

## TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Social Services Commission intends to readopt with substantive changes the rules cited as 10A NCAC 06R .0201, .0305, .0401, .0403, .0503, .0504, .0506, .0601, .0904; 06S .0301 and readopt without substantive changes the rules cited as 10A NCAC 06R .0101, .0102, .0302, .0304, .0501, .0502, .0508, .0509, .0801, .0802, .0804, .0806, .0902; 06S .0101, .0102, .0203, .0204, .0302, .0402-.0405, .0501, .0508; and 10A NCAC 06T .0201.*

*Pursuant to G.S. 150B-21.2(c)(1), the text of rules to be readopted without substantive changes are not required to be published. The text of the rules is available on the OAH website: <http://reports.oah.nc.us/ncac.asp>.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** [www.ncdhhs.gov/divisions/daas](http://www.ncdhhs.gov/divisions/daas)

**Proposed Effective Date:** July 1, 2019

**Public Hearing:**

**Date:** March 26, 2019

**Time:** 10:00 a.m.

**Location:** N.C. Division of Aging and Adult Services, 693 Palmer Drive, Raleigh, NC 27603, Room 301

**Reason for Proposed Action:** *These rules are being modified in response to comments received during the periodic expiration of rules period process. 10A NCAC 06R .0305, 10A NCAC 06R .0401, 10A NCAC 06R .0403, 10A NCAC 06R .0504, 10A NCAC 06R .0601 and 10A NCAC 06R .0904 provide clarity to adult day care certification standards. 10A NCAC 06R .0201 defines direct participant care, first aid kit and governing body for adult day care programs. 10A NCAC 06S .0503 removes a rule reference that had described what should be contained in a first aid kit. 10A NCAC 06R .0506 requires adult day care programs to notify their local departments of social services whether their program will be closing or have a delayed opening due to hazardous weather conditions. 10A NCAC 06S .0301 gives the adult day health programs' treatment rooms the flexibility to have emesis pails or bags. Toilet hats were added to assist the care of the participants. The Social Services Commission met on February 7, 2019 and voted to publish for public comment on the readoption of Aging and Adult Services rules relating to adult day care standards for certification, adult day health standards for certification and state adult day care funding.*

**Comments may be submitted to:** *Misty Piekaar-McWilliams, 2101 Mail Service Center, Raleigh, NC 27699-2101, 693 Palmer Drive, Raleigh, NC 27609, phone (919) 855-4980, fax (919) 715-0364, email [Misty.Piekaar@dhhs.nc.gov](mailto:Misty.Piekaar@dhhs.nc.gov)*

**Comment period ends:** April 30, 2019

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact (check all that apply).**

- State funds affected
- Environmental permitting of DOT affected
- Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact ( $\geq$ \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

### CHAPTER 06 - AGING - PROGRAMS OPERATIONS

#### SUBCHAPTER 06R - ADULT DAY CARE STANDARDS FOR CERTIFICATION

##### SECTION .0100 - INTRODUCTION

10A NCAC 06R .0101 CERTIFICATION REQUIREMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 06R .0102 CORRECTIVE ACTION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

## SECTION .0200 - DEFINITION OF TERMS

### 10A NCAC 06R .0201 DEFINITIONS

As used in this Subchapter, unless the context requires otherwise, the following definitions shall apply:

- (1) "Activities of Daily Living (ADL)" means eating; dressing; bathing; toileting; bowel and bladder control; transfers; and ambulation.
- (2) "Adaptable space" means space in a facility that can be used for several purposes with little effort and without sacrificing safety and health standards; for example, an activities room that is used for crafts in the morning, used to serve lunch and used for exercise activities in the afternoon.
- (3) "Adaptable activity" means an activity where participation can be varied from individual, small group, or large group, and can occur seated, standing or lying down.
- (4) "Adult" means an individual 18 years of age or older.
- (5) "Adult Day Care Center" means a day care program operated in a structure other than a single family dwelling.
- (6) "Adult Day Care Home" means a day care program for up to 16 people operated in a single family dwelling where the owner resides.
- (7) "Adult Day Care Program" means the provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. This term is used to refer to adult day care programs, adult day health programs, and adult day care and combined adult day health programs (i.e., combination programs).
- (8) "Alzheimer's Disease" means a progressive, degenerative disease of the brain resulting in impaired memory, thinking and behavior. Characteristic symptoms of the disease include gradual memory loss, impaired judgement, disorientation, personality change, difficulty in learning and loss of language skills.
- (9) "Ambulatory" means a person who is mobile and does not need the continuing help of a person or object for support (except a walking cane).
- (10) "Capacity" means the number of participants for which a day care program is certified.
- (11) "Caretaker" (or "Caregiver") means an adult who regularly provides an impaired adult with continuous supervision, assistance with preparation of meals, assistance with housework and assistance with personal grooming.
- (12) "Certification" means the process whereby an adult day care program is approved as meeting the North Carolina Adult Day Care Rules in 10A NCAC 06.
- (13) "Certifying agency" means the Department of Health and Human Services, Division of Aging and Adult Services.
- (14) "Dementia" means the loss of intellectual functions (such as thinking, remembering, and reasoning) of sufficient severity to interfere with a person's daily functioning. Dementia is not a disease itself but rather a group of symptoms that may accompany certain diseases or conditions. Symptoms may also include changes in personality, mood and behavior.
- (15) "Direct Participant Care" means the opportunity for employees, volunteer(s) and/or substitute(s) of the facility or individuals with whom the facility contracts either directly or through an agency to physically interact, with, be in the presence of, and/or supervise participants.
- (16) "First Aid Kit" means a collection of first aid supplies (such as bandages, tweezers, scissors, disposable nonporous gloves, adhesive tape, antiseptic, micro shield or face mask, liquid soap, cold pack) for treatment of minor injuries or stabilization of major injuries.
- (17) "Governing Body" means the individual(s), organization, agency, corporation, or other entity that has full legal responsibility for policy, management, administration, operation, and financial liability for the adult day care or adult day health program.
- ~~(15)~~(18) "Group process" means at least three persons engaged in a common activity.
- ~~(16)~~(19) "Institution" means a facility that is established to serve a particular purpose and is required by state law to be provided and maintained by the state and any facility defined in federal regulations as an institution. In North Carolina, the list of institutions includes: general hospitals, state psychiatric hospitals, state centers for the mentally ill, skilled nursing facilities, and intermediate care facilities.
- ~~(17)~~(20) "Instrumental Activities of Daily Living (IADL)" means meal preparation, medication intake, housekeeping, money management, phone use, laundering, reading, shopping, communication such as speaking, writing, signing, gestures, using communication devices and going to necessary activities.
- ~~(18)~~(21) "Medication schedule" means a listing of all medications taken by participants with dosages, route of administration, and times medications are to be taken.
- ~~(19)~~(22) "Mental health disability" means disorders with psychological or behavioral symptoms or impairment in functioning due to a social, psychological, genetic, physical, chemical or biological disturbance.
- ~~(20)~~(23) "Modifiable activity" means an activity that can be simplified and adapted as a participant's abilities decline or improve.
- ~~(21)~~(24) "Non-ambulatory" means a person who is bedfast.
- ~~(22)~~(25) "Nucleus area" means adult day care programs located in a multi-use building and refers to the area not shared by any other programs located in the building but used only by the adult day care program.
- ~~(23)~~(26) "Nursing care" means skilled nursing care or intermediate care.
- ~~(24)~~(27) "On-site" means the area certified for the day care program.
- ~~(25)~~(28) "Owner" means the person who is responsible for management, operation, and financial liability of a day care home or day health home.

- (26)(29) "Other special needs disease or condition" means a diagnosis, disease or disability, such as AIDS/HIV, that benefits from monitoring or oversight in a supervised setting.
- (27)(30) "Participant" means a person enrolled in an adult day care program.
- (28)(31) "Personal care" means tasks that range from assistance with basic personal hygiene and grooming, feeding, and ambulation, to medical monitoring and other health care related tasks.
- (29)(32) "Physical therapy program" means a series of activities prescribed by a licensed physical therapist or activities administered under the supervision of a physical therapist.
- (30)(33) "Program director" means the person responsible for program planning, development and implementation in a day care program.
- (31)(34) "Progress notes" means written reports in the participant's file of staff discussions, conferences, or consultation with family or other interested parties, for the purpose of evaluation of a participant's progress and any other information regarding the participant's situation.
- (32)(35) "Related disorders" means dementia or impaired memory characterized by irreversible memory dysfunction.
- (33)(36) "Respite care," as a component of adult day care programs, means a service provided to give temporary relief to the family or caregiver. Primarily, respite is provided to families caring for children or adults with disabilities or families caring for frail or disabled older adults.
- (34)(37) "Responsible party" means the caretaker with primary day-to-day responsibility for an impaired adult.
- (35)(38) "Semi-ambulatory" means a person who needs and uses the assistance of objects such as a wheelchair, crutches, walker, or other appliance or the support of another person on a regular and continuing basis to move about.
- (36)(39) "Senior center" means a community or neighborhood facility for the organization and provision of services including health, social, nutritional and educational services and a facility for recreational and group activities for older persons.
- (37)(40) "Special care services" means services by a certified adult day care program that promotes itself as providing programming, activities or care specifically designed for persons with Alzheimer's or other dementias, or related disorders, mental health disabilities, or other special needs diseases or conditions.
- (38)(41) "Supervising agency" means the county department of social services in the county in which the day care program is located. The county department is responsible for seeing that certification standards are met on an on-going basis and for making a recommendation to the Division of Aging and Adult Services regarding certification.

*History Note: Authority G.S. 131D-6; 143B-153; S.L. 1999-334; Eff. January 1, 1981; Amended Eff. July 1, 1990; January 1, 1986; July 1, 1984; Temporary Amendment Eff. September 28, 1999; Amended Eff. July 1, 2007; July 17, 2000; 2000; Readopted Eff. July 1, 2019.*

## **SECTION .0300 – ADMINISTRATION**

### **10A NCAC 06R .0302 PROGRAM GOALS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

### **10A NCAC 06R .0304 INSURANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

### **10A NCAC 06R .0305 PERSONNEL: CENTERS: HOMES WITH OPERATOR AND STAFF**

#### **(a) General Requirements**

- (1) The owner of adult day care homes initially certified after January 1, 2003, or homes that make structural building modifications after this date, shall reside in the home.
- (2) Staff positions shall be planned and filled according to the goals of the program and the manpower needed to develop and direct the activities which meet these goals.
- (3) There shall be a statewide criminal history records search of all newly-hired employees of adult day programs for the past five years conducted by an agency approved by the North Carolina Administrative Offices of the Courts.
- (4) There shall be a written job description for each position, full-time or part-time. The job description shall specify qualifications of education and experience; to whom employee is responsible; duties and ~~responsibilities; and salary range.~~ responsibilities.
- (5) References, including ~~former employers,~~ employment verification of former employers, shall be required in recruitment of staff.
- (6) There shall be an established review process for each employee at least annually and following any probationary period.
- (7) There shall be a written plan for orientation and staff development of new employees and volunteers and ongoing development and training of all staff. Documentation of such orientation, staff development and training shall be recorded.
- (8) There shall be a written plan for staff substitutions in case of absences. The plan shall include the coverage of usual responsibilities as well as maintenance of staff/participant ratio. Substitute staff shall have the same qualifications and training as those required by the position and in this Subchapter. Substitutes are not required to have current certified CPR and First Aid training as long as other staff are present with this training at all times. Trained volunteers may be used instead of paid substitutes.

- (9) Prior to beginning employment, each new employee shall present a written medical statement, completed within the prior 12 months by a physician, nurse practitioner or physician's assistant, certifying that the employee has no illness or health condition that would pose a health risk to others and that the employee can perform the duties assigned in the job.
- (b) Personnel Policies
- (1) Personnel policies and their content are the responsibility of each adult day care program. Each program shall state its policies in writing. A copy of this statement of personnel practice shall be given to each employee and shall state the program's policy on the following:
- (A) annual leave,
  - (B) educational opportunities,
  - (C) pay practices,
  - (D) employee benefits,
  - (E) grievance procedures,
  - (F) performance and evaluation procedures,
  - (G) criteria for advancement,
  - (H) discharge procedures,
  - (I) hiring and firing responsibility,
  - (J) use of any probationary period,
  - (K) staff participation in reviews of personnel practices,
  - (L) maternity leave,
  - (M) military leave,
  - (N) civil leave (jury duty and court attendance), and
  - (O) protection of confidential information.
- (2) All policies developed shall conform to the United States Department of Labor wage and hour regulations.
- (c) Staffing Pattern. The staffing pattern shall be dependent upon the enrollment criteria and the particular needs of the participants who are to be served. The ratio of staff to participants shall be adequate to meet the goals and objectives of the program. Whenever regularly scheduled staff are absent, substitutes shall be used to maintain the staff-participant ratio. The minimum ratios shall be as follows:
- (1) Adult Day Care Homes  
One full-time equivalent staff person with responsibility for direct participant care for each six participants, up to 16 participants total.
  - (2) Adult Day Care Centers  
One full-time equivalent staff person with responsibility for direct participant care for each eight participants.
- (d) Program Director
- (1) The program director shall have the authority and responsibility for the management of activities and direction of staff to ensure that activities and services are provided in accordance with established program policies.
  - (2) The program director shall:
    - (A) be at least 18 years of age;
    - (B) have completed a minimum of two years of post secondary education from an institution accredited by an accrediting agency recognized by the United States Department of Education (including colleges, universities, technical institutes, and correspondence schools) or have a high school diploma or the equivalent and a combination minimum of five years experience and training in services to elderly or adults with disabilities;
    - (C) have at least two years of work experience in supervision and administration;
    - (D) present prior to employment, a written medical statement, completed within the prior 12 months by a physician, nurse practitioner, or physician's assistant, certifying that the employee has no illness or health condition that would pose a risk to others and that the employee can perform the duties assigned on the job; and
    - (E) provide at least three reference letters or the names of individuals who can be contacted, with whom a reference interview can be conducted, including at least one former employer, one of which shall include previous employment verification. The individuals providing reference information shall have knowledge of the applicant program director's background and qualifications.
  - (3) In employing a program director, the governing body, agency or owner shall consider whether or not applicants exhibit these characteristics:
    - (A) ability to make decisions and set goals;
    - (B) knowledge and understanding of the needs of the aging and disabled;
    - (C) ability to design and implement a varied, structured program of group and individual activities; and
    - (D) managerial and administrative skills - ability to supervise staff and to plan and coordinate staff training.
  - (4) The adult day care program shall have a full-time program director or a full-time substitute meeting the requirements as specified in this Paragraph. The program director shall assign authority and responsibility for the management of activities and direction of staff when the program director is not on site.

*History Note: Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. September 1, 2007; July 1, 2007; May 1, 1992; July 1, 1990; July 1, 1984; January 1, 1981; 1981;  
Readopted Eff. July 1, 2019.*

## SECTION .0400 - THE FACILITY

### 10A NCAC 06R .0401 GENERAL REQUIREMENTS

- (a) The facility and grounds of an adult day care program shall be approved by the local environmental health specialist, the local fire safety inspector, the county department of social services, and the North Carolina Division of Aging and Adult Services.
- (b) The facility shall comply with all applicable zoning laws.
- (c) There shall be adaptable spaces, as defined in Rule .0201(2) of this Subchapter, suitable for activities for participants. Spaces shall provide opportunities for participants to get together as a group as well as privacy for quiet times.
- (d) The facility shall provide at least 40 square feet of indoor space for each participant in the portion of the buildings utilized for adult day care programs. This minimum square footage excludes hallways, offices, and restrooms.
- (e) If meals are prepared within the facility, the kitchen shall meet environmental health rules, as defined in 15A NCAC 18A .3300.
- (f) Storage areas must be adequate in size and number for storage of clean linens, dirty linens, cleaning materials, household supplies, food, equipment, and program supplies. A separate locked area for storing poisons, chemicals or other potentially harmful products (cleaning fluids, disinfectants, etc.) shall be provided.
- (g) A minimum of one male and one female toilet shall be located in each facility and accessible in accordance with the North Carolina Accessibility Code, which is hereby incorporated by reference, including any subsequent amendments or additions and can be obtained through the North Carolina Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202 at a cost of sixty-two dollars and 00/100 (\$62.00). One toilet shall be available for each 12 adults, including staff and participants who utilize the facility. One hand lavatory shall be provided for each two toilets.
- (h) All rugs and floor coverings must be fastened down. Loose throw rugs are not allowed. Floors shall not be slippery.
- (i) A telephone shall be available for participants to make and receive calls. ~~A pay station telephone is not acceptable for local calls.~~
- (j) Unless identified by the Division of Aging and Adult Services as shared space, the area certified for adult day care shall be used for the sole purpose of the adult day care program and its activities during hours of program operation.

*History Note:* Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. September 1, 2007; July 1, 1990; January 1, ~~1981~~; 1981;  
Readopted Eff. July 1, 2019.

### 10A NCAC 06R .0403 EQUIPMENT AND FURNISHINGS

- (a) Adult Day Care facility equipment and furnishings shall meet the needs of participants and staff and enable efficient operation of the program. The facility shall have:
  - (1) at least one sturdy straight back chair or sturdy folding chair for each participant and each staff person, excluding those in wheelchairs or other specialized seating equipment;
  - (2) table space adequate for all participants to be served a meal at a table ~~at the same time~~ and for program activities;
  - (3) chairs or sofas that allow for position changes, are upholstered or of soft material, and water and stain resistant, so that at least half of the participants can relax and rest at the same time. If all participants take a daily rest period at the same time, the facility shall have enough of such seating for all participants. The seating requirement does not apply if the participant utilizes a wheelchair or other specialized seating equipment; and
  - (4) a quiet space or room with a minimum of one bed or cot so that participants can lie down as needed separate from other program activities.
- (b) All equipment and furnishings shall be in good condition and safe for use by all participants and staff of the facility.

*History Note:* Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007; January 1, ~~1981~~; 1981;  
Readopted Eff. July 1, 2019.

## SECTION .0500 - PROGRAM OPERATION

### 10A NCAC 06R .0501 PLANNING PROGRAM ACTIVITIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

### 10A NCAC 06R .0502 NUTRITION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

### 10A NCAC 06R .0503 TRANSPORTATION

- (a) For programs providing or arranging for public transportation, the adult day care program shall have a transportation policy that includes routine and emergency procedures. Accidents, medical emergencies, weather emergencies and escort issues shall be addressed.
- (b) When the adult day care program provides transportation, the following requirements shall be met to ensure the health and safety of the participants:
  - (1) Each person transported shall have a seat in the vehicle.
  - (2) Participants shall be transported no more than 30 minutes without being offered the opportunity to have a rest stop.
  - (3) Vehicles used to transport participants shall be equipped with seatbelts. Participants shall be instructed to use seatbelts while being transported.

- (4) Vehicles shall be equipped with a first aid kit, ~~consisting of the items listed in 10A NCAC 06S .0301 (a),~~ kit and a fire extinguisher.
- (5) A copy of the transportation policy shall be located in the vehicle used for transport.

*History Note:* Authority G.S. 131D-6; 143B-153;  
 Eff. July 1, 1978;  
 Amended Eff. January 1, 1981;  
 Temporary Amendment Eff. October 1, 2001;  
 Amended Eff. February 1, 2008; July 1, 2007; August 1, ~~2002~~, 2002;  
Readopted Eff. July 1, 2019.

#### **10A NCAC 06R .0504 EMERGENCIES AND FIRST AID**

(a) A fire safety and evacuation plan, approved by the office of the fire marshal or its designee, shall be prepared and maintained by each adult day care program in compliance with the North Carolina State Building Code and Fire Prevention Code.

(b) Plan for Emergencies. A written plan for handling emergencies shall be established and displayed prominently in the facility. All staff shall be knowledgeable about the plan. The plan shall:

- (1) relate to medical and non-medical emergencies; and
- (2) ~~specify~~ specify responsibilities of each staff member in an emergency;

Quarterly drills in handling emergencies, such as medical emergencies, natural disasters, fires, and facility security shall be conducted. These drills shall be documented including the date and kind of emergency.

(c) Evacuation Plan. An evacuation plan shall be posted in each room and fire drills shall be conducted quarterly by programs with a fire safety sprinkler system and monthly by programs without a fire safety sprinkler system. A record shall be kept of dates and time required to evacuate the facility.

(d) All physically able staff who ~~have will provide~~ direct participant care ~~contact with participants~~ shall complete certified training in standard first aid and cardio-pulmonary resuscitation (CPR). If a staff member is determined to be physically unable to complete this training, a signature by a licensed physician, physician's assistant or nurse practitioner attesting to such shall be provided indicating the time limit of such physical inability. The first aid and CPR training shall be:

- (1) taught by an instructor certified through the American Heart Association, American Red Cross, National Safety Council, or American Safety and Health ~~Institute, or Emergency Medical Services; Institute;~~
- (2) current, as determined by the organization conducting the training and issuing the certification; and
- (3) documented on an official attendance card issued by the organization certifying the training, or documented by the attendance course roster, in which case the roster shall be signed by the instructor, indicate pass or fail for each student, indicate the length of time the training is valid, and be accompanied by a copy of the instructor's certification.

(e) The program shall arrange for medical assistance to be available in the event of an emergency.

(f) The program shall have a portable basic emergency information file which includes electronic files available on each client that includes:

- (1) hospital preference, physician of record and telephone number;
- (2) emergency contact (family or caregiver);
- (3) insurance information;
- (4) medications and allergies;
- (5) current diagnosis and history; and
- (6) advance directives, if any.

(g) Adult day care staff shall report actions taken in case of sickness and all incidents resulting in physical injury or suspected physical injury, including incidents involving missing participants to the program director. The adult day care staff shall make sure that all persons needing medical attention receive such attention as soon as possible. The person taking emergency action shall notify the family or responsible party of the participant involved and other program staff shall be notified of emergency action taken as soon as possible. The program director shall compile and keep on record a report of all emergency actions taken. A copy of the report shall be sent to the county department of social services within 72 hours of the incident.

*History Note:* Authority G.S. 131D-6; 143B-153;  
 Eff. July 1, 1978;  
 Amended Eff. July 1, 2007; July 1, 1990; January 1, ~~1981~~, 1981;  
Readopted Eff. July 1, 2019.

#### **10A NCAC 06R .0506 HOURS AND DAYS OF OPERATION**

(a) Supervision of adult day program participants and adult day care program services shall be provided throughout all hours participants are present at the program.

(b) The program shall operate for a minimum of six hours.

(c) Day care programs shall provide supervision of participants and program activities at least five days per week, except that a facility may be closed for designated holidays, for hazardous weather conditions, emergency situations, and for vacations and for other reasons as agreed by the director and the county department of social services. ~~vacations. The county department of social services shall be notified of late late openings or early closures may be scheduled~~ on days when hazardous weather conditions exist or when emergency situations arise.

*History Note:* Authority G.S. 131D-6; 143B-153;

*Eff. July 1, 1978;*  
*Amended Eff. July 1, 2007; March 1, 1992- 1992.;*  
*Readopted Eff. July 1, 2019.*

**10A NCAC 06R .0508 RECORDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**10A NCAC 06R .0509 PROGRAM EVALUATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .0600 – CERTIFICATION PROCEDURE**

**10A NCAC 06R .0601 PROCEDURE**

(a) All individuals, groups or organizations operating or wishing to operate an adult day care program as defined by G.S. 131D-6 shall apply for a certificate to the county department of social services in the county where the program is to be operated.

(b) A social worker shall provide technical assistance and shall conduct a study of the program using the State Division of Aging and Adult Services Form DAAS-1500 or ~~DAASS-6205~~. DAAS-6205.

(c) The county of social services shall submit the initial certification package to the ~~state~~ State Division of Aging and Adult Services. The materials and forms to be included in the package are:

- (1) program policies;
- (2) organizational diagram;
- (3) job descriptions;
- (4) Form 732a-ADS (Daily Rate Sheet) or the equivalent showing planned expenditures and resources available to carry out the program of service for a 12 month period;
- (5) a floor plan of the facility showing measurements, restrooms and planned use of space;
- (6) Form DOA-1498 (Fire Inspection Report) or the equivalent completed and signed by the local fire inspector, indicating approval of the facility, no more than 30 days prior to submission with the certification package;
- (7) Form DOA-1499 (Building Inspection Report for Adult Day Care Centers), DOA-1499a (Building Inspection Form for Adult Day Care Homes), or the equivalent completed and signed by the local building inspector indicating approval of the facility, no more than 30 days prior to submission with the certification package;
- (8) Form DENR-4054 (Sanitation Evaluation Report) or the equivalent completed and signed by a local sanitarian, indicating approval of the facility, no more than 30 days prior to the submission with the certification package;
- (9) written notice and the effective date if a variance of local zoning ordinances has been made in order for property to be utilized for an adult day care program;
- (10) a copy of the articles of incorporation, bylaws and names and addresses of board members for adult day care programs sponsored by a non-profit corporation;
- (11) the name and mailing address of the owner if a proprietary program;
- (12) a written medical statement from a physician, nurse practitioner or a physician's assistant, completed within the 12 months prior to submission of the certification package, for each proposed staff member certifying absence of a health condition that would pose a risk to others and that the employee can perform the duties normally assigned on the job;
- (13) verification of standard first aid and cardio-pulmonary resuscitation certification (CPR) for each proposed staff member who is physically able and who will ~~have provide~~ provide direct participant care. ~~contact with participants~~. If a staff member is determined to be physically unable to complete this training, a signature by a licensed physician, physician's assistant or nurse practitioner attesting to such shall be provided indicating the time limit of such physical inability. The first aid and CPR training shall be:

- (A) taught by an instructor certified through the American Heart Association, American Red Cross, National Safety Council, or American Safety and Health ~~Institute, or Emergency Medical Services; Institute;~~
- (B) current, as determined by the organization conducting the training and issuing the certification; and
- (C) documented on an official attendance card issued by the organization certifying the training, or documented by the attendance course roster, in which case the roster shall be signed by the instructor, indicate pass or fail for each student, indicate the length of time the training is valid and be accompanied by a copy of the instructor's certification;

- (14) evidence of the completion of a statewide criminal history records search for the past five years for the program owner and each proposed staff member having direct contact with participants, conducted by an agency approved by the North Carolina Administrative Offices of the Courts; and
- (15) DAAS-1500 (Adult Day Care Certification Report). This form must be submitted by the county department of social services with a copy to the program.

(d) No more than 60 days prior to the end of the current period of certification, the county department of social services shall submit to the State Division of Aging and Adult Services the following forms and materials which make up a certification package for the renewal of a certification.

- (1) Form DOA-1498 (Fire Inspection Report) or the equivalent completed and signed by the local fire inspector, indicating approval of the facility, dated no more than 12 months prior to submission with the certification package;
- (2) Form DOA-1499 (Building Inspection Report for Adult Day Care Centers), DOA-1499a (Building Inspection Form for Adult Day Care Homes), or the equivalent when structural building modifications have been made during the previous 12 months, completed and signed by the local building inspector indicating approval of the facility, within 30 days following completion of the structural building modifications;

- (3) Form DENR-4054 (Sanitation Evaluation Report) or the equivalent completed and signed by a local environmental health specialist, indicating approval of the facility, no more than 12 months prior to submission with the certification package;
  - (4) a written medical statement from a physician, nurse practitioner or physician's assistant for each staff member hired subsequent to the previous certification or recertification expiration date, certifying absence of a health condition that would pose a risk to others and that the employee can perform the duties normally assigned on the job;
  - (5) an updated copy of the program policies, organizational diagram, job descriptions, names and addresses of board members if applicable, and a floor plan showing measurements, restrooms, and planned use of space, if any changes have been made since the previous certification package was submitted;
  - (6) Form 732a-ADS (Daily Rate Sheet) or the equivalent showing planned expenditures and resources available to carry out the program of service for a 12 month period;
  - (7) verification of standard first aid and cardio-pulmonary resuscitation certification (CPR) for each proposed staff member who is physically able and who will ~~have~~ provide direct participant care, direct contact with participants. If a staff member is determined to be physically unable to complete this training, a signature by a licensed physician, physician's assistant or nurse practitioner attesting to such shall be provided indicating the time limit of such physical inability. The first aid and CPR training shall be:
    - (A) taught by an instructor certified through the American Heart Association, American Red Cross, National Safety Council, or American Safety and Health Institute or Emergency Medical Services; Institute;
    - (B) current, as determined by the organization conducting the training and issuing the certification; and
    - (C) documented by an official attendance card issued by the organization certifying the training, or documented by the attendance course roster, in which case the roster shall be signed by the instructor, indicate pass or fail for each student, indicate the length of time the training is valid and be accompanied by the instructor's certification.
  - (8) Evidence of the completion of a statewide criminal history records search for the past five years for each staff member hired subsequent to the previous certification or recertification expiration date having direct contact with participants, conducted by an agency approved by the North Carolina Administrative Offices of the Courts; and
  - (9) DAAS-1500 (Adult Day Care Certification Report). This form must be submitted with the certification package by the county department of social services to the Division of Aging and Adult Services at least 30 days in advance of the expiration date of the certificate, with a copy to the program.
- (e) Following review of the certification package, a pre-certification visit may be made by staff of the State Division of Aging and Adult Services.
- (f) Within 14 business days, the State Division of Aging and Adult Services shall provide written notification to the applicant and the county department of social services of the action taken after a review of the certification package and visit, if made.

*History Note: Authority G.S. 131D-6; 143B-153;  
 Eff. January 1, 1986;  
 Amended Eff. September 1, 2007; July 1, 2007; July 1, 2000; May 1, 1992; July 1, ~~1990~~; 1990;  
 Readopted Eff. July 1, 2019.*

#### **SECTION .0800 - CERTIFICATION INFORMATION**

- 10A NCAC 06R .0801 THE CERTIFICATE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 06R .0802 PROVISIONAL CERTIFICATE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 06R .0804 DENIAL OR REVOCATION OF CERTIFICATE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 06R .0806 PROCEDURE FOR APPEAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

#### **SECTION .0900 - SPECIAL CARE FOR PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIAS, MENTAL HEALTH DISABILITIES OR OTHER SPECIAL NEEDS DISEASES OR CONDITIONS IN ADULT DAY CARE CENTERS**

- 10A NCAC 06R .0902 POLICIES AND PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**10A NCAC 06R .0904 ENROLLMENT – SPECIAL CARE SERVICES**

In addition to meeting enrollment policies and procedures requirements in Rule .0501(a) of this Subchapter, an adult day care center or home shall assure the following requirements are met for participants who are enrolled for special care services:

- (1) Disclosure information shall be provided to an individual or the responsible party of an individual seeking enrollment in a center or home providing special care services. The disclosure information shall be written and address policies and procedures listed in Rule .0902 of this Subchapter.
- (2) The participant's medical examination report shall specify a diagnosis, disability or condition consistent with the special care service offered by the program.



(3) ~~Any individual with a developmental disability being considered for adult day services programming enrollment or discharge must proceed through the Developmental Disabilities Single Portal of Entry and Exit process pursuant to G.S. 122C-132.1 and 10A NCAC 29D-.0200.~~

(4)(3) A participant transferring from standard day care services to special care services must meet the criteria for that special care service. Family or responsible persons shall agree to the transfer decision.

*History Note: Authority G.S. 131D-6; 143B-153; S.L. 1999-334;  
Eff. July 17, 2000; 2000;  
Readopted Eff. July 1, 2019.*

## **SUBCHAPTER 06S – ADULT DAY HEALTH STANDARDS FOR CERTIFICATION**

### **SECTION .0100 - INTRODUCTION AND DEFINITIONS**

**10A NCAC 06S .0101 INTRODUCTORY STATEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**10A NCAC 06S .0102 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

### **SECTION .0200 - ADMINISTRATION**

**10A NCAC 06S .0203 STAFFING PATTERN (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**10A NCAC 06S .0204 STAFF REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

### **SECTION .0300 - FACILITY REQUIREMENTS FOR CENTERS AND HOMES**

#### **10A NCAC 06S .0301 REQUIREMENTS**

(a) General requirements governing facilities, construction, equipment and furnishings for adult day care as set forth in 10A NCAC 06R .0400 shall apply to adult day health.

(b) Additional facility requirements are as follows:

- (1) Facility space shall be of sufficient dimension and size to allow for required program group activities. Notwithstanding the space requirements of 10A NCAC 06R .0401:
  - (A) day health centers and day health homes shall provide at least 60 square feet of indoor space excluding hallways, offices and restrooms for each participant;
  - (B) combination programs shall provide at least 50 square feet of indoor space excluding hallways, offices and restrooms for each participant; and
  - (C) day health programs or combination programs which share space with other programs or activities in a multi-use facility shall have a nucleus area separate from other activities in the rest of the building and shall have a fire-resistant rated separation according to the North Carolina Building Code. The nucleus area must provide at least 40 square feet of indoor space per participant excluding hallways, offices and restrooms, and a minimum of 20 square feet per participant must be provided in other space in the facility designated for use by the day health program. When the other space is being used at the same time by individuals participating in other services provided in the multi-use facility, the 20 square feet per participant is in addition to any minimum square footage requirement for other use of such space. Shared facility space outside the nucleus area which may be used by the day health program and counted in meeting the 20 square feet per participant requirement includes craft, therapy and other activity areas. Dining space may be included if also used for activities. Offices, restrooms, hallways, kitchens and shared treatment rooms shall not be counted in meeting the 20 square feet per participant requirement. Participation shall be open only to persons enrolled in the program and to visitors on a planned basis. Involvement of day health participants in other activities in the building shall be on planned basis, as a part of the day health program plan, and supervised by a day health staff member.
- (2) Facilities shall have a minimum of one male and one female accessible toilet in accordance with the North Carolina Accessibility Code. One toilet shall be available for each 12 adults, including staff and participants who utilize the facility. One hand lavatory shall be provided for each two toilets.
- (3) The facility shall have a minimum of one private office for staff use with equipment and furnishings for administrative purposes and for conferences with individual participants and families.
- (4) The facility shall include a treatment room which is enclosed and private from the rest of the facility. The treatment room shall meet the requirements of the North Carolina State Building Code. The treatment room shall have a sink or have a door-way that connects it to a room containing a sink. The room shall contain a treatment table or bed with a waterproof mattress cover that will serve as a treatment table, storage cabinet for first aid and medical supplies and equipment, table or desk and two chairs. The storage cabinet shall be kept locked.
- (5) The treatment room shall provide a means of insuring the privacy of the person on the treatment table.
- (6) The treatment room shall have the following medical supplies and equipment:
  - (A) first aid supplies consisting of absorbent compress, adhesive bandages, adhesive tape, antiseptic, burn treatment, medical exam gloves, sterile pads and triangular bandage;

- (B) fever thermometer;
- (C) blood pressure cuff;
- (D) stethoscope;
- (E) medical scales, or scales that can be calibrated;
- (F) emesis ~~basin~~; pail or bag;
- (G) toilet hat;
- ~~(G)~~(H) bed pan;
- ~~(H)~~(I) urinal; and
- ~~(I)~~(J) wash basin.

*History Note:* Authority G.S. 131D-6; 143B-153;  
 Eff. September 1, 1990;  
 Amended Eff. July 1, 2007.  
Readopted Eff. July 1, 2019.

**10A NCAC 06S .0302 CONSTRUCTION REQUIREMENTS FOR DAY HEALTH HOMES (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .0400 - PROGRAM OPERATION**

**10A NCAC 06S .0402 ADDITIONAL ENROLLMENT AND PARTICIPATION REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**10A NCAC 06S .0403 HEALTH AND PERSONAL CARE SERVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**10A NCAC 06S .0404 TRANSPORTATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**10A NCAC 06S .0405 EMERGENCIES AND FIRST AID (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .0500 - CERTIFICATION INFORMATION**

**10A NCAC 06S .0501 PROCEDURE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**10A NCAC 06S .0508 PROCEDURE FOR APPEAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SUBCHAPTER 06T – STATE ADULT DAY CARE FUNDING**

**SECTION .0200 - STATE ADULT DAY CARE FUND**

**10A NCAC 06T .0201 NATURE AND PURPOSE OF STATE ADULT DAY CARE FUND (READOPTION WITHOUT SUBSTANTIVE CHANGES)**