

**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 modifications to the home after this date, shall reside in the home.
- (2) Staff positions shall be planned and filled to develop and direct the activities of the goals that meet the requirements of Rule .0302 in this Section.
- (3) There shall be a Statewide criminal history records search of all newly-hired employees of adult day care programs for the past five years conducted by an agency contracted with the North Carolina Administrative Office of the Courts.
- (4) There shall be a written job description for each position, full-time or part-time. Each job description shall specify qualifications of education and experience; to whom the employee reports; and duties.
- (5) References, including employment verification from former employers, shall be required in recruitment of staff.
- (6) There shall be an established review process discussing employment performance for each employee at least annually and following any probationary period. The review process must be approved by the governing body.
- (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 from the orientation, staff development and training shall be recorded, including attendance.
- (8) There shall be a written plan for staff substitutions in case of absences. The plan shall include the coverage of responsibilities in each job description as well as maintenance of staff-participant ratio as required in Paragraph (c) of this Rule. 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) Each adult day care program shall establish written personnel policies and provide a copy to each employee. Personnel policies shall address:
  - (A) annual leave;
  - (B) training;
  - (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 Fair Labor Standards Act.

(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 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 6 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 its 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 of a 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 program director has no illness or health condition that would pose a risk to others and that the program director 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, 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 hire applicants that 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 program of group and individual activities that meets the changing physical and cognitive needs of participants; and
  - (D) managerial and administrative skills, including the ability to supervise staff and to plan and coordinate staff training.
- (4) The adult day care program shall have an on-site program director or substitute program director meeting the requirements as specified in this Rule during the program's operational hours. 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(2a); 143B-153(6);  
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