

N.C. Division of Health Service Regulation, Adult Care Licensure Section
Fiscal Impact Analysis
Permanent Rule Readoption and Amendment without Substantial Economic Impact

Agency: North Carolina Medical Care Commission

Contact Persons: Nadine Pfeiffer, DHSR Rules Review Manager, (919) 855-3811
Megan Lamphere, Chief, DHSR Adult Care Licensure Section, (919) 855-3784
Shalisa Jones, Regulatory Analyst, DHSR Adult Care Licensure Section (704) 589-6214

Impact:

Federal Government: No
State Government: Minimal
Local Government: No
Private Entities: Yes
Substantial Impact: No

Titles of Rule Changes and N.C. Administrative Code Citation

Rule Readoptions (*See proposed text of these rules in Appendix*)

10A NCAC 13F .0402 Qualifications of Manager
10A NCAC 13F .0601 Management of Facilities- General Administrator and Manager Responsibilities
10A NCAC 13F .0602 Management of Facilities with a Census of Seven to Thirty Residents
10A NCAC 13F .0603 Management of Facilities with a Census of 31 to 80 Residents
10A NCAC 13F .0604 Management of Facilities with a Census of 81 or More Residents
10A NCAC 13F .0605 General Staffing Requirements for Adult Care Homes
10A NCAC 13F .0606 Staffing for Facilities with a Census of Seven to Twelve Residents
10A NCAC 13G .0601 Management and Other Staff

Rule Adoptions

10A NCAC 13F .0102 List of Definitions
10A NCAC 13F .0408 Qualifications of Personal Care Aide Supervisor
10A NCAC 13F .0607 Staffing for Facilities with A Census of 13 to 20 Residents
10A NCAC 13F .0608 Staffing for Facilities with A Census of 21 or More Residents
10A NCAC 13F .0609 Personal Care Aide Supervisors
10A NCAC 13G .0102 List of Definitions

Rule Amendments

10A NCAC 13F .0404 Qualifications of Activity Director
10A NCAC 13G .0404 Qualifications of Activity Director

Authorizing Statutes: G.S. 131D-2.16; 131D-4.3; 131D-4.4; 131D-4.5; 131D-25; 143B-165

Introduction and Background

The agency is proposing changes to clarify management and staffing requirements for licensed adult care and family care home facilities. In addition, technical changes are proposed to clarify rule language and to meet current style standards. Note that the proposed changes resulted in a shift in the rule titles and numbers to allow for easier reading and to improve comprehension. The current rules as written are complex and difficult for providers and the public to understand staffing requirements and include a variety of scenarios and requirements based on size and/or census of the facility. Technical changes had been made to remove requirements based on capacity or census to using only the census to determine management and staffing requirements. The proposed language reorganizes the rules to delineate management responsibilities from management and staffing requirements.

Under the authority of G.S. 150B-21.3A, Periodic review of existing rules, the North Carolina Medical Care Commission and Rules Review Commission approved the Subchapter reports with classifications for the rules under 10A NCAC 13F Licensing of Adult Care Homes of Seven or More Beds and 10 NCAC 13G Licensing of Family Care Homes. The rules were classified in the reports as necessary with substantive public interest. Rules 10A NCAC 13F .0402, 13F .0601, 13F .0603, 13F .0604, 13F .0605, 13F .0606, 13G .0601 are being presented for re-adoption with substantive changes. Rules 10A NCAC 13F .0102, 13F .0408, 13F .0607, 13F .0608, 13F .0609, 13G .0102 are being adopted. Rule 13F .0404 and 13G .0404 has been amended for clarity and it doesn't affect the fiscal analysis, these rules were part of the fiscal analysis in the package for the Phase 3 re-adoption rules.

Rule Changes and Anticipated Fiscal Impact

10A NCAC 13F .0102 List of Definitions: These rules are being adopted to clarify terms used throughout the adult and family care home rules. Adopting these rules helps define words and phrases commonly used throughout the Subchapter. Adopting these new rules with definitions also addresses the Rules Review Commission's request to clarify terms.

10A NCAC 13F .0402 Qualifications of Manager: This rule outlines the qualification requirements of a manager, formerly referred to as the "administrator in charge."

1. The rule is currently written to outline the qualifications of an administrator-in-charge. The proposed language removes the position title of "administrator-in-charge" and changes the term to "manager" for clarity. Adult care home administrators are certified and are responsible for total operation of the facility. Administrators are required to meet the provisions of G.S. 90, Article 20A. Specific qualifications to become certified include the equivalent of two years of coursework at an accredited college or university or supervisory experience in a licensed adult care home or licensed nursing home, and completion of a Department approved administrator-in-training program of at least 120 hours of study in courses relating to assisted living residences. According to G.S. 131D-2.1 the administrator is a person approved by the Department and has the responsibility for the total operation of a licensed adult care home. Administrators' certification qualifications equip them with the knowledge of adult care regulations and training to direct and ensure compliance.

A manager is responsible for the operations of the facility in the absence of the administrator; however, they will serve under the direction and supervision of the administrator. Since the statute is clear, the responsibilities of the administrator cannot be assigned to another person who is not the administrator.

Using the term “manager,” makes it clear to providers and their staff, residents and their families, and the public that the administrator is the person responsible for the operations and the manager is in charge in their absence.

2. The rule is currently written to allow the manager to meet a minimum educational requirement of either a high school diploma, certification under the GED program or passing an alternative examination established by the department.

The agency proposes to remove the alternative examination option for meeting minimum education requirements, allowing a manager to have either a high school diploma or GED.

Review of the data provided by the NC Division of Health Service Regulation, Health Care Personnel Education and Credentialing Section, reveals the total number of test takers for the alternative exam from July 2021-June 2022 was 27. In the past, staff have reported that test takers had already met the other qualifications (high school diploma or GED) and did not have to take the test to be qualified. Taking this test did not provide the test takers with any advantage over those who met the other manager requirements. Due to the demonstrated lack of demand and need for the alternative examination, the elimination of this qualification option should have minimal, if any, impact on prospective managers. It should be noted that individuals who passed the alternative exam and were hired prior to September 1, 2024 will not be required to complete any further testing to qualify to work in this role.

There could be a potential benefit in the form of time savings to the Health Care Personnel Education and Credentialing Section from not having to administer the alternative examination. The alternative exam is offered in-person. The agency would not need to spend funds on printing test materials or use funds to have staff administer the exam.

3. In Item (4), the rule was revised to update language for continuing education topics to now specify that it includes topics related to the elderly and individuals with physical, intellectual, or developmental disabilities, cognitive impairment, and mental illness. By providing more specificity in the rule, facility staff may be more likely to consider an increased variety of courses that relate to the current needs of residents.

10A NCAC 13F .0408 Qualifications of Personal Care Aide Supervisor: This rule outlines the qualification requirements of a personal care aide supervisor. The requirements and qualifications listed in this rule are currently found in Rule 13F .0605. The rule language is proposed to be moved to this new rule for clarity.

1. The current requirements include a minimum educational requirement of either a high school diploma, certification under the GED program or passing an alternative examination established by the department. The agency proposes to remove the alternative examination option for meeting minimum education requirements, allowing a personal care aide supervisor to have either a high school diploma or GED.

As with Rule .0402, the elimination of this qualification option should have minimal, if any, impact to prospective personal care aide supervisors due to the demonstrated lack of demand for the alternative examination. It should be noted that individuals who passed the alternative exam and were hired prior to September 1, 2024, will not be required to complete any further testing to qualify to work in this role.

2. In Item (6) the rule was revised to update language for continuing education topics to now specify that it includes the elderly and individuals with physical, intellectual, or developmental disabilities, cognitive impairment, and mental illness. By providing more specificity in the rule, facility staff may be more likely to consider an increased variety of courses that relate to the current needs of residents.

10A NCAC 13F .0601 Management of Facilities- General Administrator and Manager Responsibilities:

Proposed changes seek to delineate and define adult care home administrator and manager responsibilities. The proposed rule language clarifies specific responsibilities and involvement in Paragraph (c) which include the investigation and reporting of resident abuse, neglect, exploitation, drug diversion, elopement, missing residents, incidents involving hospitalizations or death, and clarifies that the administrator shall be aware of requirements in Paragraphs (d) and (e) which include when staffing requirements cannot be met and any time the facility seeks the assistance of local law enforcement. Under existing rules, the administrator is already responsible for the total operation of the facility. As such, the responsibilities listed in the proposed changes are already required of them. The language in the proposed rule will, however, provide additional clarity by listing them out. For example, the current rules do not specify how the administrator is to be involved when specific allegations and reporting are required.

Administrators are required to meet the provisions of G.S. 90, Article 20A. Specific qualifications to become certified include the equivalent of two years of coursework at an accredited college or university or supervisory experience in a licensed adult care home or licensed nursing home, and completion of a Department approved administrator-in-training program of at least 120 hours of study in courses relating to assisted living residences. The required training and education requirements equip administrators with the knowledge of regulations and requirements to properly respond and guide staff on how to handle situations and comply with rules when incidents occur.

According to G.S. 131D-2.1, the administrator has the responsibility for the total operation of a licensed adult care home. The categories listed in Paragraphs (c) through (e) have a direct impact on resident health and safety, even staff health and safety sometimes as these situations can be stressful and complex. Staff working in adult care homes are often unlicensed and not equipped to handle serious situations on their own without guidance from supervisors, and they may not be knowledgeable of the requirements for handling and reporting such incidents and when follow-up is needed or required.

Additionally, according to current regulations, administrators are not required to be on-site in the facility unless the facility has a census of 81 or more residents. This means that administrators are often not in the building (sometimes rarely), may live far away from the facility's location, and may also serve as the administrator of more than one adult care home at a time. Oftentimes, when the state regulatory agency cites violations related to the categories listed in this proposed rule, the findings show administrators were not aware of the situations, and the facility's staff were unsure of how to respond or failed to respond in accordance with regulations when these serious events occur. Adding the requirements in Paragraphs (c), through (e) helps to ensure administrators are knowledgeable of and involved in situations that can and do have a serious impact on the health and safety of residents (and sometimes staff, too). This will enable them to provide direction and guidance to their staff and put systems in place to ensure compliance and safety.

The proposed language is clearer and more specific and should result in improved awareness and communication among facility staff and management. These changes should ultimately improve the

health, safety, and well-being of adult care home residents as well as a facility's compliance with regulations.

There are no additional costs to implement the proposed changes as administrators already have responsibility for the total operation of a licensed adult care home under existing rules, and therefore, should be knowledgeable of and involved in the handling of these types of situations, even if it is just providing direction and oversight of staff's implementation of the requirements.

10A NCAC 13F .0602 Management of Facilities with a Census of Seven to Thirty Residents: This rule and title have been updated to address the required management responsibilities for facilities with a census of 7 to 30 residents. The proposed language was previously found in Rule 13F .0601; however, rule titles and numbers were shifted to accommodate rule language for general administrator responsibilities. There are no changes to the requirements for facilities with a census of 7 to 30. The agency has proposed an updated definition for "a cluster of licensed facilities" to provide clarity.

Fiscal Impact: None

10A NCAC 13F .0603 Management of Facilities with a Census of 31 to 80 Residents: This rule and title have been updated to address the required management responsibilities for facilities with a census of 31 to 80 residents. The proposed language was previously found in Rule 13F .0602; however, rule titles and numbers were shifted to accommodate rule language for general administrator responsibilities. There are no changes to the requirements for facilities with a census of 31 to 80.

Fiscal Impact: None

10A NCAC 13F .0604 Management of Facilities with a Census of 81 or More Residents: This rule and title have been updated to address the required management responsibilities for facilities with a census of 81 or more residents. The proposed language was previously found in Rule 13F .0603; however, rule titles and numbers were shifted to accommodate rule language for general administrator responsibilities. There are no changes to the requirements for facilities with a census of 81 or more. The proposed language in Paragraph (a) clarifies that facilities on a contiguous parcel of land or campus setting shall be under the same ownership.

Fiscal Impact: None

10A NCAC 13F .0605 General Staffing Requirements for Adult Care Homes: This rule and title have been updated to address general staffing requirements for all adult care homes regardless of the facility's census. The proposed language is currently found in Rule 13F .0604; however, rule titles and numbers were shifted to accommodate rule language for general staffing requirements. Paragraph (d) clarifies what information that shall be posted daily according to G.S. 131D-4.3(a)(5). The proposed rule language clarifies that the contact information of the administrator and manager shall also be posted daily to ensure residents and families are aware of who they need to contact if they have concerns or issues.

Fiscal Impact: None

10A NCAC 13F .0606 Staffing for Facilities with a Census of Seven to Twelve Residents: This rule and title have been updated to address staffing requirements for facilities with a census of 7 to 12 residents. The proposed language is currently found in Rule 13F .0604; however, rule titles and numbers were shifted to allow for easier reading and to improve comprehension of the requirements.

The proposed rule language also clarifies that staff shall always be awake to care for residents who are disoriented or known to have wandering behavior. Residents who are disoriented or known to wander are at risk of falls, elopement, or serious injury, therefore these residents need a higher level of supervision. The proposed changes align with Rule .0901(b) which requires residents to be supervised according to their needs. In the case of disoriented or wandering residents, their needs include 24-hour supervision. As such, the proposed changes do not result in any changes to existing requirements. If there is confusion over the existing requirement for 24 hour a day supervision for residents with disorientation or wandering, the additional clarity provided by the proposed change could reduce the potential for negative outcomes due to the lack of supervision related to residents who have cognitive impairment.

10A NCAC 13F .0607 Staffing for Facilities with A Census of 13 to 20 Residents: This rule and title have been updated to address staffing requirements for facilities with a census of 13 to 20 residents. The proposed language is currently found in Rule 13F .0604; however, rule titles and numbers were shifted to allow for easier reading and to improve comprehension of the requirements.

Fiscal Impact: None

10A NCAC 13F .0608 Staffing for Facilities with A Census of 21 or More Residents: A new rule number was created to address staffing requirements for facilities with a census of 21 or more residents. The proposed language is currently found in Rule 13F .0604; however, rule titles and numbers were shifted to allow for easier reading and to improve comprehension of the requirements. The proposed language has also been clarified to specify the required aide duty hours for each shift and census. These changes were made in response to comments received from the North Carolina Rules Review Commission.

Fiscal Impact: None

10A NCAC 13F .0609 Personal Care Aide Supervisors: This rule outlines the duties of a personal care aide supervisor. The requirements listed in this rule currently exist in Rule 13F .0605. There are no changes and no new requirements for personal care aide supervisors. A new rule number was created to allow for easier reading to improve comprehension of the requirements.

10A NCAC 13G .0601 Management and Other Staff: This rule defines management and staffing requirements for licensed family care home facilities. The proposed rule language outlines and clarifies specific management responsibilities and administrator involvement. Technical changes were also made to this rule to be consistent with current writing styles. Revisions were also made to update the requirements for facilities that utilize relief staff persons.

1. Proposed changes seek to delineate and define family care home administrator and supervisor-in-charge responsibilities. The proposed rule language clarifies specific responsibilities and involvement in Paragraph (b) which include the investigation and reporting of resident abuse, neglect, exploitation, drug diversion, elopement, missing residents, incidents involving hospitalizations or death and clarifies that the administrator shall be aware of requirements in Paragraphs (c) and (d) which include when staffing requirements cannot be met and any time the facility seeks the assistance of local law enforcement. The administrator is responsible for the management and total operation of the facility. As such, the responsibilities listed in the proposed changes are already required of the administrator. The language in the proposed rule will, however, provide additional clarity by listing them out. For example, the current

rules do not specify how the administrator and supervisor-in-charge are to be involved when specific allegations and reporting are required.

Administrators are approved by the department pursuant to 10A NCAC 13G .1501. Specific qualifications to obtain approval include completion of an approved administrator-in-training program of a minimum of 20 hours of instruction in N.C. Assisted Living laws and statutes, human resources, business management, and a minimum of 100 hours of on-the job training in an assisted living facility. The required training requirements equip administrators with the knowledge of regulations and requirements to properly respond and guide staff on how to handle situations and comply with rules when incidents occur. According to G.S. 131D-2.1, the administrator has the responsibility for the total operation of a licensed adult care home. The categories listed in Paragraphs (b) through (d) have a direct impact on resident health and safety, even staff health and safety sometimes as these situations can be stressful and complex. Staff working in family care homes are unlicensed, often not equipped to handle serious situations on their own without guidance from supervisors and may not be knowledgeable of the requirements for handling and reporting such incidents and when follow-up is needed or required. Additionally, according to current regulations, administrators are not required to be on-site in the facility. This means that administrators are often not in the building (sometimes rarely), may live far away from the facility's location, and may also serve as the administrator of more than one family care home at a time. Oftentimes when the state regulatory agency cites violations related to the categories listed in this proposed rule, the findings show administrators were not aware of the situations and the facility's staff were unsure of how to respond or failed to respond in accordance with regulations when these serious events occur. Adding the requirements in Paragraphs (b) through (d) helps to ensure administrators are knowledgeable of and involved in situations that can and do have a serious impact on the health and safety of residents (and sometimes staff, too) which will enable them to provide direction and guidance to their staff and put systems in place to ensure compliance and safety.

The proposed language should result in improved awareness and communication among facility staff and management. The proposed language is clearer and more specific. These changes should ultimately improve the health, safety and well-being of family care home residents as well as a facility's compliance with regulations.

There are no additional costs to implement the proposed changes as administrators already have responsibility for the total operation of a licensed adult care home under existing rules, and therefore, should be knowledgeable of and involved in the handling of these types of situations, even if it is just providing direction and oversight of staff's implementation of the requirements.

2. The rule as currently written allows a "relief-person-in-charge" to be responsible for the residents and the facility when the administrator or supervisor-in-charge is absent from the facility due to a non-routine occurrence, and a "relief-supervisor-in-charge" to be present for planned absences.

The current rule requires the relief-person-in-charge to be able to respond to emergencies and be 18 years or older. However, requirements in other family care home rules require each staff person to meet the staff qualifications including for test for tuberculosis (13G .0405), other staff qualifications (13G .0406). The current rules regarding staff orientation, training, competency, and continuing education are outlined in section .0500 of the family care home rules and specifically require staff who perform personal care duties to be trained accordingly. Also, current rules require that there must always be one person on the premises who has completed cardio-pulmonary resuscitation (CPR) and choking management (13G .0507).

These terms, “relief person in charge” and “relief supervisor in charge,” create confusion and ambiguity related to the roles these staff persons play in a family care home and the qualifications they must meet to ensure the health and safety of the residents in their care. The proposed rule language clarifies the requirements to include a staff person who meets the staff qualification requirements as indicated in the family care home rules. The proposed language seeks to clarify that the staff person in charge is qualified, trained, and is adequately able to supervise the facility to protect the safety and welfare of residents in the absence of the administrator or supervisor-in-charge. Since staff are already required to meet staff qualifications as required in the rules, there is no fiscal impact related to these changes.

Summary

As compared to the existing regulatory baseline, none of the proposed changes will result in a significant cost to the regulated community, or to state or local government. The improved clarity of the rules -- in particular, for requirements related to administrator responsibilities and communication; 24-hour awake staff for residents who are disoriented or exhibit wandering behavior; and continuing education topics -- should result in improved compliance with the adult care and family care home regulations. This should, in turn, result in improvements to the overall quality of care for the residents, as well as their safety.

The proposed changes are likely to result in minimal time savings for the Health Care Personnel Education and Credentialing Section from the elimination of the alternative examination option. The agency does not anticipate any additional impact on state government or local government (county Departments of Social Services who monitor and conduct complaint investigations in adult care homes and family care homes) beyond their current job requirements to implement, monitor, and enforce the adult care home and family care home regulations.

Appendix

10A NCAC 13F .0102 is proposed for adoption as follows:

10A NCAC 13F .0102 LIST OF DEFINITIONS

As used in this Subchapter, the following definitions shall apply:

- (1) “Abuse” means the term as defined in G.S. 131D-2.1.
- (2) “Activities of daily living” or “ADL’s” means eating, dressing, bathing, toileting, bowel and bladder control, transfers, ambulation, and communication.
- (3) “Acute care needs” means symptoms or a condition that develops quickly and is not a part of the resident’s baseline health or mental health status or is a change or worsening in the symptoms of a resident’s chronic condition, which may have a slower onset and worsen over time.
- (4) “Administrator” means the term as defined in G.S. 90-288.13 and G.S. 131D-2.1.
- (5) “Adult care home” means the term as defined in G.S. 131D-2.1.
- (6) “Alternative examination” means a test developed and administered by the Department to meet the educational requirements of an activity director, administrator-in-charge, manager, or personal care aide supervisor for those applicants who do not possess a high school diploma or General Education Diploma (G.E.D.) prior to September 1, 2024.
- (7) “Aide duty” means time spent by qualified staff providing assistance with activities of daily living, medication administration, or supervision of residents as determined by the resident’s assessment, care plan, physician’s orders, and current symptoms.
- (8) “Department” means the North Carolina Department of Health and Human Services.
- (9) “Discharge” means a resident’s termination of their residency at the adult care home, resulting in the resident’s move to another location.
- (10) “Exploitation” means the term as defined in G.S. 131D-2.1.
- (11) “Facility” means a licensed adult care home.
- (12) “First shift” means the hours of work between 7:01 a.m. and 3:00 p.m.
- (13) “Food service duties” means tasks that may be performed by staff related to serving meals to residents, including assisting with food preparation, arranging, and setting the dining tables, serving food and beverages, and cleaning the dining room after meal service is complete.
- (14) “Housekeeping duties” means tasks that may be performed by staff such as cleaning and sanitizing facility common areas and resident rooms, sweeping, vacuuming, dusting, mopping, collecting, and disposing of trash.
- (15) “Legal representative” means a person authorized by state or federal law (including but not limited to power of attorney, legal guardian, or representative payee) to act on behalf of the resident to support the resident in decision-making; access medical, social, or other personal information of the resident; and manage financial matters or receive notifications.
- (16) “Long-term care” means a continuum of care and services available in an individual's community that provides the care and supports required during a persistent or chronic state of health, throughout which time a person is

- unable to independently perform some or all activities of daily living or requires supervision due to physical or cognitive impairment.
- (17) “Manager” means an individual responsible for the day-to-day operation of an adult care home in the absence of the administrator and under the direction and supervision of the administrator as described in Rule .0402 of this Subchapter.
- (18) “Medication aide” means an individual who administers medications to residents and meets all requirements as set forth in Rule .0403 of this Subchapter.
- (19) “Neglect” means the term as defined in G.S. 131D-2.1.
- (20) “On-call” means able to be contacted by two-way telecommunication.
- (21) “On-duty” in reference to an administrator means the administrator is on-site and directly responsible for the day-to-day operations of a facility. “On-duty” in reference to a manager means a manager designated by the administrator as required in Rule .0402 of this Subchapter and who is on-site and directly responsible for the day-to-day operations of a facility under the direction and supervision of the administrator.
- (22) “Personal care aide” means a staff member who performs personal care services as defined by G.S. 131D-2.1.
- (23) “Physical restraint” means any physical or mechanical device attached to or adjacent to the resident’s body that the resident cannot remove easily, and which restricts freedom of movement or normal access to one’s body.
- (24) “Physician extender” means a licensed physician assistant or a licensed nurse practitioner.
- (25) “Resident” means the term as defined in G.S. 131D-2.1.
- (26) “Responsible person” means a person chosen by the resident to act on their behalf to support the resident in decision-making; access to medical, social, or other personal information of the resident; manage financial matters; or receive notifications.
- (27) “Second shift” means the hours of work between 3:01 p.m. and 11:00 p.m.
- (28) “Staff” means any person who performs duties as an employee, paid or unpaid, on behalf of the adult care home.
- (29) “Supervision” means oversight, monitoring, and interventions implemented by the facility for the purpose of mitigating the risk of an accident, incident, illness, or injury to a resident to ensure the health, safety, and welfare of the resident and other residents.
- (30) “Supervisor” means a personal care aide supervisor as defined in Rule .0609 of this Subchapter.
- (31) “Third shift” means the hours of work between 11:01 p.m. and 7:00 a.m.

History Note: Authority G.S. 131D-2.16; 143B-153;
Eff. September 1, 2024.

10A NCAC 13F .0402 is proposed for re adoption with substantive changes as follows:

10A NCAC 13F .0402 QUALIFICATIONS OF ADMINISTRATOR-IN-CHARGE MANAGER

The facility shall designate a manager when the administrator is absent from the facility. The administrator in charge, manager, who is responsible to the administrator for carrying out the program in day-to-day operations of an adult care home in the absence of the administrator, administrator. The administrator remains ultimately responsible for the adult care home, and the manager shall serve under the direction and supervision of the administrator. The manager shall meet the following requirements:

- (1) be 21 years or older;
- (2) be a high school graduate or certified under the G.E.D. ~~program~~ program, or if hired before September 1, 2024, have passed ~~an~~ the alternative examination established by the Department;
- (3) have six months training or experience related to management or supervision in long term care or health care settings or be a licensed health ~~professional~~, professional such as a mental health professional, nurse practitioner, physician assistant, or registered nurse, licensed a nursing home administrator administrator certified pursuant to G.S. 90-276(4), or certified an assisted living administrator, administrator certified pursuant to G.S. 90-288.14; and
- (4) earn 12 hours a year of continuing education credits ~~related to~~ in the management of adult care homes or care of ~~aged and disabled persons.~~ the elderly and individuals with physical, intellectual, or developmental disabilities, cognitive impairment, and mental illness.

*History Note: Authority G.S. 131D.2.16; 131D-4.5; 131D-25; 143B-165;
Eff. January 1, 1977;
Readopted Eff. October 31, 1977;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. July 1, 2003;
Amended Eff. June 1, ~~2004~~. 2004;
Readopted Eff. September 1, 2024.*

10A NCAC 13F .0404 is proposed for amendment as follows:

10A NCAC 13F .0404 QUALIFICATIONS OF ACTIVITY DIRECTOR

Adult care homes shall have an activity director who meets the following qualifications:

- (1) The activity director hired after September 30, 2022 shall meet a minimum educational requirement by being a high school graduate or certified under the GED Program.
- (2) The activity director hired after September 30, 2022 shall complete, within nine months of employment or assignment to this position, the basic activity course for assisted living activity directors offered by community colleges or a comparable activity course as determined by the Department based on instructional hours and

content. An activity director shall be exempt from the required basic activity course if one or more of the following applies:

- (a) be a licensed recreational therapist or be eligible for certification as a therapeutic recreation specialist as defined by the North Carolina Recreational Therapy Licensure Act in accordance with G.S. 90C;
- (b) have two years of experience working in programming for an adult recreation or activities program within the last five years, one year of which was full-time in an activities program for patients or residents in a health care or long term care setting;
- (c) be a licensed occupational therapist or licensed occupational therapy assistant in accordance with G.S. 90, Article 18D; ~~or~~
- (d) be certified as an Activity ~~Director~~ Professional by the National Certification Council for Activity ~~Professionals~~. Professionals; or
- (e) the required basic activity course was completed prior to September 1, 2024.

History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165;
Eff. January 1, 1977;
Readopted Eff. October 31, 1977;
Amended Eff. April 1, 1987; April 1, 1984;
Temporary Amendment Eff. July 1, 2003;
Amended Eff. June 1, 2004;
Temporary Amendment Eff. July 1, 2004;
Amended Eff. July 1, 2005;
Readopted Eff. October 1, ~~2022~~. 2022;
Amended Eff. September 1, 2024.

10A NCAC 13F .0408 is proposed for adoption as follows:

10A NCAC 13F .0408 QUALIFICATIONS OF PERSONAL CARE AIDE SUPERVISOR

(a) Facilities with a census of 31 or more residents shall employ a Personal Care Aide Supervisor as defined in Paragraph (b) of this Rule. The term "Supervisor" as used throughout Section .0600 of this Subchapter refers to the Personal Care Aide Supervisor.

(b) A supervisor shall meet the following qualifications:

- (1) be 21 years or older;
- (2) be a high school graduate or certified under the G.E.D. program or if hired before September 1, 2024, have passed an alternative examination established by the Department;
- (3) meet the health requirements according to Rule .0406 of this Section;
- (4) have six months of experience in performing or supervising the performance of the duties to be supervised during the period of three years prior to July 1, 2000 or the date of hire, whichever is later, or be a licensed health professional such as a mental health professional, nurse practitioner, physician assistant, or registered nurse, or a nursing home administrator certified pursuant to G.S. 90-276(4);

- (5) meet the same minimum training and competency requirements of the aides being supervised; and
- (6) earn 12 hours a year of continuing education credits related to the care of the elderly and individuals with physical, intellectual, or developmental disabilities, cognitive impairment, and mental illness.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 143B-165;
Eff. September 1, 2024.

10A NCAC 13F .0601 is proposed for re adoption with substantive changes as follows:

SECTION .0600 - STAFFING

10A NCAC 13F .0601 ~~MANAGEMENT OF FACILITIES WITH A CAPACITY OR CENSUS OF SEVEN TO THIRTY RESIDENTS~~ FACILITIES - GENERAL ADMINISTRATOR AND MANAGER RESPONSIBILITIES

(a) ~~Each adult care home shall have an~~ An adult care home administrator who is certified in accordance with Rule .1701 of this Subchapter. The administrator shall be responsible for the total operation of an adult care home and management of the facility to assure that all care and services are provided to maintain the health, safety, and welfare of the residents in accordance with all applicable local, state, and federal regulations and codes. The administrator shall also be responsible to the Division of Health Service Regulation and the county department of social services for ~~meeting and maintaining~~ complying with the rules of this Subchapter. The co-administrator, when there is one, shall share equal responsibility with the administrator for the operation of the home and for meeting and maintaining the rules of this Subchapter. The term ~~administrator~~ “administrator” also refers to co-administrator where it is used in this Subchapter.

(b) ~~At all times there shall be one administrator or administrator in charge who is directly responsible for assuring that all required duties are carried out in the home and for assuring that at no time is a resident left alone in the home without a staff member. Except for the provisions in Paragraph (c) of this Rule, one of the following arrangements shall be used to manage a facility with a capacity or census of 7 to 30 residents:~~

- (1) ~~The administrator is in the home or within 500 feet of the home with a means of two way telecommunication with the home at all times;~~
- (2) ~~An administrator in charge is in the home or within 500 feet of the home with a means of two way telecommunication with the home at all times; or~~
- (3) ~~When there is a cluster of licensed homes, each with a capacity of 7 to 12 residents, located adjacently on the same site, there shall be at least one staff member, either live in or on a shift basis in each of these homes. In addition, there shall be at least one administrator or administrator in charge who is within 500 feet of each home with a means of two way telecommunication with each home at all times and directly responsible for assuring that all required duties are carried out in each home.~~

(c) ~~When the administrator or administrator in charge is absent from the home or not within 500 feet of the home, the following shall apply:~~

- (1) ~~For absences of a non routine nature that do not exceed 24 hours per week, a relief person in charge designated by the administrator shall be in charge of the home during the absence and in the home or within 500 feet of the home according to the requirements in Paragraph (b) of this Rule. The administrator shall assure that the relief person in charge is prepared to respond in case of an emergency in the home. The relief person in charge shall be 21 years or older.~~
- (2) ~~For recurring or planned absences, a relief administrator in charge designated by the administrator shall be in charge of the home during the absence and in the home or within 500 feet of the home according to the requirements in Paragraph (b) of this Rule. The relief administrator in charge shall meet all of the qualifications required for the administrator in charge as specified in Rule .0402 of this Subchapter with the exception of Item (4) pertaining to the continuing education requirement.~~

(b) An adult care home manager shall be responsible for carrying out the day-to-day operations and all required duties of an adult care home in the absence of an administrator.

(c) The administrator shall have knowledge of and shall ensure the following:

- (1) the investigation and reporting of any allegations of resident abuse, neglect, and exploitation as specified in Rule .1212(d) of this Subchapter;
- (2) the investigation and reporting of any suspicion of or allegations of drug diversion as specified in Rule .1008 of this Subchapter;
- (3) the reporting of any incidents of resident elopement or when a resident is missing from the facility, as required in Rule .1212(e)(2) and Rule .0906(f)(4) of this Subchapter; and
- (4) the investigation and reporting of any incident or accident resulting in the hospitalization or death of a resident, as specified in Rule .1208 and Rule .1212 of this Subchapter.

(d) The administrator shall be made aware when the facility is unable to meet the staffing requirements of this Section.

(e) The administrator shall be made aware any time the facility seeks the assistance of the local law enforcement authority.

(f) For facilities with a census of 7 to 30 residents, the manager or staff person on duty shall immediately notify the administrator of any of the circumstances listed in Paragraphs (c), (d), and (e) of this Rule.

(g) For facilities with a census of 31 or more the manager or supervisor shall immediately notify the administrator of any of the circumstances listed in Paragraphs (c), (d), and (e) of this Rule.

*History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.4; 131D-4.5; 131D-25; 143B-165;
Eff. January 1, 1977;
Readopted Eff. October 31, 1977;
Amended Eff. July 1, 1990; April 1, 1987; April 1, 1984;
Temporary Amendment Eff. January 1, 2000; December 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. July 1, 2003;
Amended Eff. July 1, 2005; June 1, ~~2004~~. 2004;
Readopted Eff. September 1, 2024.*

10A NCAC 13F .0602 is proposed for readoption with substantive changes as follows:

10A NCAC 13F .0602 MANAGEMENT OF FACILITIES WITH A CAPACITY OR CENSUS OF ~~31 TO 80~~ SEVEN TO THIRTY RESIDENTS

~~(a) In facilities with a capacity or census of 31 to 80 residents, there shall be an administrator on call, which means able to be contacted by telephone, pager or two-way intercom, at all times when not in the building. (For staffing chart, see Rule .0606 of this Subchapter.)~~

~~(b) When the administrator is not on duty in the facility, there shall be a person designated as administrator in charge on duty in the facility who has the responsibility for the overall operation of the facility and meets the qualifications for administrator in charge required in Rule .0602 of this Section. The personal care aide supervisor, as required in Rule .0605 of this Subchapter, may serve simultaneously as the administrator in charge.~~

In a facility with a census of greater than seven but less than 31 residents, there shall be one administrator or manager who is directly responsible for assuring that all required duties are carried out in the facility. One of the following arrangements shall be used to manage a facility with a census of seven to 30 residents:

- (1) the administrator is in the facility or within 500 feet of the facility with a means of two-way telecommunication with the facility at all times;
- (2) a manager is in the facility or within 500 feet of the facility with a means of two-way telecommunication with the facility at all times; or
- (3) when there is a cluster of licensed facilities, each with a census of 12 or fewer residents, there shall be at least one staff member, either live-in or on a shift basis in each of these facilities. In addition, there shall be at least one administrator or manager who is within 500 feet of each home with a means of two-way telecommunication with each facility at all times and directly responsible for assuring that all required duties are carried out in each facility. For the purpose of the rules in this Section, “a cluster of licensed facilities” means up to six licensed adult care homes which are under common ownership and are located adjacently on the same site.

*History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 131D-25; 143B-165;
Temporary Adoption Eff. January 1, 2000;
Eff. July 1, ~~2000~~ 2000;
Readopted Eff. September 1, 2024.*

10A NCAC 13F .0603 is proposed for readoption with substantive changes as follows:

10A NCAC 13F .0603 MANAGEMENT OF FACILITIES WITH A ~~CAPACITY OR CENSUS OF 81 OR MORE~~ 31 TO 80 RESIDENTS

~~(a) An adult care home with a capacity or census of 81 or more residents shall be under the direct control of an administrator, who shall be responsible for the operation, administration, management and supervision of the facility on a full-time basis to assure that all care and services to residents are provided in accordance with all applicable local, state and federal regulations and codes. The administrator shall be on duty in the facility at least eight hours per day, five days per week and shall not serve~~

~~simultaneously as a personal care aide supervisor or other staff to meet staffing requirements while on duty as an administrator or be an administrator for another adult care home except as follows. If there is more than one facility on a contiguous parcel of land or campus setting, and the combined licensed capacity of the facilities is 200 beds or less, there may be one administrator on duty for all the facilities on the campus. The administrator shall not serve simultaneously as a personal care aide supervisor in this campus setting. For staffing chart, see Rule .0606 of this Subchapter.~~

~~(b) When the administrator is not on duty in the facility, there shall be a person designated as administrator in charge on duty in the facility who has responsibility for the overall operation of the facility. The supervisor may serve simultaneously as the administrator in charge. Each facility on a contiguous parcel of land or campus setting, as described in Paragraph (a) of this Rule, shall have a person designated as the administrator in charge in the facility when the administrator is not on duty.~~

~~(c) The administrator shall be on call, which means able to be contacted by telephone, pager or two way intercom at all times when not in the building.~~

Each facility with a census of greater than 30 but less than 81 residents shall:

- (1) have an administrator on-call at all times when not in the building; and
- (2) have a manager on-duty in the facility when the administrator is not on-duty in the facility. The personal care aide supervisor, as required in Rule .0608 of this Section, may serve simultaneously as the manager.

*History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 131D-25; 143B-165;
Temporary Adoption Eff. January 1, 2000; December 1, 1999;
Eff. July 1, 2000;
Amended Eff. July 1, ~~2005~~ 2005;
Readopted Eff. September 1, 2024.*

10A NCAC 13F .0604 is proposed for readoption with substantive changes as follows:

10A NCAC 13F .0604 ~~PERSONAL CARE AND OTHER STAFFING~~ MANAGEMENT OF FACILITIES WITH A CENSUS OF 81 OR MORE RESIDENTS

~~(a) Adult care homes shall staff to the licensed capacity of the home or to the resident census. When a home is staffing to resident census, a daily census log shall be maintained which lists current residents by name, room assignment and date of admission and must be available for review by the Division of Health Service Regulation and the county departments of social services.~~

~~(b) Homes with capacity or census of 12 or fewer residents shall comply with the following.~~

- ~~(1) At all times there shall be an administrator or administrator in charge in the home or within 500 feet of the home with a means of two way telecommunication.~~
- ~~(2) When the administrator or administrator in charge is not on duty within the home, there shall be at least one staff member on duty on the first and second shifts and at least one staff member on call within the building on third shift. There shall be a call system connecting the bedroom of the staff member, who may be asleep on the third shift, with each resident's bedroom.~~

- ~~(3) — When the administrator or administrator in charge is on duty within the home on the first and second shifts and on call within the home on the third shift, another staff member (i.e., co-administrator, administrator in charge or aide) shall be in the building or within 500 feet of the home with a means of two-way telecommunication at all times.~~
- ~~(4) — The administrator shall prepare a plan of operation for the home (each home in a cluster) specifying the staff involved, their regularly assigned duties and the amount of time estimated to be spent for each duty. There shall be a current plan of operation on file in the home, available for review by the Division of Health Service Regulation and the county department of social services.~~
- ~~(5) — At least 12 hours shall be spent daily providing for the personal services, health services, drug management, planned activities, and other direct services needed by the residents. These duties are the primary responsibility of the staff member(s) on duty on the first and second shifts; however, other help, such as administrator in charge and activities coordinator may be used to assist in providing these services.~~
- ~~(6) — Between the hours of 9 p.m. and 7 a.m. the staff member on duty and the person on call may perform housekeeping and food service duties as long as a staff member can respond immediately to resident calls or the residents are otherwise supervised. The duties shall not hinder care of residents or immediate response to resident calls, disrupt residents' normal lifestyles and sleeping patterns, nor take a staff member out of view of where the residents are.~~
- ~~(7) — There shall be staff available daily to assure housekeeping and food service.~~
- ~~(c) A cluster of homes with capacity or census of 12 or fewer residents shall comply with the following staffing:~~
 - ~~(1) — When there is a cluster of up to six licensed homes located adjacently, there shall be at least one administrator or administrator in charge who lives within 500 feet of each of the homes with a means of two-way telecommunication at all times and who is directly responsible for assuring that all required duties are carried out in each home; and~~
 - ~~(2) — In each of the homes, at least one staff member shall be on duty on the first and second shifts and at least one staff member shall be on call within the building during the third shift. There shall be a call system connecting the bedroom of the staff member, who may be asleep on the third shift, with each resident's bedroom.~~
- ~~(d) Homes with capacity or census of 13-20 shall comply with the following staffing. When the home is staffing to census and the census falls below 13 residents, the staffing requirements for a home with 12 or fewer residents shall apply.~~
 - ~~(1) — At all times there shall be an administrator or administrator in charge in the home or within 500 feet of the home with a means of two-way telecommunication.~~
 - ~~(2) — When the administrator or administrator in charge is not on duty within the home, there shall be at least one staff member on duty on the first, second and third shifts.~~
 - ~~(3) — When the administrator or administrator in charge is on duty within the home, another staff member (i.e. co-administrator, administrator in charge or aide) shall be in the building or within 500 feet of the home with a means of two-way telecommunication at all times.~~
 - ~~(4) — The job responsibility of the staff member on duty within the home is to provide the direct personal assistance and supervision needed by the residents. Any housekeeping duties performed by the staff member between the hours of 7 a.m. and 9 p.m. shall be limited to occasional, non-routine tasks. The staff member may perform housekeeping duties between the hours of 9 p.m. and 7 a.m. as long as such duties do not hinder care of~~

~~residents or immediate response to resident calls, do not disrupt residents' normal lifestyles and sleeping patterns and do not take the staff member out of view of where the residents are. The staff member on duty to attend to the residents shall not be assigned food service duties.~~

~~(5) In addition to the staff member(s) on duty to attend to the residents, there shall be staff available daily to perform housekeeping and food service duties.~~

~~(e) Homes with capacity or census of 21 or more shall comply with the following staffing. When the home is staffing to census and the census falls below 21 residents, the staffing requirements for a home with a census of 13-20 shall apply.~~

~~(1) The home shall have staff on duty to meet the needs of the residents. The daily total of aide duty hours on each 8-hour shift shall at all times be at least:~~

~~(A) First shift (morning) 16 hours of aide duty for facilities with a census or capacity of 21 to 40 residents; and 16 hours of aide duty plus four additional hours of aide duty for every additional 10 or fewer residents for facilities with a census or capacity of 40 or more residents. (For staffing chart, see Rule .0606 of this Subchapter.)~~

~~(B) Second shift (afternoon) 16 hours of aide duty for facilities with a census or capacity of 21 to 40 residents; and 16 hours of aide duty plus four additional hours of aide duty for every additional 10 or fewer residents for facilities with a census or capacity of 40 or more residents. (For staffing chart, see Rule .0606 of this Subchapter.)~~

~~(C) Third shift (evening) 8.0 hours of aide duty per 30 or fewer residents (licensed capacity or resident census). (For staffing chart, see Rule .0606 of this Subchapter.)~~

~~(D) The facility shall have additional aide duty to meet the needs of the facility's heavy care residents equal to the amount of time reimbursed by Medicaid. As used in this Rule, the term, "heavy care resident", means an individual residing in an adult care home who is defined as "heavy care" by Medicaid and for which the facility is receiving enhanced Medicaid payments.~~

~~(E) The Department shall require additional staff if it determines the needs of residents cannot be met by the staffing requirements of this Rule.~~

~~(2) The following describes the nature of the aide's duties, including allowances and limitations:~~

~~(A) The job responsibility of the aide is to provide the direct personal assistance and supervision needed by the residents.~~

~~(B) Any housekeeping performed by an aide between the hours of 7 a.m. and 9 p.m. shall be limited to occasional, non-routine tasks, such as wiping up a water spill to prevent an accident, attending to an individual resident's soiling of his bed, or helping a resident make his bed. Routine bed-making is a permissible aide duty.~~

~~(C) If the home employs more than the minimum number of aides required, any additional hours of aide duty above the required hours of direct service between 7 a.m. and 9 p.m. may involve the performance of housekeeping tasks.~~

~~(D) An aide may perform housekeeping duties between the hours of 9 p.m. and 7 a.m. as long as such duties do not hinder the aide's care of residents or immediate response to resident calls, do not disrupt the residents' normal lifestyles and sleeping patterns, and do not take the aide out of view of where~~

~~the residents are. The aide shall be prepared to care for the residents since that remains his primary duty.~~

~~(E) Aides shall not be assigned food service duties; however, providing assistance to individual residents who need help with eating and carrying plates, trays or beverages to residents is an appropriate aide duty.~~

~~(3) In addition to the staffing required for management and aide duties, there shall be sufficient personnel employed to perform housekeeping and food service duties.~~

~~(f) Information on required staffing shall be posted in the facility according to G.S. 131D-4.3(a)(5).~~

~~a) For an adult care home with a census of 81 or more residents, there shall be an administrator on-duty at the facility at least eight hours per day, five days per week and shall not serve simultaneously as a personal care aide supervisor or other staff to meet staffing requirements while on duty as an administrator or be an administrator for another adult care home except as follows. If there is more than one facility under the same ownership on a contiguous parcel of land or campus setting, and the combined licensed capacity of the facilities is 200 beds or less, there may be one administrator on duty for all the facilities on the campus. The administrator shall not serve simultaneously as a personal care aide supervisor or other staff in this campus setting.~~

~~(b) When the administrator is not on-duty, there shall be a manager on-duty. The supervisor may serve simultaneously as the manager if the individual meets the qualifications required in Rule .0402 of this Subchapter. Each facility on a contiguous parcel of land or campus setting, as described in Paragraph (a) of this Rule, shall have a person designated as the manager in the facility when the administrator is not on-duty.~~

~~(c) The administrator shall be on-call, at all times when not on-duty.~~

History Note: Authority G.S. 131D-2.16; ~~131D-4.3~~; 131D-4.5; 131D-25; 143B-165;

Eff. January 1, 1977;

Readopted Eff. October 31, 1977;

Amended Eff. December 1, 1991; September 1, 1990; July 1, 1990; April 1, 1984;

Temporary Amendment Eff. January 1, 2000; December 1, 1999;

Amended Eff. July 1, 2005; July 1, ~~2000~~; 2000;

Readopted Eff. September 1, 2024.

10A NCAC 13F .0605 is proposed for readoption with substantive changes as follows:

10A NCAC 13F .0605 ~~STAFFING OF PERSONAL CARE AIDE SUPERVISORS~~ GENERAL STAFFING REQUIREMENTS FOR ADULT CARE HOMES

~~(a) On first and second shifts in facilities with a capacity or census of 31 or more residents and on third shift in facilities with a capacity or census of 91 or more residents, there shall be at least one supervisor of personal care aides, hereafter referred to as supervisor, on duty in the facility for less than 64 hours of aide duty per shift; two supervisors for 64 to less than 96 hours of aide duty per shift; and three supervisors for 96 to less than 128 hours of aide duty per shift. In facilities sprinklered for fire suppression with a capacity or census of 91 to 120 residents, the supervisor's time on third shift may be counted as required aide duty. (For staffing chart, see Rule .0606 of this Section.)~~

~~(b) On first and second shifts in facilities with a capacity or census of 31 to 70 residents, the supervisor may provide up to four hours of aide duty per shift which may be counted as required aide hours of duty. The supervisor's hours on duty shall not be counted as required hours of aide duty except as specified in this Rule.~~

~~Note: Supervisors may be involved in performing some personal care in facilities with a capacity or census of 71 or more residents, but their primary responsibility is the direct supervision of personal care aides and the time involved in performing any personal care cannot be counted as required aide hours.~~

~~(c) On third shift in facilities with a capacity or census of 31 to 60 residents, the supervisor shall be in the facility or within 500 feet and immediately available, as defined in Rule .0601 of this Subchapter. In facilities sprinklered for fire suppression with a capacity or census of 31 to 60 residents, the supervisor's time on duty in the facility on third shift may be counted as required aide duty.~~

~~(d) On third shift in facilities with a capacity or census of 61 to 90 residents, the supervisor shall be on duty in the facility for at least four hours and within 500 feet and immediately available, as defined in Rule .0601 of this Subchapter, for the remaining four hours. In facilities sprinklered for fire suppression with a capacity or census of 61 to 90 residents, the supervisor's time on duty in the facility on third shift may be counted as required aide duty.~~

~~(e) A supervisor is responsible for the direct supervision of personal care aides, including those who administer medications, to assure that care and services are provided to residents by personal care aides in a safe and secure manner and according to licensure rules. This involves observing personal care aides in the performance of their duties; instructing, correcting and consulting with aides as needed; and reviewing documentation by aides.~~

~~(f) A supervisor on duty shall not serve simultaneously as the administrator but may serve simultaneously as the administrator in charge in the absence of the administrator.~~

~~(g) A supervisor shall meet the following qualifications:~~

- ~~(1) be 21 years or older;~~
- ~~(2) be a high school graduate or certified under the G.E.D. program, or have passed an alternative examination established by the Department;~~
- ~~(3) meet the general health requirements according to Rule .0406 of this Section;~~
- ~~(4) have at least six months of experience in performing or supervising the performance of duties to be supervised during a period of three years prior to the effective date of this Rule or the date of hire, whichever is later, or be a licensed health professional or a licensed nursing home administrator;~~
- ~~(5) meet the same minimum training and competency requirements of the aides being supervised; and~~
- ~~(6) earn at least 12 hours a year of continuing education credits related to the care of aged and disabled persons in accordance with procedures established by the Department of Health and Human Services.~~

(a) Adult care homes shall staff to the facility's resident census and provide staffing to meet the care and supervision needs of the residents in accordance with the rules of this Subchapter.

(b) At no time shall residents be left alone without a staff member in the facility.

(c) The facility shall maintain a daily census log which lists current residents by name, room assignment and date of admission, which shall be available for review by the Division of Health Service Regulation and the county departments of social services.

(d) The facility shall post daily staffing information in a location accessible to residents and visitors in accordance with G.S. 131D-4.3(a)(5). The information shall include:

- (1) the name and contact information of the administrator and manager;

(2) the number of required supervisors on each shift; and

(3) the number of aides required on each shift.

*History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165;
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10A NCAC 13F .0606 is proposed for readoption with substantive changes as follows:

10A NCAC 13F .0606 ~~STAFFING CHART~~ STAFFING FOR FACILITIES WITH A CENSUS OF SEVEN TO TWELVE RESIDENTS

The following chart specifies the required aide, supervisory and management staffing for each eight hour shift in facilities with a capacity or census of 21 or more residents according to Rules .0601, .0603, .0602, .0604 and .0605 of this Subchapter.

Bed Count	Position Type	First Shift	Second Shift	Third Shift
21 – 30	Aide	16	16	8
	Supervisor	Not Required	Not Required	Not Required
	Administrator/SIC	In the building, or within 500 feet and immediately available.		
31 – 40	Aide	16	16	16
	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.**
	Administrator	On call		
41 – 50	Aide	20	20	16
	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.**
	Administrator	On call		
51 – 60	Aide	24	24	16
	Supervisor	8*	8*	In the building, or within 500 feet and immediately available.**
	Administrator	On call		
61 – 70	Aide	28	28	24
	Supervisor	8*	8*	4 hours within the facility/4 hours within 500 feet and immediately available.**
	Administrator	On call		
71 – 80	Aide	32	32	24
	Supervisor	8	8	4 hours within the facility/4 hours within 500 feet and immediately available.**
	Administrator	On call		
	Aide	36	36	24

81-90	Supervisor	8	8	4 hours within the facility/4 hours within 500 feet and immediately available.**
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
91-100	Aide	40	40	32
	Supervisor	8	8	8**
101-110	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	44	44	32
	Supervisor	8	8	8**
111-120	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	48	48	32
	Supervisor	8	8	8**
121-130	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	52	52	40
	Supervisor	8	8	8
131-140	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	56	56	40
	Supervisor	8	8	8
141-150	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	60	60	40
	Supervisor	8	8	8
151-160	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	64	64	48
	Supervisor	16	16	8
161-170	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	68	68	48
	Supervisor	16	16	8
171-180	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	72	72	48
	Supervisor	16	16	8
181-190	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	76	76	56
	Supervisor	16	16	8
191-200	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	80	80	56
	Supervisor	16	16	8
201-210	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	84	84	56
	Supervisor	16	16	8
211-220	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	88	88	64
	Supervisor	16	16	16
221-230	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	92	92	64
	Supervisor	16	16	16
231-240	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		
	Aide	96	96	64
	Supervisor	24	24	16
	Administrator	5 days/week: Minimum of 40 hours. When not in facility, on call.		

*Supervisor may conduct up to four hours of aide duty.

~~** Supervisor' time on duty in the facility may be counted as required aide duty if the facility is sprinklered.~~

(a) In a facility with a census of greater than six but less than 13 residents, there shall be an administrator or manager in the facility or within 500 feet of the facility with a means of two-way telecommunication at all times.

(b) When the administrator or manager is not on-duty, there shall be at least one staff member on-duty on the first and second shifts and at least one staff member available within the building, who need not be on-duty, on third shift. There shall be a call system connecting the bedroom of the available staff member, who may be asleep on the third shift, with each resident's bedroom. If there are residents in the facility who are disoriented or known to have wandering behavior, there shall be at least one staff member on-duty and awake at all times.

(c) When the administrator or manager is on duty on the first or second shifts and available within the facility on third shift, another staff member (i.e., co-administrator, manager or aide) shall be in the building or within 500 feet of the facility with a means of two-way telecommunication at all times.

(d) The administrator shall prepare a plan of operation for each licensed facility specifying the staff involved, their regularly assigned duties and the amount of time estimated to be spent for each duty. There shall be a current plan of operation on file in the facility, available for review by the Division of Health Service Regulation and the county department of social services.

(e) Each facility shall assign at least one staff member per shift to provide personal care services and supervision of residents as needed by the residents. The staff member so assigned shall not perform food service duties during the shift of rendering care services and supervision. The staff member so assigned shall not perform housekeeping duties during the shift of rendering care services and supervision, except:

(1) between the hours of 7:00 a.m. and 9:00 p.m., and then only when the housekeeping duties are incidental to the rendering of care services; and

(2) between the hours of 9:00 p.m. and 7:00 a.m. and then only to the extent that the housekeeping duties do not hinder the assigned staff's duties of care or immediate response to residents, nor impede the assigned staff member's ability to monitor the residents.

(f) There shall be additional staff to provide daily housekeeping and food service duties.

(g) A cluster of facilities, each with capacity or census of 12 or fewer residents, shall comply with the following staffing:

(1) When there is a cluster of up to six licensed facilities located adjacently, there shall be at least one administrator or manager who lives within 500 feet of each of the facilities with a means of two-way telecommunication at all times.

(2) The administrator or manager on-duty shall be directly responsible for assuring that all required daily duties are carried out in each facility.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165;

Temporary Adoption Eff. January 1, 2000;

Eff. July 1, 2000- 2000;

Readopted Eff. September 1, 2024.

10A NCAC 13F .0607 is proposed for adoption as follows:

10A NCAC 13F .0607 STAFFING FOR FACILITIES WITH A CENSUS OF 13 TO 20 RESIDENTS

(a) In a facility with a census of greater than 12 but less than 21 residents, there shall be an administrator or manager in the facility or within 500 feet of the facility with a means of two-way telecommunication at all times.

(b) When the administrator or manager is not on duty within the facility, there shall be at least one awake staff member on duty on the first, second, and third shifts.

(c) When the administrator or manager is on duty within the facility, another staff member (i.e. co-administrator, manager or aide) shall be in the building or within 500 feet of the facility with a means of two-way telecommunication at all times and available to assist if needed.

(d) Each facility shall assign at least one staff member per shift to provide personal care services and supervision of residents as needed by the residents. The staff member so assigned shall not perform food service duties during the shift of rendering care services and supervision. The staff member so assigned shall not perform housekeeping duties during the shift of rendering care services and supervision, except:

(1) between the hours of 7:00 a.m. and 9:00 p.m., and then only when the housekeeping duties are incidental to the rendering of care services; and

(2) between the hours of 9:00 p.m. and 7:00 a.m., and then only to the extent that the housekeeping duties do not hinder the assigned staff's duties of care or immediate response to residents, nor impede the assigned staff member's ability to monitor the residents.

(e) There shall be additional staff to provide daily housekeeping and food service duties.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165;
Eff. September 1, 2024.

10A NCAC 13F .0608 is proposed for adoption as follows:

10A NCAC 13F .0608 STAFFING FOR FACILITIES WITH A CENSUS OF 21 OR MORE RESIDENTS

(a) Each facility with a census of 21 or more residents shall have staff on duty to meet the needs of the residents.

(b) In addition to the requirement in Paragraph (a) of this Rule, each facility with a census of 21 or more residents shall comply with the following staffing requirements:

(1) On first shift and second shift, the total aide duty hours shall be at least:

(A) 16 hours of aide duty for facilities with a census of 21 to 40 residents.

(B) 20 hours of aide duty for facilities with a census of 41 to 50 residents.

(C) 24 hours of aide duty for facilities with a census of 51 to 60 residents.

(D) 28 hours of aide duty for facilities with a census of 61 to 70 residents.

(E) 32 hours of aide duty for facilities with a census of 71 to 80 residents.

(F) 36 hours of aide duty for facilities with a census of 81 to 90 residents.

- (G) 40 hours of aide duty for facilities with a census of 91 to 100 residents.
- (H) 44 hours of aide duty for facilities with a census of 101 to 110 residents.
- (I) 48 hours of aide duty for facilities with a census of 111 to 120 residents.
- (J) 52 hours of aide duty for facilities with a census of 121 to 130 residents.
- (K) 56 hours of aide duty for facilities with a census of 131 to 140 residents.
- (L) 60 hours of aide duty for facilities with a census of 141 to 150 residents.
- (M) 64 hours of aide duty for facilities with a census of 151 to 160 residents.
- (N) 68 hours of aide duty for facilities with a census of 161 to 170 residents.
- (O) 72 hours of aide duty for facilities with a census of 171 to 180 residents.
- (P) 76 hours of aide duty for facilities with a census of 181 to 190 residents.
- (Q) 80 hours of aide duty for facilities with a census of 191 to 200 residents.
- (R) 84 hours of aide duty for facilities with a census of 201 to 210 residents.
- (S) 88 hours of aide duty for facilities with a census of 211 to 220 residents.
- (T) 92 hours of aide duty for facilities with a census of 221 to 230 residents.
- (U) 96 hours of aide duty for facilities with a census of 231 to 240 residents.

(2) On third shift, the total aide duty hours shall be at least:

- (A) 8 hours of aide duty for facilities with a census of 21 to 30 residents.
- (B) 16 hours of aide duty for facilities with a census of 31 to 60 residents.
- (C) 24 hours of aide duty for facilities with a census of 61 to 90 residents.
- (D) 32 hours of aide duty for facilities with a census of 91 to 120 residents.
- (E) 40 hours of aide duty for facilities with a census of 121 to 150 residents.
- (F) 48 hours of aide duty for facilities with a census of 151 to 180 residents.
- (G) 56 hours of aide duty for facilities with a census of 181 to 210 residents.
- (H) 64 hours of aide duty for facilities with a census of 211 to 240 residents.

(3) If the Department determines the needs of the residents at a facility are not being met by staffing requirements of Paragraph (b) of this Rule, the Department shall require the facility to employ staff to meet the needs of the residents.

(b) The aide shall provide personal care services and supervision needed by the residents.

(c) Aides shall not provide housekeeping duties except:

(1) Between the hours of 7:00 a.m. to 9:00 p.m.:

- (A) to prevent an accident or injury;
- (B) when occasionally attending to an individual resident housekeeping need; and
- (C) when the number of aides on duty exceeds the minimum required by Paragraph (a) of this Rule.

(2) Between the hours of 9:00 p.m. to 7:00 a.m., as long as the housekeeping duties do not:

- (A) hinder the aide's care of residents or immediate response to resident calls;
- (B) do not disrupt the residents' normal lifestyles and sleeping patterns; and
- (C) do not take the aide out of view of where the residents are as the aide shall be prepared to care for the residents since that remains his or her primary duty.

(d) Aides shall not be assigned food service duties except when providing assistance to individual residents who need help with eating and carrying plates, trays, or beverages to residents.

(e) In addition to the staffing required for management and aide duties, there shall be additional staff to perform housekeeping and food service duties.

Note: The following chart illustrates the required aide, supervisory and management staffing requirements for each eight-hour shift in facilities with a census of 21 or more residents according to Rules .0602, .0603, .0604, .0608, and .0609 of this Section.

<u>Census</u>	<u>Position Type</u>	<u>First Shift</u>	<u>Second Shift</u>	<u>Third Shift</u>
<u>21 - 30</u>	<u>Aide</u>	<u>16</u>	<u>16</u>	<u>8</u>
	<u>Supervisor</u>	<u>Not Required</u>	<u>Not Required</u>	<u>Not Required</u>
	<u>Administrator</u>	<u>In the building, or within 500 feet and immediately available.</u>		
<u>31-40</u>	<u>Aide</u>	<u>16</u>	<u>16</u>	<u>16</u>
	<u>Supervisor</u>	<u>8*</u>	<u>8*</u>	<u>In the building, or within 500 feet and immediately available.**</u>
	<u>Administrator</u>	<u>On call</u>		
<u>41-50</u>	<u>Aide</u>	<u>20</u>	<u>20</u>	<u>16</u>
	<u>Supervisor</u>	<u>8*</u>	<u>8*</u>	<u>In the building, or within 500 feet and immediately available.**</u>
	<u>Administrator</u>	<u>On call</u>		
<u>51-60</u>	<u>Aide</u>	<u>24</u>	<u>24</u>	<u>16</u>
	<u>Supervisor</u>	<u>8*</u>	<u>8*</u>	<u>In the building, or within 500 feet and immediately available.**</u>
	<u>Administrator</u>	<u>On call</u>		
<u>61-70</u>	<u>Aide</u>	<u>28</u>	<u>28</u>	<u>24</u>
	<u>Supervisor</u>	<u>8*</u>	<u>8*</u>	<u>4 hours within the facility/4 hours within 500 feet and immediately available.**</u>
	<u>Administrator</u>	<u>On call</u>		
<u>71-80</u>	<u>Aide</u>	<u>32</u>	<u>32</u>	<u>24</u>
	<u>Supervisor</u>	<u>8</u>	<u>8</u>	<u>4 hours within the facility/4 hours within 500 feet and immediately available.**</u>
	<u>Administrator</u>	<u>On call</u>		
<u>81-90</u>	<u>Aide</u>	<u>36</u>	<u>36</u>	<u>24</u>
	<u>Supervisor</u>	<u>8</u>	<u>8</u>	<u>4 hours within the facility/4 hours within 500 feet and immediately available.**</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>91-100</u>	<u>Aide</u>	<u>40</u>	<u>40</u>	<u>32</u>
	<u>Supervisor</u>	<u>8</u>	<u>8</u>	<u>8**</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>101-110</u>	<u>Aide</u>	<u>44</u>	<u>44</u>	<u>32</u>
	<u>Supervisor</u>	<u>8</u>	<u>8</u>	<u>8**</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
	<u>Aide</u>	<u>48</u>	<u>48</u>	<u>32</u>

<u>111-120</u>	<u>Supervisor</u>	<u>8</u>	<u>8</u>	<u>8**</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>121-130</u>	<u>Aide</u>	<u>52</u>	<u>52</u>	<u>40</u>
	<u>Supervisor</u>	<u>8</u>	<u>8</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>131-140</u>	<u>Aide</u>	<u>56</u>	<u>56</u>	<u>40</u>
	<u>Supervisor</u>	<u>8</u>	<u>8</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>141-150</u>	<u>Aide</u>	<u>60</u>	<u>60</u>	<u>40</u>
	<u>Supervisor</u>	<u>8</u>	<u>8</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>151-160</u>	<u>Aide</u>	<u>64</u>	<u>64</u>	<u>48</u>
	<u>Supervisor</u>	<u>16</u>	<u>16</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>161-170</u>	<u>Aide</u>	<u>68</u>	<u>68</u>	<u>48</u>
	<u>Supervisor</u>	<u>16</u>	<u>16</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>171-180</u>	<u>Aide</u>	<u>72</u>	<u>72</u>	<u>48</u>
	<u>Supervisor</u>	<u>16</u>	<u>16</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>181-190</u>	<u>Aide</u>	<u>76</u>	<u>76</u>	<u>56</u>
	<u>Supervisor</u>	<u>16</u>	<u>16</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>191-200</u>	<u>Aide</u>	<u>80</u>	<u>80</u>	<u>56</u>
	<u>Supervisor</u>	<u>16</u>	<u>16</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>201-210</u>	<u>Aide</u>	<u>84</u>	<u>84</u>	<u>56</u>
	<u>Supervisor</u>	<u>16</u>	<u>16</u>	<u>8</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>211-220</u>	<u>Aide</u>	<u>88</u>	<u>88</u>	<u>64</u>
	<u>Supervisor</u>	<u>16</u>	<u>16</u>	<u>16</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>221-230</u>	<u>Aide</u>	<u>92</u>	<u>92</u>	<u>64</u>
	<u>Supervisor</u>	<u>16</u>	<u>16</u>	<u>16</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		
<u>231-240</u>	<u>Aide</u>	<u>96</u>	<u>96</u>	<u>64</u>
	<u>Supervisor</u>	<u>24</u>	<u>24</u>	<u>16</u>
	<u>Administrator</u>	<u>5 days/week: Minimum of 40 hours. When not in facility, on call.</u>		

*Supervisor may conduct up to four hours of aide duty.

** Supervisor's time on duty in the facility may be counted as required aide duty if the facility is sprinklered.

History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165;

Eff. September 1, 2024.

10A NCAC 13F .0609 is proposed for adoption as follows:

10A NCAC 13F .0609 PERSONAL CARE AIDE SUPERVISORS

(a) The personal care aide supervisor shall be responsible for the direct supervision of personal care aides, including those who administer medications, to assure that care and services are provided to residents by personal care aides in accordance with their training, the facility’s policies and procedures, the licensure rules of this Subchapter, and Chapter 131D of the general statutes. The personal care aide supervisor shall also be responsible for observing personal care aides in the performance of their duties; instructing, correcting, and consulting with aides as needed; and reviewing documentation by aides.

(b) During the first and second shifts in facilities with a census of 31 or more residents and on third shift in facilities with a census of 91 or more residents, the facility shall have supervisors on-duty during each shift as follows:

- (1) One supervisor, on duty in the facility for less than 64 hours of aide duty per shift.
- (2) Two supervisors for 64 to less than 96 hours of aide duty per shift.
- (3) Three supervisors for 96 to less than 128 hours of aide duty per shift.

(c) Supervisors shall not provide hours of aide duty while servicing as a supervisor except as follows:

- (1) On third shift in facilities with a census of 31 to 120 residents and a sprinkler fire suppression system.
- (2) On first and second shifts, up to four hours, in facilities with a census of 31 to 70 residents.
- (3) On first and second shifts in facilities with a census of 71 or more residents in which some personal care duties are performed but however the time involved in performing any personal care cannot be counted as required aide hours.

(d) On third shift in facilities with a census of 31 to 60 residents, the supervisor shall be in the facility or within 500 feet and immediately available, as defined in Rule .0608 of this Section.

(e) On third shift in facilities with a census of 61 to 90 residents, the supervisor shall be on duty in the facility for at least four hours and within 500 feet and immediately available, as defined in Rule .0608 of this Section, for the remaining four hours.

(f) The supervisor on duty shall not serve simultaneously as the administrator but may serve simultaneously as the manager in the absence of the administrator.

*History Note: Authority G.S. 131D-2.16; 131D-4.3; 131D-4.5; 143B-165;
Eff. September 1, 2024.*

10A NCAC 13G .0102 is proposed for adoption as follows:

10A NCAC 13G .0102 LIST OF DEFINITIONS

In addition to the definitions set forth in G.S. 131D-2.1, the following definitions shall apply throughout this Subchapter:

- (1) “Abuse” as defined in G.S. 131D-2.1.
- (2) “Activities of daily living” means bathing, dressing, personal hygiene, ambulation, or locomotion, transferring, toileting, and eating.
- (3) “Acute care needs” means symptoms or a condition that develops quickly and is not a part of the resident’s baseline health or mental health status or is a change or worsening in the symptoms of a resident’s chronic condition, which may have a slower onset and worsen over time.

- (4) “Administrator” means the term as defined in G.S. 90-288.13 and G.S. 131D-2.1.
- (5) “Adult care home” means the term as defined in G.S. 131D-2.1.
- (6) “Alternative examination” means a test developed and administered by the Department to meet the educational requirements of an activity director or supervisor-in-charge for those applicants who do not possess a high school diploma or General Education Diploma (G.E.D.) prior to September 1, 2024.
- (7) “Aide duty” means time spent by qualified staff providing assistance with activities of daily living, medication administration, or supervision of residents as determined by the resident’s assessment, care plan, physician’s orders, and current symptoms.
- (8) “Ambulatory” means able to respond and evacuate a facility without physical or verbal prompting from staff or another person.
- (9) “Department” means the North Carolina Department of Health and Human Services.
- (10) “Discharge” means a resident’s termination of their residency at the adult care home, resulting in the resident’s move to another location.
- (11) “Exploitation” means the term as defined in G.S. 131D-2.1.
- (12) “Facility” means a licensed family care home.
- (13) “Family care home” means the term as defined in G.S. 131D-2.1.
- (14) “First shift” means between the hours of 7:01 a.m. and 3:00 p.m.
- (15) “Food service duties” means tasks that may be performed by staff related to serving meals to residents, including assisting with food preparation, arranging, and setting the dining tables, serving food and beverages, and cleaning the dining room after meal service is complete.
- (16) “Housekeeping duties” means tasks that may be performed by staff such as cleaning and sanitizing facility common areas and resident rooms, sweeping, vacuuming, dusting, mopping, collecting, and disposing of trash.
- (17) “Legal representative” means a person authorized by state or federal law (including but not limited to power of attorney representative payee) to act on behalf of the resident to support the resident in decision-making; access medical, social, or other personal information of the resident; manage financial matters or receive notifications.
- (18) “Long-term care” means a continuum of care and services available in an individual's community that provides the care and supports required during a persistent or chronic state of health, throughout which time a person is unable to independently perform some or all activities of daily living or requires supervision due to physical or cognitive impairment.
- (19) “Medication aide” means an individual who administers medications to residents and meets all requirements as set forth in Rule .0403 of this Subchapter.
- (20) “Neglect” means the term as defined in G.S. 131D-2.1.
- (21) “Non-ambulatory” means not able to respond and evacuate a facility without physical or verbal prompting from staff or another person.
- (22) “On-call” means able to be contacted by two-way telecommunication.
- (23) “On-duty” in reference to an administrator means the administrator is on-site and directly responsible for the day-to-day operations of a facility. “On-duty” in reference to a supervisor-in-charge means a supervisor-in-

- charge designated by the facility as required in Rule .0402 of this Subchapter and who is on-site and directly responsible for the day-to-day operations of a facility under the direction and supervision of the administrator.
- (24) “Personal care aide” means a staff member who performs personal care services as defined by G.S. 131D-2.1.
- (25) “Physical restraint” means any physical or mechanical device attached to or adjacent to the resident’s body that the resident cannot remove easily, and which restricts freedom of movement or normal access to one’s body.
- (26) “Physician extender” means a licensed physician assistant or licensed nurse practitioner.
- (27) “Resident” means the term as defined in G.S. 131D-2.1.
- (28) “Responsible person” means a person chosen by the resident to act on their behalf to support the resident in decision-making; access to medical, social, or other personal information of the resident; manage financial matters; or receive notifications.
- (29) “Second shift” means between the hours of 3:01 p.m. and 11:00 p.m.
- (30) “Staff” means any person who performs duties as an employee, paid or unpaid, on behalf of the family care home.
- (31) “Supervision” means oversight, monitoring, and interventions implemented by the facility for the purpose of mitigating the risk of an accident, incident, illness, or injury to a resident to ensure the health, safety, and welfare of the resident and other residents.
- (32) “Supervisor-in-charge” means an individual responsible for the total operation of a family care home in the absence of the administrator and under the direction and supervision of the administrator as described in Rule .0402 of this Subchapter.
- (33) “Third shift” means between the hours of 11:01 p.m. and 7:00 a.m.

*History Note: Authority G.S. 131D-2.16; 143B-153;
Eff. September 1, 2024.*

10A NCAC 13G .0404 is proposed for amendment as follows:

10A NCAC 13G .0404 QUALIFICATIONS OF ACTIVITY DIRECTOR

Adult care homes shall have an activity director who meets the following qualifications:

- (1) The activity director hired after September 30, 2022 shall meet a minimum educational requirement by being a high school graduate or certified under the GED Program.
- (2) The activity director hired after September 30, 2022 shall have complete, within nine months of employment or assignment to this position, the basic activity course for assisted living activity directors offered by community colleges or a comparable activity course as determined by the Department based on instructional hours and content. An activity director shall be exempt from the required basic activity course if one or more of the following applies:
 - (a) be a licensed recreational therapist or be eligible for certification as a therapeutic recreation specialist as defined by the North Carolina Recreational Therapy Licensure Act in accordance with G.S. 90C;

- (b) have two years of experience working in programming for an adult recreation or activities program within the last five years, one year of which was full-time in an activities program for patients or residents in a health care or long term care setting;
- (c) be a licensed occupational therapist or licensed occupational therapy assistant in accordance with G.S. 90, Article 18D; or
- (d) be certified as an Activity ~~Director~~ Professional by the National Certification Council for Activity ~~Professionals~~. Professionals; or
- (e) the required basic activity course was completed prior to September 1, 2024.

*History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165;
 Eff. April 1, 1984;
 Amended Eff. July 1, 1990; April 1, 1987; January 1, 1985;
 ARRC Objection Lodged March 18, 1991;
 Amended Eff. August 1, 1991;
 Temporary Amendment Eff. July 1, 2004;
 Amended Eff. July 1, 2005;
 Readopted Eff. October 1, ~~2022~~. 2022;
 Amended Eff. September 1, 2024.*

10A NCAC 13G .0601 is proposed for readoption with substantive changes as follows:

SECTION .0600 – STAFFING OF THE ~~HOME~~ FACILITY

10A NCAC 13G .0601 MANAGEMENT AND OTHER STAFF

(a) A family care home administrator who is approved in accordance with Rule .1501 of this Subchapter shall be responsible for the total operation ~~of a family care home~~ and management of the facility to assure that all care and services are provided to maintain the health, safety, and welfare of the residents in accordance with all applicable local, state, and federal regulations and codes. The administrator shall also be responsible to the Division of Health Service Regulation and the county department of social services for ~~meeting and maintaining~~ complying with the rules of this Subchapter. The co-administrator, when there is one, shall share equal responsibility with the administrator for the operation of the ~~home facility~~ and for meeting and maintaining the rules of this Subchapter. The term ~~administrator~~ “administrator” also refers to co-administrator where it is used in this Subchapter.

(b) The administrator shall have knowledge of and shall ensure the following:

- (1) the investigation and reporting of any allegations of resident abuse, neglect, and exploitation as specified in Rule .1213(d) of this Subchapter;
- (2) the investigation and reporting of any suspicion of or allegations of drug diversion as specified in Rule .1008 of this Subchapter;

- (3) the reporting of any incidents of resident elopement or when a resident is missing from the facility as required in Rule .1213(e)(2) and Rule .0906(f)(4) of this Subchapter; and
- (4) the investigation and reporting of any incident or accident resulting in the hospitalization or death of a resident as specified in Rule .1209 and Rule .1213 of this Subchapter.

(c) The administrator shall be made aware when the facility is unable to meet the staffing requirements of this Section.

(d) The administrator shall be made aware any time the facility seeks the assistance of the local law enforcement authority.

~~(b)~~(e) At all times there shall be one the administrator or supervisor-in-charge who shall be in the facility or within 500 feet of the facility with a means of two-way telecommunication. The administrator or supervisor-in-charge is directly responsible for assuring that all required duties are carried out in the home facility and for assuring that at no time is a resident left alone in the home facility without a staff member. Except for the provisions cited in Paragraph (c) of this Rule regarding the occasional absence of the administrator or supervisor in charge, one of the following arrangements shall be used:

- ~~(1) — The administrator shall be in the home facility or reside within 500 feet of the home with a means of two-way telecommunication with the home at all times. When the administrator does not live in the licensed home, there shall be at least one staff member who lives in the home or one on each shift and the administrator shall be directly responsible for assuring that all required duties are carried out in the home;~~
- ~~(2) — The administrator shall employ a supervisor in charge to live in the home facility or reside within 500 feet of the home with a means of two-way telecommunication with the home at all times. When the supervisor in-charge does not live in the licensed home, there shall be at least one staff member who lives in the home or one on each shift and the supervisor in charge shall be directly responsible for assuring that all required duties are carried out in the home; or~~
- ~~(3) — When there is a cluster of licensed homes located adjacently on the same site, there shall be at least one staff member in each home, either live in or on a shift basis, and at least one administrator or supervisor in charge who lives within 500 feet of each home with a means of two-way telecommunication with each home at all times and who is directly responsible for assuring that all required duties are carried out in each home.~~

~~(c) When the administrator or supervisor in charge is absent from the home or not within 500 feet of the home, the following shall apply:~~

- ~~(1) — For absences of a non-routine nature that do not exceed 24 hours per week, a relief person in charge designated by the administrator shall be in charge of the home during the absence and in the home or within 500 feet of the home according to the requirements in Paragraph (b) of this Rule. The administrator shall assure that the relief person in charge is prepared to respond appropriately in case of an emergency in the home. The relief person in charge shall be 18 years or older.~~
- ~~(2) — For recurring or planned absences, a relief supervisor in charge designated by the administrator shall be in charge of the home during the absence and in the home or within 500 feet of the home according to the requirements in Paragraph (b) of this Rule. The relief supervisor in charge shall meet all of the qualifications required for the supervisor in charge as specified in Rule .0402 of this Subchapter with the exception of Item (4) pertaining to the continuing education requirement.~~

(f) When the administrator or supervisor-in-charge are not in the facility or within 500 feet of the facility, a staff person who meets the staff qualification requirements of this Subchapter shall be on duty in the facility. The staff person shall be on duty in the facility no more than eight hours per 24 hours and no more than 24 hours total per week.

~~(d)(g)~~ Additional staff shall be employed as needed for housekeeping and the supervision and care of the ~~residents.~~ residents in accordance with the rules of this Subchapter.

~~(e)(h)~~ ~~Information on required staffing shall be posted in the facility according to G.S. 131D-4.3(a)(5).~~ The facility shall post daily staffing information in a location accessible to residents and visitors in accordance with G.S.131D-4.3(a)(5). The information shall include:

- (1) the name and contact information of the administrator and supervisor in charge;
- (2) the number of required supervisors on each shift; and
- (3) the number of aides required on each shift.

History Note: Authority G.S. 131D-2.16; 131D-25; 143B-165;

Eff. January 1, 1977;

Readopted Eff. October 31, 1977;

Amended Eff. July 1, 2005; July 1, 1990; April 1, 1987; April 1, 1984; June 26, ~~1980~~. 1980;

Readopted Eff. September 1, 2024.