rule .3318(e) of this Section regarding posting of handwashing signs shall be assessed two demerits.
- (30) Violation of Rule .3317(a) of this Section regarding storage of medications and other hazardous products shall be assessed six demerits.
- (31) Violation of Rule .3320 of this Section regarding provision and cleaning of storage facilities shall be assessed three demerits.
- (32) Violation of Rule .3321(a) of this Section regarding cleaning, repair and storage of beds, chairs, cots and mats shall be assessed five demerits.
- (33) Violation of Rule .3321(b) of this Section regarding provision of mattress covers and linen shall be assessed five demerits.
- (34) Violation of Rules .3321(c),(d), or (e) of this Section regarding cleaning, repair, handling and storage of linen, blankets, throws and covers shall be assessed four demerits.
- (35) Violation of Rule .3322 of this Section regarding furniture, equipment and activity supplies shall be assessed four demerits.
- (36) Violation of Rules .3323(a) or (b) of this Section regarding hygienic practices, clean clothing and hair restraints for personnel shall be assessed three demerits.
- (37) Violation of Rule .3323(c) of this Section regarding tobacco use shall be assessed five demerits.
- (38) Violation of Rule .3323(d) of this Section regarding exclusion of persons with communicable diseases or conditions shall be assessed six demerits.

- (39) Violations of Rule .3323(d) of this Section regarding bandaging wounds or lesions shall be assessed six demerits.
- (40) Violation of Rules .3324 or .3325 of this Section regarding floors, walls and ceilings shall be assessed four demerits.
- (41) Violation of Rule .3326 of this Section regarding maintenance of lighting and thermal environment shall be assessed four demerits.
- (42) Violation of Rule .3326 of this Section regarding cleaning and repair of lighting, heating, ventilation and cooling equipment shall be assessed two demerits.
- (43) Violation of Rule .3327 of this Section related to providing a designated area for sick participants shall be assessed five demerits.
- (44) Violation of Rule .3327 of this Section related to treatment rooms for adult day health facilities shall be assessed five demerits.
- (45) Violation of Rules .3308(c); .3319(i), or (j); or .3328 of this Section related to handwashing shall be assessed five demerits.
- (46) Violation of Rule .3329 of this Section regarding wastewater disposal shall be assessed six demerits.
- (47) Violation of Rule .3330 of this Section regarding solid waste handling, storage and disposal shall be assessed two demerits.
- (48) Violation of Rule .3330(c) of this Section regarding facilities for cleaning solid waste containers shall be assessed two demerits.
- (49) Violation of Rules .3331(c), or (d) of this Section regarding use of pesticides shall be assessed six demerits.
- (50) Violation of Rule .3331(b), or (c) of this Section regarding control of rodents, insects and other vermin shall be assessed four demerits.
- (51) Violation of Rule .3331(a) of this Section regarding presence of animals shall be assessed four demerits.
- (52) Violation of Rules .3331(b), or .3332 of this Section regarding keeping premises clean, drained, and free of hazards, vermin harborages or breeding areas shall be assessed four demerits.
- (53) Violation of Rule .3333 of this Section regarding swimming pools, wading pools and spas shall be assessed six demerits.
- (54) The sum of all demerits assessed on the Sanitation Inspection of Adult Day Service Facility Form shall be the total demerit score for the facility.

(d) In filling out the inspection form, demerits may be assessed only once for a single occurrence or condition existing within or outside the adult day service facility. Demerits shall be assessed based on actual violations of the Rules of this Section observed during the inspection.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*