

SUBCHAPTER 06P – ADMINISTRATION OF ADULT DAY CARE SERVICES

SECTION .0100 – SERVICE DESCRIPTION: DEFINITION OF TERMS

10A NCAC 06P .0101 DEFINITION OF TERMS

As used in this Subchapter, the following terms have the meanings specified:

- (1) "Adult" means an individual eighteen years of age or older.
- (2) "Program activities" means the activities and services provided by the adult day care program, including but not limited to social and educational events, crafts, physical activity, and outings.
- (3) "Certification" means the process whereby an adult day care program is approved as meeting adult day care standards.
- (4) "Activities of daily living" means self-care activities necessary to maintain one's home and to care for personal needs.
- (5) "Own home" means a residence an individual maintains for himself or is maintained for him by his caretaker, including relatives. Own home does not include any group living arrangement.
- (6) "Nursing care" means care in a skilled nursing facility or intermediate care facility.
- (7) "Group care" means homes for the aged, family care homes, group homes for developmentally disabled adults, skilled nursing facilities, intermediate care facilities and other group living facilities which provide care, services and supervision.

*History Note: Authority G.S. 131D-6; 143B-153;
Eff. July 1, 1979;
Amended Eff. January 1, 1986; July 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

SECTION .0200 - CLIENT ELIGIBILITY: FEES AND CHARGES

10A NCAC 06P .0201 LIMITATIONS

Limitations on the provision of day care services for adults receiving state or federal funds include the following:

- (1) Day care services for adults shall be provided on a time-limited basis to individuals enrolled in adult day care who are no longer able to maintain themselves in an independent living situation and for whom placement in group care is necessary. Under these circumstances, adult day care services may continue to be provided for a maximum of 90 days after entering the group care facility. State and federal funds may not be used to support the provision of adult day care for individuals in group care beyond this 90 day period, except in the circumstances of Item (2) of this Rule.
- (2) Day care services for adults shall be provided on a time-limited basis for individuals preparing to leave a group care facility for an independent living arrangement. Under these circumstances, adult day care services may be provided for a period of up to 90 days prior to the individual's discharge from the group care facility. Continued eligibility for adult day care after discharge from the group care facility shall be determined on the basis of basic eligibility criteria and need for the service as stated in 10A NCAC 71R .0501 or 10A NCAC 05A .0101(6) and (12). State and federal funds shall not be used to support the provision of adult day care for individuals in group care prior to this 90-day period, except in the circumstances of Item (1) of this Rule.
- (3) If a day care program's written admission criteria limit the number of persons with certain conditions which can be served at any one time and an eligible client with such a condition cannot be accepted because the program has its maximum number of persons with that condition, the client must be considered for enrollment at the first opening for persons with that condition.
- (4) Adult day care participants shall be:
 - (a) adults who do not need nursing supervision but who require complete, full-time daytime supervision in order to live in their own home or the home of a relative; or
 - (b) adults who need help with activities of daily living in order to maintain themselves in their own home; or
 - (c) adults who need intervention in the form of enrichment and opportunities for social activities in order to prevent deterioration that would lead to placement in group care; or

- (d) adults enrolled in an adult day care program who need time-limited support in making the transition from independent living to group care, or adults who need time-limited support in making the transition from group care to independent living.

History Note: Authority G.S. 131D-6; 143B-153;
Eff. July 1, 1979;
Amended Eff. July 1, 2007; July 1, 2000; July 1, 1984; July 1, 1983; January 1, 1983; July 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

SECTION .0300 - PAYMENT METHODS FOR DAY CARE CENTERS/HOMES

10A NCAC 06P .0301 GENERAL POLICY

- (a) Day care services for adults may be provided directly by staff of county departments of social services or under a purchase contract with another provider.
- (b) The purchase contract shall be developed annually between the governing body of the day care program and the county department of social services specifying the terms of service, reimbursement and operation of the day care program.

History Note: Authority G.S. 131D-6; 143B-153;
Eff. July 1, 1979;
Amended Eff. March 1, 1992; July 1, 1990; November 1, 1984; July 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

SECTION .0400 - ROLE RESPONSIBILITIES IN PROGRAM CERTIFICATIONS

10A NCAC 06P .0401 STATE DIVISION OF AGING AND ADULT SERVICES RESPONSIBILITIES

The Division of Aging and Adult Services is responsible for:

- (1) Consultation. The adult day care consultant in the Division of Aging and Adult Services shall be available to county departments of social services and day care providers regarding the development of adult day care services, interpretation of the North Carolina Adult Day Care and Day Health Services Standards for Certification and related issues. The regional service representatives shall be available to county departments of social services for consultation regarding the development of adult day care services as part of a county social services system;
- (2) Certification. The Division of Aging and Adult Services shall be responsible for all actions regarding initial certification and annual recertification of adult day care programs based on the report and recommendations of the county department of social services and the adult day care consultant in the central office; and
- (3) Monitoring. The Division of Aging and Adult Services shall establish criteria for the local department of social services adult day care consultant to make announced and unannounced monitoring visits to certified adult day programs. An administrative letter identifying the criteria shall be signed by the Division Director and sent to all county departments of social services directors and adult day care providers.

History Note: Authority G.S. 131D-6; 143B-153;
Eff. July 1, 1979;
Amended Eff. July 1, 2007; October 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

10A NCAC 06P .0402 COUNTY DEPARTMENT OF SOCIAL SERVICES RESPONSIBILITY

The county department of social services has the following responsibilities in certification of adult day care programs:

- (1) The county department of social services must designate a social worker to act as adult day care coordinator.

- (2) The adult day care coordinator in the county department of social services is responsible for consultation to service providers regarding initial and ongoing development of adult day care programs.
- (3) The county department of social services is responsible for all activities at the local level concerning program certification, including initial and recertification reviews and supervision of the day care program to insure that standards are met on an ongoing basis. In order to carry out this responsibility, the adult day care coordinator must become familiar with all aspects of program operation including administration, activities and services provided and client and program records.

*History Note: Authority G.S. 143B-153;
Eff. July 1, 1979;
Amended Eff. July 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

SECTION .0500 – PROGRAM CERTIFICATION

10A NCAC 06P .0501 DAY CARE PROGRAMS SERVING MORE THAN ONE COUNTY

A day care program may serve more than one county. If a program elects to serve more than one county, the following steps must be taken:

- (1) Enrollment criteria must specify the geographical area served, including a statement of the counties involved;
- (2) An agreement must be negotiated with each county department of social services that plans to purchase adult day care services;
- (3) The supervisory county department of social services must be notified of the day care program's plans and how it intends to deal with the following issues:
 - (a) the proximity of the day care program to other counties that it serves and the length of time involved in transporting persons;
 - (b) the extent to which the other counties have funds available to purchase adult day care services and whether or not there are individuals living in the area who could pay the cost of service themselves;
 - (c) the logistics of referral to and assistance in using appropriate community resources for persons who do not live in the county in which the day care program is located.

*History Note: Authority G.S. 143B-153;
Eff. July 1, 1979;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06P .0502 THE DSS-OPERATED ADULT DAY CARE CENTER

County departments of social services which wish to operate adult day care programs must meet the following requirements:

- (1) The day care program must have a minimum capacity of at least six participants;
- (2) Responsibility for program certification and monitoring must be assigned to a staff member other than the day care director. The staff member with this assigned responsibility must carry out all activities described in Rules .0402 of this Subchapter.

*History Note: Authority G.S. 143B-153;
Eff. July 1, 1979;
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