

- 1 **(b) A surface of equipment or a utensil from which food may drain, drip, or splash:**
2 **(i) Into a food, or**
3 **(ii) Onto a surface normally in contact with food.**
- 4 **(12) "Food employee" means an individual working with unpackaged food, food equipment or utensils,**
5 **or food-contact surfaces.**
- 6 **(13) "Furnishings" means furniture, fittings, window coverings, and other accessories, including**
7 **decorative accessories, provided in the guest rooms.**
- 8 **(14) "Good Repair" means equipment and utensils shall be maintained in a state of repair and condition**
9 **that meets the requirements specified under Parts 4-1 and 4-2 of the Food Code as amended by**
10 **Rule .2654.**
- 11 **(15) "Guest Rooms" means the accommodations or designated areas for persons who pay for the**
12 **services of the lodging establishment, such as bedrooms, suite areas, and bathrooms.**
- 13 **(16) "Handwashing sink" means:**
- 14 **(a) A lavatory, basin, or vessel for washing, a wash basin, or a plumbing fixture especially**
15 **placed for use in personal hygiene and designed for the washing of the hands.**
- 16 **(b) "Handwashing sink" includes an automatic handwashing facility.**
- 17 **(17) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable**
18 **consumer health risk.**
- 19 **(18) "Kitchenware" means food preparation and storage utensils.**
- 20 **(19) "Linen" means fabric items such as bedding, towels, cloth hampers, cloth napkins, table cloths,**
21 **wiping cloths, and work garments including cloth gloves.**
- 22 **(20) "Lodging establishment" means all hotels, motels, inns, tourist homes, and other places providing**
23 **lodging accommodations for pay. Facilities described in G.S. 130A-250 (1) through (5) shall not**
24 **be regulated as lodging establishments. For the purposes of this section, the term lodging**
25 **establishment also includes bed and breakfast homes and bed and breakfast inns, unless otherwise**
26 **described.**
- 27 **(21) mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).**
- 28 **(22) "Packaged" means: packaged as defined in 15A NCAC 18A .2651.**
- 29 **(23) "Permit" means the document issued by the regulatory authority that authorizes a person to operate**
30 **a lodging establishment.**
- 31 **(24) "Permit Holder" means:**
- 32 **(a) The person in charge who resides in and owns or rents the bed and breakfast home or bed**
33 **and breakfast inn.**
- 34 **(b) The legal entity responsible for the operation of the lodging establishment such as the**
35 **owner, the owner's agent, or other person.**
- 36 **(25) "Person" means person as defined in G.S. 130A-2(7).**

- 1 (26) "Person in charge" means the individual present at a lodging establishment who is responsible for
2 the operation at the time of inspection.
- 3 (27) "Physical facilities" means the structure and interior surfaces of a lodging establishment including
4 accessories such as soap and towel dispensers and attachments such as light fixtures and heating or
5 air conditioning system vents.
- 6 (28) "Poisonous or toxic materials" means substances that are not intended for ingestion and are
7 included in four categories:
- 8 (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as
9 caustics, acids, drying agents, polishes, and other chemicals;
- 10 (b) Pesticides, except sanitizers, which include substances such as insecticides and
11 rodenticides;
- 12 (c) Substances that are necessary for the operation and maintenance of the establishment
13 such as nonfood grade lubricants and personal care items that may be deleterious to
14 health; and
- 15 (d) Substances that are not necessary for the operation and maintenance of the establishment
16 and are on the PREMISES for retail sale, such as petroleum products and paints
- 17 (29) "Potentially Hazardous Food" means potentially hazardous food (time/temperature control for
18 safety food) as defined in 15A NCAC 18A .2651.
- 19 (30) "Premises" means the physical facility, its contents, and the contiguous land or property under the
20 control of the permit holder.
- 21 (31) "Refuse" means solid waste not carried by water through the sewage system.
- 22 (32) "Registered Environmental Health Specialist" means a Registered Environmental Health
23 Specialist as defined in G.S. 90A-51(2b) and G.S. 90A-51(4) and authorized agent of the
24 department.
- 25 (33) "Regulatory Authority" means the department or authorized agent of the department.
- 26 (34) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact
27 surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is
28 equal to a 99.999% reduction, of representative disease microorganisms of public health
29 importance.
- 30 (35) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and
31 may include liquids containing chemicals in solution, and as defined in 15A NCAC 18E .1900.
- 32 (36) "Single-use articles" means tableware, carry-out utensils, and other items such as bags, containers,
33 placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one
34 time, one person use after which they are intended for discard. It also includes utensils and bulk
35 food containers designed and constructed to be used once and discarded, such as wax paper,
36 butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread
37 wrappers, pickle barrels, ketchup bottles and number 10 cans.

1 (37) "Tableware" means eating, drinking and serving utensils for table use such as flatware including
2 forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and
3 plates.

4 (38) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device
5 that indicates the temperature of food, air, or water.

6 (39) "Transitional Permit" means a permit issued by the regulatory authority upon the transfer of
7 ownership or lease of an existing lodging establishment to allow the correction of construction and
8 equipment problems that do not represent an immediate threat to public health.

9 (40) "Utensil" means a food-contact implement or container used in the storage, preparation,
10 transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is
11 multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing
12 probes of food temperature measuring devices; and probe-type price or identification tags used in
13 contact with food.

14 (41) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of
15 equipment.

16
17 *Authority G.S. 130A-248.*

18
19 **15A NCAC 18A .1822 MANAGEMENT AND PERSONNEL**

20 Bed and breakfast homes or bed and breakfast inns shall comply with Parts 2-1 through 2-4 of the Food Code as
21 amended by Rules .2652 of the "Rules Governing the Food Protection and Sanitation of Food Establishments," with
22 the following exceptions:

23 (1) Food preparation shall not be prohibited in a bed and breakfast home or bed and breakfast inn.

24 (2) Nothing shall prohibit family style dining or return to self-service areas such as buffets in a bed
25 and breakfast home or bed and breakfast inn.

26
27 *Authority G.S. 130A-248.*

28
29 **15A NCAC 18A .1823 FOOD**

30 (a) Except as required by G.S. 130A-247 through 130A-250, food services at lodging establishments shall not be
31 required to obtain food establishment permits.

32 (b) Food prepared in a bed and breakfast home or a bed and breakfast inn shall comply with Chapter 3 of the Food
33 Code as amended by Section .2653 of the "Rules Governing the Food Protection and Sanitation of Food
34 Establishments." These rules shall not prohibit family style service in bed and breakfast homes and bed and
35 breakfast inns, and no additional protection or labeling of food is required during display and service in these
36 establishments.

1 (c) In lodging establishments ice used for room service shall be manufactured from an approved water supply and
2 shall be stored and handled in a sanitary manner. All ice machines for use by guests shall dispense ice without
3 exposing stored ice to guests.

4
5 *Authority G.S. 130A-248.*

6
7 **15A NCAC 18A .1824 EQUIPMENT AND UTENSILS**

8 (a) Food-contact surfaces shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Section .2654 of the
9 "Rules Governing the Food Protection and Sanitation of Food Establishments." This shall not prohibit the use of
10 domestic equipment.

11 (b) Equipment and utensils shall be kept clean and in good repair.

12 (c) All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in
13 the preparation or serving of food or drink, and all food storage utensils, in a bed and breakfast home or bed and
14 breakfast inn shall be cleaned and sanitized, as required in Parts 4-6 and 4-7 of the Food Code as amended by
15 Section .2654 of the "Rules Governing the Food Protection and Sanitation of Food Establishments," after each use,
16 properly air dried, and stored in a manner to prevent contamination.

17 (d) Cooking surfaces of equipment in a bed and breakfast home or bed and breakfast inn shall be cleaned at least
18 once each day.

19 (e) Nonfood-contact surfaces of equipment shall be cleaned at such intervals as to keep them clean.

20 (f) Sanitizers used for sanitization of kitchenware and food-contact surfaces must be maintained at proper
21 concentrations as required in Part 4-5 of the Food Code as amended by Section .2654 of the "Rules Governing the
22 Food Protection and Sanitation of Food Establishments."

23 (g) Nothing in this section shall require sanitization as exempted in guest rooms per G.S. 130A-248 (A3) (3).

24 (h) Single-use articles may be used if discarded after each use. Single use articles must be properly stored and
25 handled to prevent contamination.

26 (i) A food temperature measuring device with a suitable small diameter probe shall be provided and readily
27 accessible for use in ensuring attainment and maintenance of food temperatures.

28 (j) A test kit or other device that accurately measures the concentration in MG/L of sanitizing solutions shall be
29 provided.

30 (k) Equipment for preparing coffee and tea shall be kept clean, but is exempt from sanitization as stated in (c).

31
32 *Authority G.S. 130A-248.*

33
34 **15A NCAC 18A .1825 WATER, PLUMBING, AND WASTE**

35 (a) Water, plumbing and waste shall comply with Chapter 5 of the Food Code as amended by Rules .2655 of the
36 "Rules Governing the Food Protection and Sanitation of Food Establishments." The requirements of sections 5-
37 202.12, 5-203.11, 5-204.11, and 5-205.11 of the Food Code as amended by Rule .2655 of the "Rules Governing the

1 Food Protection and Sanitation of Food Establishments" shall be effective one year after the effective date of these
2 Rules.

3 (b) A handwashing sink, located to allow for convenient use by employees handling clean and soiled linen, shall be
4 provided. This requirement shall be effective one year after the effective date of these rules.

5 (e) All refuse shall be collected and stored in covered receptacles in such a manner as not to create a nuisance.
6 refuse receptacles shall be kept clean and in good repair.

7 (f) Where dumpsters are used, a contract for off-site cleaning shall constitute compliance with the provision for
8 cleaning.

9 (g) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize
10 development of objectionable odors and other conditions that attract or harbor insects and rodents.

11

12 *Authority G.S. 130A-248.*

13

14 **15A NCAC 18A .1826 PHYSICAL FACILITIES**

15 (a) Handwashing sinks as required in Rule .1825 in this Subchapter shall be supplied with hand soap, and either
16 individual, disposable towels or an approved hand drying device.

17 (b) Toilets or urinals shall be provided as in Rule .1825 in this Subchapter and shall have a supply of toilet tissues
18 available at each toilet.

19 (c) The light intensity shall be: At least 108 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor,
20 in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning; at
21 least 215 lux (20 foot candles) inside equipment such as reach-in and under-counter refrigerators; at least 215 lux
22 (20 foot candles) at a distance of 75 cm (30 inches) above the floor in areas used for handwashing, warewashing,
23 and equipment and utensil storage, and in toilet rooms; and at least 540 lux (50 foot candles) at a surface where a
24 food employee is working with food.

25 (d) Where natural ventilation only is provided, outside openings shall be screened and in good repair. windows and
26 doors shall be kept clean and in good repair.

27 (e) Window coverings in a guest room shall be kept clean and in good repair.

28 (f) Physical facilities shall be kept clean and in good repair.

29 (g) Floors, walls, and ceilings, including inside guest rooms, shall be maintained clean and in good repair.

30 (h) Perimeter walls and roofs shall effectively protect the lodging establishment from the weather and the entry of
31 insects, rodents, and other pests.

32 (i) Furniture, furnishings, bathroom fixtures, carpets and other accessories in guest rooms, shall be kept clean and in
33 good repair.

34 (j) The premises and guest rooms shall be maintained free of insects, rodents, and other pests. The presence of
35 insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: routinely
36 inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and
37 eliminating harborage conditions.

1 (k) Live animals shall be prohibited from entering areas of food preparation, storage, sales, display, or dining.

2

3 *Authority G.S. 130A-248.*

4

5 **15A NCAC 18A .1827 PREMISES, STORAGE, POISONOUS OR TOXIC MATERIALS**

6 (a) There shall be no fly or mosquito breeding places, rodent harborages, or undrained areas on the premises. The
7 premises shall be kept neat and clean. Rubbish, litter and other items not used in the operation of the establishment
8 shall not be permitted to accumulate on the premises.

9 (b) Storage rooms or spaces shall be kept clean.

10 (c) Only pesticides that have been registered with the EPA and with the N.C. Department of Agriculture and
11 Consumer Services shall be used and only for the specific use for which they have been approved. Such pesticides
12 shall be used as directed on the label and shall be handled and stored to avoid health hazards and not be accessible to
13 guests.

14 (d) Household cleaning agents such as bleaches, detergents, and polishers shall be used and stored according to
15 manufacturer's recommendations.

16 (e) Sanitizing solutions shall not be stored in or dispensed from containers previously containing other poisonous or
17 toxic materials.

18 (f) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the
19 requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in
20 antimicrobial formulations (food-contact surface sanitizing solutions).

21 (g) Medications shall be securely stored.

22 (h) A separate storage area shall be provided for building and ground maintenance tools and supplies.

23

24 *Authority G.S. 130A-248.*

25

26 **15A NCAC 18A .1828 LAUNDRY AND LINENS**

27 (a) Clean bed and bath linen in good repair shall be provided for each guest who is provided accommodations and
28 shall be changed between successive guests and as often as necessary.

29 (b) Two sheets shall be provided for each bed. The lower sheet shall be folded under both ends of the mattress.
30 The upper sheet shall be folded under the mattress at the lower end and folded over the cover for a least six inches at
31 the top end.

32 (c) Clean linen and supplies shall be stored in cabinets, or on shelves in linen and supply storage rooms. Cabinets,
33 shelves, and storage rooms shall be constructed to facilitate cleaning and kept clean.

34 (d) Items on housekeeping carts shall be arranged in a manner to prevent cross-contamination between soiled and
35 cleaned items. Housekeeping carts shall be kept clean and stored in a clean area.

36 (e) Soiled laundry shall be handled and stored separately from clean laundry using separate cleanable carts or bags.
37 Carts used for soiled laundry shall be labeled or otherwise designated for soiled laundry use only.

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Authority G.S. 130A-248.

15A NCAC 18A .1829 PERMITS

(a) No permit for a lodging establishment shall be issued to a person until an evaluation by the regulatory authority shows that the establishment complies with this Section.

(b) Upon transfer of ownership of an existing lodging establishment, the regulatory authority shall complete an evaluation. If the lodging establishment satisfies all the requirements of the rules, a permit shall be issued. If the lodging establishment does not satisfy all the requirements of the rules, a permit shall not be issued. A transitional permit shall be issued if the regulatory authority determines that the noncompliant items are construction or equipment problems that do not represent an immediate threat to public health. The transitional permit shall expire 180 days after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration of a transitional permit, the permit holder shall have corrected the noncompliant items and obtained a permit, or the lodging establishment shall not continue to operate.

(c) The regulatory authority shall impose conditions on the issuance of a permit or a transitional permit if necessary to ensure that a lodging establishment remains in compliance with this Section. Conditions may be specified for one or more of the following areas:

- (1) The number of bedrooms or persons housed.
- (2) The amount of laundry or kitchen and warewashing equipment on the premises.
- (3) Time schedules in completing minor construction items.
- (4) Modification or maintenance of water supplies, water use fixtures and sanitary sewage systems.
- (5) Use of facilities for more than one purpose.
- (6) Continuation of contractual arrangements upon which basis the permit was issued.
- (7) Submission and approval of plans for renovation.
- (8) Any other conditions necessary for a lodging place to remain in compliance with this Section.

(e) If a permit or transitional permit has been suspended, the suspension shall be lifted if the regulatory authority has evaluated the lodging establishment and found that the violations causing the suspension have been corrected. If a permit or transitional permit has been revoked, a new permit shall be issued only after the regulatory authority has evaluated the lodging establishment and found it to comply with all applicable rules. The evaluations shall be conducted within 15 days after the request is made by the permit holder.

Authority G.S. 130A-248.

15A NCAC 18A .1830 PUBLIC DISPLAY OF GRADE CARD

(a) Upon initial inspection of a lodging establishment or if a renovation or other change in the establishment makes the grade card inconspicuous, the regulatory authority shall designate the location for posting the grade card. The grade card shall be located in a conspicuous place where it may be readily observed by the public upon entering the

1 lodging establishment. If the person in charge of the lodging establishment objects to the location designated by the
2 regulatory authority, then the person in charge may suggest an alternative location which meets the criteria of this
3 Rule.

4 (b) When an inspection of a lodging establishment is made, the regulatory authority shall remove the existing grade
5 card, issue a new grade card, and post the new grade card in the same location where the grade card was previously
6 posted as long as that location remains conspicuous. the person in charge of the lodging establishment shall keep the
7 grade card posted at the designated location at all times. The grade card may be posted in another location which
8 meets the criteria of this Rule if agreed upon by the person in charge and the regulatory authority.

9
10 *Authority G.S. 130A-248.*
11
12

13 **15A NCAC 18A .1831 INSPECTIONS AND REINSPECTIONS**

14 (a) Upon entry into a lodging establishment, the regulatory authority shall provide identification and the purpose in
15 visiting that establishment. The regulatory authority shall inquire as to the identity of the person in charge and invite
16 the person in charge to accompany the regulatory authority during the inspection. If no employee is identified as the
17 person in charge, the regulatory authority shall invite an employee to accompany them on the inspection. Following
18 the inspection, the regulatory authority shall offer to review the results of the inspection with the person in charge or
19 employee, as applicable.

20 (b) The grading of lodging establishments shall be conducted using an inspection form furnished by the regulatory
21 authority. The form shall provide the following information:

- 22 (1) The name and mailing address of the lodging establishment;
- 23 (2) The name of the permit holder;
- 24 (3) The permit status and score given;
- 25 (4) Standards of construction and operation as listed in Rules .1824 through .1826 of this Section.
- 26 (5) An explanation for all points deducted;
- 27 (6) The signature of the regulatory authority; and
- 28 (7) The date.

29 (c) The grading of lodging establishments shall be based on the standards of operation and construction as set forth
30 in Rules .1821 through .1834 of this Section.

31 (d) The Inspection of Lodging Establishment form shall be used to document points assessed for violation of the
32 rules of this Section as follows:

- 33 (1) Violation of Rule .1822 of this Section related to person in charge present, certification by
34 accredited program or performs duties shall equal no more than 2 points.
- 35 (2) Violation of Rule .1822 of this Section related to management awareness, policy present, and
36 allergy awareness shall equal no more than 3 points.

- 1 (3) Violation of Rule .1822 of this Section related to proper use of reporting, restriction, and exclusion
2 shall equal no more than 3 points.
- 3 (4) Violation of Rule .1822 of this Section related to proper eating, tasting, drinking, or tobacco use
4 shall equal no more than 2 points.
- 5 (5) Violation of Rule .1822 of this Section related to personal cleanliness and hair restraints shall
6 equal no more than 1 point.
- 7 (6) Violation of Rule .1822 of this Section related to hands clean and properly washed shall equal no
8 more than 4 points.
- 9 (7) Violation of Rule .1823 of this Section related to food obtained from approved source, good
10 condition, safe, and unadulterated shall equal no more than 3 points.
- 11 (8) Violation of Rule .1823 of this Section related to food separated, protected from contamination
12 shall equal no more than 3 points.
- 13 (9) Violation of Rule .1823 of this Section related to food protected from environmental or other
14 sources of contamination, including proper dispensing of ice, shall equal no more than 3 points.
- 15 (10) Violation of Rule .1823 of this Section related to cooking/reheating temperatures shall equal no
16 more than 3 points.
- 17 (11) Violation of Rule .1823 of this Section related to proper cooling and approved methods shall equal
18 no more than 3 points.
- 19 (12) Violation of Rule .1823 of this Section related to cold/hot holding temperatures shall equal no
20 more than 3 points.
- 21 (13) Violation of Rule .1823 of this Section related to date marking shall equal no more than 3 points.
- 22 (14) Violation of Rules .1824 of this Section related to equipment, food and nonfood-contact surfaces
23 approved, cleanable, properly designed, constructed and used shall equal no more than 1 point.
- 24 (15) Violation of Rules .1824 of this Section related to utensils, equipment properly stored, dried and
25 handled shall equal no more than 1 point.
- 26 (16) Violation of Rules .1824 of this Section related to warewashing facilities installed, maintained and
27 used shall equal no more than 2 points.
- 28 (17) Violation of Rules 1824 of this Section related to food-contact surfaces cleaned and sanitized
29 where required shall equal no more than 3 points.
- 30 (18) Violation of Rules .1824 of this Section related to nonfood-contact surfaces clean shall equal no
31 more than 1 points.
- 32 (19) Violation of Rule .1824 of this Section related to single-use articles properly stored and used shall
33 equal no more than 1 point.
- 34 (20) Violation of Rule .1823 of this Section related to temperature measuring devices provided shall
35 equal no more than 2 points.
- 36 (21) Violation of Rules .1825 and .1826 of this Section related to handwashing sinks supplied and
37 accessible shall equal no more than 2 points.

- 1 (22) Violation of Rule .1825 of this Section related to water from approved source shall equal no more
2 than 4 points.
- 3 (23) Violation of Rule .1825 related to service sink or other approved method and mop storage shall
4 equal no more than 2 points.
- 5 (24) Violation of Rule .1825 of this Section related to sewage and waste water properly disposed shall
6 equal no more than 4 points.
- 7 (25) Violation of Rules .1826 of this Section related to ventilation and lighting requirements shall equal
8 no more than 2 points.
- 9 (26) Violation of Rules .1826 of this Section related to window coverings clean and good repair shall
10 equal no more than 2 points.
- 11 (27) Violation of Rules .1826 of this Section related to physical facilities installed, maintained and
12 clean shall equal no more than 3 points.
- 13 (28) Violation of Rule .1826 of this Section related to insects and rodents not present shall equal no
14 more than 4 points.
- 15 (29) Violation of Rule .1828 of this Section related to linens changed as required shall equal no more
16 than 3 points.
- 17 (30) Violation of Rule .1828 of this Section related to linen clean and in good repair shall equal no
18 more than 3 points.
- 19 (31) Violation of Rule .1828 of this Section related to linen properly handled and stored shall equal no
20 more than 3 points.
- 21 (32) Violation of Rule .1828 of this Section related to housekeeping carts shall equal no more than 3
22 points.
- 23 (33) Violation of Rule .1825 of this Section related to garbage and refuse properly disposed shall equal
24 no more than 2 points.
- 25 (34) Violation of Rule .1827 of this Section related to premises maintained to prevent breeding and
26 harborage shall equal no more than 2 points.
- 27 (35) Violation of Rule .1827 of this Section related to storage areas maintained clean, provided for
28 maintenance equipment shall equal no more than 3 points.
- 29 (36) Violation of Rule .1827 of this Section related to approved pesticide use shall equal no more than
30 2 points.
- 31 (37) Violation of Rule .1827 of this Section related to household cleaning agents and sanitizers
32 properly stored and handled shall equal no more than 3 points.
- 33 (38) Violation of Rule .1827 of this Section related to premises kept neat and clean shall equal no more
34 than 2 points.
- 35 (e) Upon request of the permit holder or his or her representative a reinspection shall be made. In the case of
36 establishments which request an inspection for the purpose of raising the alphabetical grade, and which hold

1 unrevoked permits, the regulatory authority shall make an unannounced inspection within 15 days from the date of
2 the request.

3
4 *Authority G.S. 130A-248.*

5
6 **15A NCAC 18A .1832 GRADING**

7 (a) The grading of lodging establishments shall be based on a system of scoring. A lodging establishment that earns
8 a score of at:

9 (1) 90 percent shall receive a grade A;

10 (2) 80 percent and less than 90 percent shall receive a grade B;

11 (3) 70 percent and less than 80 percent shall receive a grade C.

12 Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for lodging establishments receiving a
13 score of less than 70 percent.

14 (b) The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade
15 card shall be approved by the State. The alphabetical and numerical rating shall be 1.5 inches in height.

16
17 *Authority G.S. 130A-248.*

18
19 **15A NCAC 18A .1833 APPLICATION AND PLAN REVIEW**

20 (a) Plans, drawn to scale, and specifications, for new lodging establishments shall be submitted for review and
21 approval to the local health department prior to initiating construction, or prior to construction of additions or
22 renovations, excluding cosmetic or nonstructural changes to existing lodging establishments.

23 (b) An applicant shall submit an application for a permit or transitional permit at least 30 days before the date
24 planned for opening the lodging establishment. The applicant shall submit to the regulatory authority a written
25 application for a permit on a form provided by the regulatory authority.

26 (c) The application shall include:

27 (1) The name, mailing address, telephone number, and signature of the person applying for the permit
28 and the name, mailing address, and location of the lodging establishment;

29 (2) Information specifying whether the lodging establishment is owned by an association, corporation,
30 individual, partnership, or other legal entity;

31 (3) The name, title, address, and telephone number of the person directly responsible for the lodging
32 establishment;

33 (4) The names, titles, and addresses of:

34 (A) The person comprising the legal ownership as specified in Subparagraph (2) of this
35 Paragraph including the owners and officers, and

36 (B) The local resident agent if one is required based on the type of lodging establishment;

- 1 (5) A statement specifying the number of guest rooms or units and whether the lodging establishment
2 is an operation that includes one or more of the following:
3 (A) Prepares, or serves potentially hazardous food (time/temperature control for safety food)
4 for guests;
5 (B) Prepares only food that is not potentially hazardous for guests;
6 (C) Does not prepare, but serves only prepackaged food that is not potentially hazardous for
7 guests;
8 (6) Number, type of meals served and menu;
9 (7) Information regarding water supply and wastewater disposal;
10 (8) A statement signed by the applicant that attests to the accuracy of the information provided in the
11 application;
12 (9) Other information required by the regulatory authority.

13
14 *Authority G.S. 130A-248.*

15
16 **15A NCAC 18A .1834 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE**

- 17 (a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or
18 enforcement of the rules of this section the permit holder may:
19 (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
20 (2) Initiate a contested case in accordance with G.S. 150B.
21 (b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested
22 case in accordance with G.S. 150B.
23 (c) When a petition for a contested case is filed, the informal review process shall terminate.
24 (d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand
25 delivered to the local health department within seven days of notice of the decision giving rise to the review. The
26 request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the
27 Environmental Health Supervisor in the county or area where the lodging establishment is located, or when the
28 county or area has only one Registered Environmental Health Specialist assigned to inspect lodging establishments,
29 the Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal
30 review. As soon as possible, but at least within 30 days of receipt of the request, the person conducting the review
31 shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and
32 issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the
33 permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections
34 of the establishment in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health
35 Director.
36 (e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative
37 issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the

1 resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions
2 on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the
3 Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered
4 to the local health department and to the Department within seven days of receipt of the written decision issued
5 pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review
6 Officer shall hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review
7 Officer shall provide notice of the time and place of this conference to the permit holder and the Environmental
8 Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference,
9 the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that
10 decision shall be binding for purposes of future inspections of the establishment in question unless modified
11 pursuant to Paragraph (g) of this Rule or by the State Health Director.
12 (f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of
13 an establishment, the regulatory authority shall post a new grade card reflecting that new score.
14 (g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.
15 (h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .1831 of this
16 Section.

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Authority G.S. 130A-248.