

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

### **SECTION .0100 - INTRODUCTION**

#### **10A NCAC 06R .0101 CERTIFICATION REQUIREMENT**

(a) Subchapter 06R contains standards for certification of adult day care programs. The standards relate to the operation of an adult day care program including administration, facility, and program operation. Adult day care programs, as defined in G.S. 131D-6, shall be required to meet these standards. Programs meeting the exemptions in G.S. 131D-6(d) shall meet these standards for certification only if receiving funds administered by the Division of Aging and Adult Services for social services programs established by the Older Americans Act and Title XX of the Social Security Act. Certification is the responsibility of the county department of social services pursuant to G.S. 108A-14(a)(5) and the Department of Health and Human Services, Division of Aging and Adult Services.

(b) Any program making application for certification or application for renewal of certification shall be in compliance with all standards for certification. If all standards are not being met, certification shall be denied or the adult day care program shall be issued a provisional certificate as provided for in Rule .0802 of this Subchapter. Certification of any program in willful violation of standards as defined in Rule .0102(e) of this Subchapter shall be revoked. Procedures in G.S. 150B-3 shall be followed.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. July 1, 1979;  
Amended Eff. July 1, 2007; October 1, 2000; July 1, 1990; January 1, 1986;  
Readopted Eff. September 1, 2019.

#### **10A NCAC 06R .0102 CORRECTIVE ACTION**

(a) Adult day care programs shall be inspected annually and monitored in accordance with the Division of Aging and Adult Services criteria to assure compliance with the rules governing adult day care programs. These visits shall be announced and unannounced. Where a violation of G.S. 131D-6 or of this Subchapter is identified by staff of the county department of social services, the Division of Aging and Adult Services, or any State or local government inspector such as environmental health specialists, building and fire safety inspectors, the program director of the adult day care program shall be notified in writing of the nature of the violation by that inspector and requested to take corrective action by the county department of social services. Pursuant to G.S. 108A-14(a)(5), the county department of social services shall determine, in consultation with the program director, the date by which corrective action shall be completed based upon the severity of the violation and the effect of the violation on the participants of the program.

(b) Where a violation is a danger to the participants' health, safety or welfare, the program director or his or her designee shall take corrective action at the time the violation is identified to correct the source of danger or to remove the participants from the source of danger. The corrective action shall be documented in writing within 72 hours.

(c) Where a violation has the potential to endanger the participants' health, safety, or welfare, the program director shall take corrective action. The date specified for the completion of the corrective action shall be no later than 30 days of written notification.

(d) Where a violation does not endanger the participants' health, safety or welfare, such as a violation of administrative or record keeping standards, the program director shall take corrective action. The date specified for the completion of the corrective action shall be within 90 days of written notification.

(e) Failure to take corrective action as required by Paragraphs (b), (c), and (d) of this Rule constitutes a willful violation of the standards for certification of adult day care programs. Willful violation shall lead to disciplinary action as set forth in Rules .0802, .0804, and .0805 of this Subchapter.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6); 42 USC 3026(a)(13)(E);  
Eff. January 1, 1986;  
Amended Eff. July 1, 2007; June 1, 2000; July 1, 1990;  
Readopted Eff. September 1, 2019.

### **SECTION .0200 - DEFINITION OF TERMS**

#### **10A NCAC 06R .0201 DEFINITIONS**

As used in this Subchapter, 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 and without sacrificing the health, safety or welfare of the participants. 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 combined adult day care and 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 provides an impaired adult with supervision, assistance with preparation of meals, housework, or 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) that interferes with a person's daily functioning.
- (15) "Direct Participant Care" means the opportunity for employees, volunteers, or individuals with whom the facility contracts either directly or through an agency, to physically interact with, be in the presence of, 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, or 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 legal responsibility for policy, management, administration, operation, and financial liability for the adult day care or adult day health program.
- (18) "Group process" means at least three persons engaged in a common activity.
- (19) "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 health activities.
- (20) "Medication schedule" means a listing of all medications taken by participants with dosages, route of administration, and times medications are to be taken.
- (21) "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.
- (22) "Modifiable activity" means an activity that can be simplified and adapted as a participant's abilities decline or improve.
- (23) "Non-ambulatory" means a person who is bedfast.

- (24) "Nucleus area" means adult day care programs located in a multi-use building and refers to the area not shared by any other programs that are located in the building but used only by the adult day care program.
- (25) "Nursing care" means skilled nursing care or intermediate care.
- (26) "On-site" means the area certified for the day care program.
- (27) "Owner" means the person who is responsible for management, operation, and financial liability of a day care home or day health home.
- (28) "Other special needs disease or condition" means a diagnosis, disease or disability, such as AIDS/HIV, that benefits from monitoring or oversight by program staff in a supervised setting.
- (29) "Participant" means a person enrolled in an adult day care program.
- (30) "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.
- (31) "Physical therapy program" means a series of activities prescribed by a licensed physical therapist or activities administered under the supervision of a physical therapist.
- (32) "Program director" means the person responsible for program planning, development and implementation in a day care program.
- (33) "Progress notes" means written reports in the participant's file of staff discussions, conferences, or consultation with family or caregiver, for the purpose of evaluation of a participant's progress and any other information as required by Rule .0501 in this Subchapter regarding the participant's situation.
- (34) "Related disorders" means dementia or impaired memory characterized by irreversible memory dysfunction.
- (35) "Respite care," as a component of adult day care programs, means a service provided to give temporary relief to the family or caregiver. Respite is provided to families caring for children or adults with disabilities or families caring for frail or disabled older adults.
- (36) "Responsible party" means the caretaker with primary day-to-day responsibility for an impaired adult.
- (37) "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.
- (38) "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.
- (39) "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.
- (40) "Supervising agency" means the county department of social services in the county where the day care program is located. Pursuant to G.S. 108A-14(a)(5), the county department is responsible for seeing that certification standards are maintained and for making a recommendation to the Division of Aging and Adult Services regarding certification.

*History Note: Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
 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;  
 Readopted Eff. September 1, 2019.*

## **SECTION .0300 - ADMINISTRATION**

### **10A NCAC 06R .0301 GOVERNING BODY**

- (a) Responsibility for management rests with the governing body of the day care program. In a private for-profit program, responsibility for management rests with the owner or board of directors; in a private, non-profit program, with the board of directors; in a public agency, with the board of that agency.
- (b) The governing body of a day care program shall establish and maintain management procedures, including:

- (1) approval of organizational structure;
  - (2) adoption of an annual budget;
  - (3) regular review of financial status, making sure that the program is under fiscal management; This includes conducting a review of the annual budget, monthly accounts of income and expenditures to reflect against the projected budget, and an annual audit;
  - (4) appointment of the program director who shall delegate responsibility for conduct of specific programmatic and administrative activities in accordance with policies adopted by the governing body; and
  - (5) adoption of written policies regarding operation, including:
    - (A) program policies outlining program goals; enrollment and discharge criteria and procedures; hours of operation; types of services provided, including transportation if offered; rates and payments; and management of medications. The policies shall be designed so copies may be given to interested parties who request information about the day care program;
    - (B) personnel policies; and
    - (C) any other policies deemed necessary by the governing body, such as agreements with other agencies and organizations.
- (c) All policies affecting clients shall be written in direct and understandable language.
- (d) The owner of a day care home shall establish and maintain operating procedures, including the following:
- (1) develop an annual budget;
  - (2) maintain monthly accounts of income and expenditures; and
  - (3) establish written policies regarding operation, including:
    - (A) program policies outlining program goals; enrollment and discharge criteria and procedures; hours of operation; types of services provided, including transportation if offered; rates and payments; and management of medications. The policies shall be designed so copies may be given to interested parties who request information about the day care program;
    - (B) personnel policies; and
    - (C) any other policies deemed necessary, such as agreements with other agencies and organizations.

*History Note:* Authority G.S. 131D-6; 143B-153;  
 Eff. July 1, 1978;  
 Amended Eff. July 1, 1990; January 1, 1981;  
 Temporary Amendment Eff. October 1, 2001;  
 Amended Eff. July 1, 2007; August 1 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

**10A NCAC 06R .0302 PROGRAM GOALS**

The adult day care program shall have written goals to ensure the health, safety and welfare of the participants are met. These goals shall also meet the definition of adult day care services as stated in 10A NCAC 71R .0903.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
 Eff. July 1, 1978;  
 Amended Eff. July 1, 1990; January 1, 1983;  
 Readopted Eff. September 1, 2019.

**10A NCAC 06R .0303 AGREEMENTS**

- (a) When a day care program is located in a multiple-use facility (e.g., school, church) there shall be a written agreement regarding the facility's cooperative use. The agreement shall contain the following as they apply to the adult day care program: time of use, maintenance of space, use of equipment, security, liability, and insurance.
- (b) For a program to utilize space currently certified or licensed for another purpose by a state agency, such as the North Carolina Division of Health Service Regulation or the North Carolina Division of Child Development, a letter from the licensing agency shall be obtained granting permission to use the space for a purpose other than the original licensed one.

*History Note: Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007; March 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **10A NCAC 06R .0304 INSURANCE**

The governing body shall provide for liability insurance coverage for the facility and vehicles used by the program.

*History Note: Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. July 1, 1978;  
Readopted Eff. September 1, 2019.*

#### **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); Eff. July 1, 1978; Amended Eff. September 1, 2007; July 1, 2007; May 1, 1992; July 1, 1990; July 1, 1984; January 1, 1981; Readopted Eff. September 1, 2019.*

**10A NCAC 06R .0306 PERSONNEL: DAY CARE HOMES: ONLY STAFF PERSON IS OPERATOR**

- (a) The operator of an adult day care program shall meet the qualifications of director as defined in Rule .0305 of this Section.
- (b) There shall be a minimum of one staff person during all hours of operation meeting the requirements set forth in Rule .0305 of this Section.
- (c) A day care home shall have substitute or relief staff to enable the day care home to remain open on days when the operator is not available to supervise the program. The substitute or relief staff shall meet the requirements for this position as set forth in Rule .0305 of this Section.

*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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

**10A NCAC 06R .0307 PERSONNEL: VOLUNTEERS**

- (a) When volunteers are used in an adult day care program, adequate planning prior to the placement of the volunteers shall take place in order to provide the volunteer with a written description of his duties and responsibilities. This written description shall outline in detail the tasks to be performed, qualifications for performing them, and specifics of hours, days and length of commitment needed from the volunteer.
- (b) The volunteer shall take part in a formal or informal orientation and training session to inform him of the goals of the program, the operation and daily schedule of the program, specific needs of the adults being served and any necessary specialized approaches the volunteer shall be expected to use.
- (c) Paid staff of the program shall be properly informed of the use of a volunteer prior to his working in the program, staff's responsibility and role and the volunteer's responsibility and role. Paid staff shall be involved in planning for the volunteer and shall assist in writing up the duties the volunteer shall perform.
- (d) Provision shall be made to evaluate the volunteer in his execution of the job.
- (e) Provision shall be made for recognition and appreciation of the volunteer.

*History Note:* Authority G.S. 143B-153;  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

**SECTION .0400 - THE FACILITY**

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

- (a) The facility and grounds of an adult day care program shall meet the requirements of 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. Programs shall provide space for participants to engage in group activities and separate space for times when a participant needs privacy and quiet.
- (d) The facility shall provide a minimum of 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 requirement 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, which is hereby incorporated by reference, including any subsequent amendments.
- (f) Storage areas shall be provided for clean linens, dirty linens, cleaning materials, household supplies, food, equipment, and program supplies needed to conduct activities. These items shall be stored in areas that do not pose a hazard to participants. For the purpose of this Rule, "dirty linen" is any linen which has touched something, other than the storage area itself, or someone after being placed in the clean linen storage area.

(g) A minimum of one male and one female toilet shall be located in each facility and accessible in accordance with the North Carolina Building Code, which is hereby incorporated by reference, including any subsequent amendments or editions, and can be accessed at no cost at [www.ncdoi.com/OSFM/](http://www.ncdoi.com/OSFM/). 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 or made from a material that is worn or poses a fall risk to participants.

(i) A telephone shall be available for participants to make and receive 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(2a); 143B-153(6);  
Eff. July 1, 1978;  
Amended Eff. September 1, 2007; July 1, 1990; January 1, 1981;  
Readopted Eff. September 1, 2019.

#### **10A NCAC 06R .0402 BUILDING CONSTRUCTION**

(a) An adult day care building shall meet the approval of the local building inspector in terms of structural soundness and fire safety.

(b) The program shall provide at least one entrance at ground level with no steps or an entrance ramp with rails and a maximum slope of 1 in 12 (eight percent). The ramp shall be covered with a securely fastened non-skid floor covering which is secured at both ends.

(c) Facilities where 16 or fewer adults are served in a single family dwelling shall meet building construction requirements for adult day care homes specified in Section .0700 of this Subchapter.

(d) All facilities initially certified after January 1, 2003, or those that make structural building modifications after this date shall meet the North Carolina State Building 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 eighty dollars and 00/100 (\$80.00).

*History Note:* Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. September 1, 2007; July 1, 2007; July 1, 1990; July 1, 1984; January 1, 1981;  
September 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

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

(a) The adult day care facility shall have the following equipment and furnishings:

- (1) at least one straight back chair or folding chair for each participant and each staff person, excluding those participants or staff in wheelchairs or other specialized seating equipment. Each chair shall support the weight of the individual participant or staff person sitting in the chair;
- (2) table space for all participants to be served a meal at a table and for program activities;
- (3) chairs or sofas that allow for position changes, are upholstered or cushioned 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 this 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 functional, as intended for its use, and shall not pose a safety risk to any participant or staff of the facility.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007; January 1, 1981;



**SECTION .0500 - PROGRAM OPERATION**

**10A NCAC 06R .0501 PLANNING PROGRAM ACTIVITIES**

**(a) Enrollment Policies and Procedures**

- (1) Each adult day care program shall have written program policies including enrollment policies that define the population served. These policies shall serve as the basis for determining who shall be accepted into the program and for planning activities for the participants. The planned activities shall be created to meet the needs of the participant to satisfy their service plan. The enrollment policies shall outline the criteria for people whose needs cannot be met by the planned activities. The enrollment policies shall provide for discharge of participants whose needs can no longer be met by the adult day care program. If a day care program serves semi-ambulatory or non-ambulatory persons, it shall be stated in the enrollment policies.
- (2) Prior to enrollment, the applicant, family members or caregiver shall have a minimum of one personal interview with a program staff member. During the interview, the staff shall complete initial documentation identifying support networks, activities enjoyed by the participant, medical care needs, any spiritual, religious or cultural needs, and a determination of whether the program can meet the individual's expressed needs. The staff person doing the interviewing shall sign the determination of needs and the applicant, family member or caregiver shall sign the application for enrollment. These signed documents shall be obtained before the individual's first day of attendance as a participant in the program.
- (3) A medical examination report signed by a physician, nurse practitioner or physician's assistant, completed within the prior three months, shall be obtained by the program within 30 days of enrollment. This report must be updated annually no later than the anniversary date of the initial report. The requirements for the medical examination report shall be found in Rule .0508 of this Section.
- (4) At enrollment, or in the initial interview, the program policies shall be discussed with the applicant, family member or caregiver and a copy of the program policies shall be provided.
- (5) Documentation of receipt of and agreement to abide by the program policies by the applicant, family member or caregiver shall be obtained by the program and kept in the participant's file.
- (6) The program policies shall contain:
  - (A) a discharge policy outlining the criteria for discharge and notification procedures for discharge, the timeframe and procedures for notifying the applicant, family member or other caregiver of discharge, and referral or follow-up procedures;
  - (B) a medication policy as specified in Rule .0505 of this Section;
  - (C) a description of participant's rights while enrolled in the adult day care program;
  - (D) the grievance policies and procedures for families;
  - (E) the advance directives policy;
  - (F) the non-discrimination policies;
  - (G) the procedure to maintain confidentiality;
  - (H) the policy on reporting suspected abuse or neglect;
  - (I) the description of the geographical area served by the program; and
  - (J) the inclement weather policies.

**(b) Planning Services for Individual Participants**

- (1) Within 30 days of enrollment of a new participant, the program shall perform a comprehensive assessment and written service plan for each individual. The comprehensive assessment shall address the individual's ability to perform activities of daily living and instrumental activities of daily living while in the program. The mental, social, living environment, economic and physical health of the individual shall also be assessed. The service plan shall be signed and dated by the program director or the director's designee. For adult day health participants the health component of the service plan shall be written and signed by a registered nurse.
- (2) In developing the written service plan, the program shall include input from the participant, family members, or caregiver and other agency professionals with knowledge of the individual's needs. The service plan shall be based on strengths, needs and abilities identified in the assessment. The

assessment and service plan shall be reviewed at regular intervals, and no less than once every six months. The service plan shall include:

- (A) the needs and strengths of the participant;
  - (B) the interests of the participant;
  - (C) the measurable service goals and objectives of care for the participant while in the adult day care program;
  - (D) the type of interventions to be provided by the program in order to reach desired outcomes;
  - (E) the services to be provided by the program to achieve the goals and objectives;
  - (F) the roles of participant, family, caregiver, volunteers and program staff; and
  - (G) the time limit for the plan, with provision for review and renewal.
- (3) Progress notes in the participant's record shall be updated at least every three months.
  - (4) The participant, caregiver, and other service providers may contribute to the development, implementation and evaluation of the service plan.
  - (5) Any change in behavior, mood, or attitude or need for help or services shall be reported by the program. If the participant is a department of social services client, the report shall be made to the participant's family, caregiver, or responsible party and the department of social services worker or the social worker designated as consultant to the adult day care program by the department. If the participant is not a social services client, the report shall be made to the person's family, caregiver or responsible party. A note shall be made in the participant's record of action taken.
  - (6) The participant or the responsible party may choose the days and number of days the participant will attend, with the program director's approval.
  - (7) The reason for any unscheduled participant absence shall be determined by the program staff and documented on the day it occurs. The program shall attempt to contact the absent participant or the responsible party to determine why the participant was absent on a scheduled day of attendance.
  - (8) The adult day care program is responsible for the participant's safety when a participant is registered in attendance. A participant leaving the program for part of a day shall sign out relieving the program of further responsibility. If a participant has emotional or mental impairment that requires supervision and that person needs or wants to leave the program during the day, the social worker, family, caregiver, friend, or responsible party shall sign the person out.

(c) Program Activities Plan

- (1) The day care center or home shall have a program activities plan that meets the following criteria:
  - (A) Overall planning of activities shall be based on elements of the individual service plans.
  - (B) Program activities shall follow the group process, both large and small groups, with provision for individual activities and services as needed.
  - (C) Activities shall be adaptable and modifiable to allow for greater participation and to maintain participant's individual skill level.
  - (D) Activities shall be consistent with the stated program goals.
  - (E) Activities shall be planned jointly by staff and participants. Staff shall encourage participants to participate in the planning and operation of the program as much as the participant is able, and to use their skills, talent and knowledge in program planning and operation.
  - (F) All program activities shall be supervised by program staff.
  - (G) Participants may refuse to participate in any given activity.
- (2) The activities schedule shall provide for the inclusion of cognitive activities to be available on a daily basis, and be designed to:
  - (A) stimulate thinking and creativity;
  - (B) provide opportunities for learning new ideas and skills;
  - (C) help maintain existing reasoning skills and knowledge base; and
  - (D) provide opportunities to utilize previously learned skills.
- (3) The activities schedule shall provide for the inclusion of physical activities to be available on a daily basis, and be designed to:
  - (A) improve or maintain mobility and overall strength; and
  - (B) increase or maintain joint range of motion.
- (4) The activities schedule shall provide for the inclusion of psychosocial activities, as determined by the client's service plan, to be available on a daily basis, and be designed to:

- (A) provide opportunities for social interaction;
  - (B) develop a sense of belonging;
  - (C) promote goal-oriented use of time;
  - (D) create feelings of accomplishment;
  - (E) foster dignity and self-esteem;
  - (F) prompt self-expression; and
  - (G) provide fun and enjoyment.
- (5) The activities schedule shall:
- (A) be in writing, specifying the name of each activity to be provided, the days of the week each activity shall be conducted, and the approximate length of time of each activity;
  - (B) indicate the length of time the schedule is to be followed; and
  - (C) be posted weekly or monthly in the facility and visible to anyone into the facility.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
 Eff. July 1, 1978;  
 Amended Eff. February 1, 2008; July 1, 2007; July 1, 1990; January 1, 1981;  
 Readopted Eff. September 1, 2019.

#### **10A NCAC 06R .0502 NUTRITION**

(a) An adult day care program shall provide a midday meal to each participant in attendance. The meal shall provide at least one-third of an adult's daily nutritional requirement as specified by the United States Department of Agriculture, Dietary Guidelines for Americans, which are incorporated by reference, including any subsequent amendments or additions to these guidelines. These guidelines may be accessed at no cost at <http://www.health.gov/dietaryguidelines/>. A licensed dietitian/nutritionist shall approve the menu following the requirements set forth in this Paragraph.

(b) An adult day program shall offer snacks and fluids to meet the participant's nutritional and fluid needs as determined by their most current medical record. The adult day program shall offer a mid-morning and mid-afternoon snack daily to participants. Snacks shall be planned to keep sugar, salt and cholesterol intake to a minimum, as determined by a licensed dietitian/nutritionist.

(c) An adult day program shall provide a therapeutic diet, if prescribed in writing by a physician, physician's assistant or nurse practitioner for any participant. If therapeutic diets are prepared by program staff, such staff shall have training in planning and preparing therapeutic diets or shall provide documentation of previous training and education in planning and preparing therapeutic diets to prepare meals in accordance with a physician, physician's assistant or nurse practitioner's prescription.

(d) A licensed dietician/nutritionist shall give guidance and training to the staff on basic and special nutritional needs as set forth in this Rule and proper food handling techniques as required by the Environmental Health Section of the Division of Public Health and the prevention of foodborne illness.

(e) An adult day care program shall neither admit nor continue to serve a participant whose dietary requirements cannot be accommodated by the program.

(f) An adult day care program shall store, prepare and serve meals following required food handling techniques as required by the Environmental Health Section of the Division of Public Health. The food service provider or adult day care program shall abide by the food safety and sanitation practices required by the Commission for Public Health and the United States Department of Agriculture, including any subsequent amendments or additions, which are incorporated by reference. Copies of the rules may be found at the following websites: <https://ehs.ncpublichealth.com/docs/rules/294306-14-3300.pdf> and [http://www.fsis.usda.gov/Fact\\_Sheets/Safe\\_Food\\_Handling\\_Fact\\_Sheets/index.asp](http://www.fsis.usda.gov/Fact_Sheets/Safe_Food_Handling_Fact_Sheets/index.asp).

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
 Eff. July 1, 1978;  
 Amended Eff. February 1, 2008; July 1, 2007; March 1, 1992; October 1, 1981; January 1, 1981;  
 Readopted Eff. September 1, 2019.

#### **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. For the purposes of this Rule, "routine procedures" shall mean maintenance of vehicle and actions taken to minimize risk to participants when transported.

For the purposes of this Rule, "emergency procedures" shall mean accidents, medical emergencies, weather emergencies and escort issues of the participants, including pick-up and drop-off of participants to ensure their safety.

(b) When the adult day care program provides transportation, the following requirements shall be met:

- (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 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(2a); 143B-153(6);  
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;  
Readopted Eff. September 1, 2019.*

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

(a) A fire safety and evacuation plan, approved by the Office of the State 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, which is hereby incorporated by reference, including any subsequent amendments or editions, and can be accessed at no cost at [www.ncdoi.com/OSFM/](http://www.ncdoi.com/OSFM/).

(b) Plan for Emergencies. A written plan for handling emergencies shall be established and displayed in the facility and in a location visible to participants and staff. For the purpose of this Rule, an "emergency" is any dangerous or unexpected situation that would require immediate action by a staff member. All staff shall know the plan. The plan shall:

- (1) relate to medical and non-medical emergencies. For the purpose of this Rule, a "medical emergency" is any dangerous or unexpected situation that would require a participant to receive immediate medical care by a staff member; and
- (2) specify responsibilities of each staff member in an emergency.

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

(c) Evacuation Plan. An evacuation plan shall be posted in each room of an adult day care program. A record shall be kept of dates and time required to evacuate the facility.

(d) All physically able staff who will provide direct participant care 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 stating 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;
- (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 to participants in the event of an emergency.

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

- (1) hospital preference, physician of record and physician's 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 it 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(2a); 143B-153(6);  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007; July 1, 1990; January 1, 1981;  
Readopted Eff. September 1, 2019.

#### **10A NCAC 06R .0505 MEDICATIONS**

- (a) All adult day care programs shall have written policies on participant medication use, medication administration order changes and medical disposal.
- (b) Medications shall be administered according to the participant's medication schedule as defined in Rule .0508(a)(4) (E) of this Section or as authorized by the participant's caregiver.
- (c) A record of all medications given to each participant shall be updated at a minimum of once every quarter and as needed and shall document the following:
  - (1) participant's name;
  - (2) name, dosage, quantity and route of the medication;
  - (3) instructions for giving medication;
  - (4) date and time medication is administered; and
  - (5) name or initials of person giving the medication. If initials are used, a signature equivalent to those initials shall be entered on this record.
- (d) Medications shall be kept in the original pharmacy containers in which they were dispensed. The containers shall be labeled with the participant's full name, the name and strength of the medicine, and dosage and instructions for administration. Medicines shall be kept in a locked location.
- (e) Only adult day health or adult day care and day health combination programs shall enroll or serve participants who require intravenous, intramuscular or subcutaneous medications while attending the program.

*History Note:* Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007; March 1, 1992; January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

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

- (a) Whenever participants are present at the adult day care program, the program participants shall be supervised and services shall be provided.
- (b) The program shall operate for a minimum of six hours per day.
- (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 holidays, hazardous weather conditions, emergency situations, and vacations. The county department of social services shall be notified of late openings or early closures on days when hazardous weather conditions exist or when emergency situations arise. For the purpose of this Rule, an "emergency situation" is any dangerous or unexpected event that would require immediate action by a staff member.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007; March 1, 1992;  
Readopted Eff. September 1, 2019.

#### **10A NCAC 06R .0507 AVAILABILITY AND ACCESSIBILITY OF PROGRAM POLICIES**

The adult day care program policies shall be provided to the participant's family member, responsible party or caretaker at the time of enrollment and available on request [.0301(b)(5)(A) or (c)(3)(A) of this Subchapter].

*History Note: Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007; March 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **10A NCAC 06R .0508 RECORDS**

(a) Individual Participant Records. Each adult day care program shall maintain records to document the progress of each participant and to document program operation. These records shall be kept in a locked file. An individual folder for each participant shall be established and maintained and include the following:

- (1) a signed application recording:
  - (A) the participant's full name;
  - (B) the participant's address and telephone number;
  - (C) the date of birth, marital status and living arrangement of participant;
  - (D) the time of day participant will arrive and time of day participant will leave the program;
  - (E) the travel arrangements to and from the program for the participant;
  - (F) the name, address and telephone number of at least two family members, friends or caregivers of the participant who can be contacted in emergencies;
  - (G) the name, address and telephone number of a licensed medical service provider who will see the participant upon request of the participant; and
  - (H) the personal concerns and knowledge of the caregiver that may have an impact on the participant's health, safety, and welfare.
- (2) copies of all current and former signed authorizations for the adult day care program to receive and give out confidential personal identifiable information and health information on the participant. The current authorization shall include the name of the party from whom information is requested and to whom information is given. The current authorization shall be dated within the prior 12 months and obtained each time a request for participant information is made.
- (3) a signed authorization for the participant to receive emergency medical care from any licensed medical practitioner, if emergency care is requested by the participant or deemed necessary by program staff.
- (4) a medical examination report conducted within three months before enrollment and updated annually, signed by a licensed physician, physician's assistant or nurse practitioner. The report shall include information on:
  - (A) any current diseases and chronic conditions and the degree to which these diseases and conditions require observation by day care staff, and restriction of normal activities by the participant;
  - (B) any presence and degree of psychiatric problems;
  - (C) the amount of supervision the participant requires;
  - (D) any limitations on physical activities;
  - (E) the listing of all medications with dosages and times medications are to be administered; and
  - (F) the most recent date participant was seen by doctor.
- (5) documentation identified in Rule .0501(a)(2) and (b)(1) and (b)(2) of this Section.
- (6) progress notes that are the written report of staff discussions, conferences, consultation with family, friends or caregivers, evaluation of a participant's progress and any information regarding a participant's changed health, social or financial situation.
- (7) service plans for the participant, including scheduled days of attendance, for the preceding 12 months.
- (8) a signed authorization if the participant or his or her responsible party will permit photographs, video, audio recordings or slides of the participant to be made by the day care program, whether for medical documentation, publicity, or any other purpose. The authorization shall specify how and where such photographs, videos, audio recordings or slides will be used, and shall be obtained prior to taking any photographs, videos, audio recordings or slides of the participant.

- (9) a statement signed by the participant, a family member or caregiver acknowledging receipt of the program policies and agreeing to uphold program policies pertaining to the participant.
- (b) The adult day care program shall keep the following program records a minimum of six years:
  - (1) copies of activity schedules;
  - (2) monthly records of expenses and income, including fees collected, and fees to be collected;
  - (3) all bills, receipts and other information that document expenses and income;
  - (4) a daily record of attendance of participants by name;
  - (5) accident reports;
  - (6) a record of staff absences, annual leave and sick leave, including dates and names of substitutes;
  - (7) reports on emergency and fire drills;
  - (8) individual personnel records on all staff members including:
    - (A) application for employment;
    - (B) evidence of a State criminal history check on each employee providing direct participant care;
    - (C) job description;
    - (D) medical certification of absence of a health condition that would pose a risk to others;
    - (E) written note or report on any personnel action taken with the employee;
    - (F) written report of annual employee review;
    - (G) CPR and first aid training documentation; and
    - (H) signed statement to keep all participant information confidential.
  - (9) a copy of all written policies, including:
    - (A) program policies;
    - (B) personnel policies;
    - (C) agreements or contracts with other agencies or individuals;
    - (D) plan for emergencies; and
    - (E) evacuation plan;
  - (10) program evaluation reports; and
  - (11) control file of DSS-5027 (SIS Client Entry Form) for all participants for whom Social Services Block Grant (Title XX) reimbursement is claimed. The SIS Client Entry form (DSS-5027) shall include the participant's personal information such as name, social security number, date of birth, address and the case manager's name in addition to the types of services requested, the action or actions taken, and if the provider is authorized to claim reimbursement for the services rendered. A copy of this form is accessible at the North Carolina Department of Health & Human Services' website.

*History Note: Authority G.S. 131D-6; 143B-153(2a); 143B-153(6); Eff. July 1, 1978; Amended Eff. February 1, 2008; July 1, 2007; March 1, 1992; July 1, 1990; January 1, 1981; Readopted Eff. September 1, 2019.*

#### **10A NCAC 06R .0509 PROGRAM EVALUATION**

- (a) Each adult day care program shall have in writing a plan for an annual internal evaluation of its operation and services. The plan shall include the timetable for initiating and completing the annual evaluation, the parties to be involved, the areas that will be addressed and the methods to be used in conducting the evaluation.
- (b) The following parties shall be involved, to the extent considered appropriate, as determined by the governing body or program director, in the evaluation process:
  - (1) the governing body;
  - (2) the program director;
  - (3) the staff;
  - (4) the participants;
  - (5) the families or caregivers of participants; and
  - (6) the local department of social services.
- (c) Evaluation shall focus on the following three areas:
  - (1) the extent to which the program is achieving its goals;
  - (2) the extent to which the program is meeting the needs and interests of participants; and

- (3) the extent to which the program is meeting the adult day care needs of the local community in its operation.
- (d) A written report of the program evaluation and findings shall be made and kept on file.

*History Note: Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. July 1, 1978;  
Amended Eff. January 1, 1981;  
Readopted Eff. September 1, 2019.*

#### **10A NCAC 06R .0510 DAY CARE PROGRAMS IN MULTI-USE FACILITIES**

Adult day care programs established in buildings which are used at the same time for other activities must adhere to the following guidelines:

- (1) The day care program must be self-contained with its own staff and separate area.
- (2) Participation is open only to persons enrolled in the program and to visitors on a planned basis. Depending on the nature of the other activities in the building, it may or may not be appropriate for day care participants to share in them on a planned basis. Such involvement must be as part of the day care program plan and must be supervised by a day care staff member. (Examples of appropriate involvement might include senior center crafts and social events and lunch at a congregate meal site.)

*History Note: Authority G.S. 143B-153;  
Eff. January 1, 1981;  
Amended Eff. July 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

### **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 DAAS-6205. Form DAAS-1500 (The Adult Day Care Services Program Certification Report) shall include the type of action requested, type of program, identifiable information about the program including the name, address, name of director and email address, and document whether the adult day care program meets certification standards. Form DAAS-6205 (The Adult Day Health Services Program Certification Report) shall include the type of action requested, type of program, identifiable information about the program including the name, address, name of director and email address, and document whether the adult day health program meets certification standards. A copy of DAAS-1500 or DAAS-6205 can be obtained on the North Carolina Department of Health & Human Services' website.
- (c) The county of social services shall submit the initial certification package to the 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. The 732a-ADS form shall contain the provider's name, county, current budget period, projected client transportations costs, projected service days, average daily participation utilizing transportation, average daily cost of round trip per client, projected revenue including local match, and projected transportation costs. A copy of the form may be obtained at the North Carolina Department of Health & Human Services' website.
  - (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, as determined by the local fire inspector, 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, as determined by the local building inspector, 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, as determined by the local registered environmental health specialist, completed and signed by a local registered environmental health specialist 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 of an adult day care 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 assigned to him or her 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 provide direct participant care. The requirements of Rule .0504(d) of this Subchapter shall be applicable to this Rule.
  - (14) evidence of the completion of a Statewide criminal history records search for the past five years for the adult day care program owner and each proposed staff member who provides direct participant care, conducted by an agency approved by the North Carolina Administrative Office 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 90 days prior to the end of the current period of certification, the county department of social services shall submit to the Division of Aging and Adult Services the following forms and materials that make up a certification package for the renewal of a certification.
- (1) Form DOA-1498 (Fire Inspection Report) or the equivalent, as determined by the local fire inspector, 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), equivalent, as determined by the local building inspector, 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 equivalent, as determined by the local registered environmental health specialist, completed and signed by a local registered 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 provide direct participant care. The requirements of Rule .0504(d) shall be applicable to this Rule;
- (8) Evidence of the completion of a Statewide criminal history record which complies with Subparagraph (c)(14) of this Rule; 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 for certification shall be made by staff of the Division of Aging and Adult Services.

(f) Within 14 business days, the 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.

*History Note: Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. January 1, 1986;  
Amended Eff. September 1, 2007; July 1, 2007; July 1, 2000; May 1, 1992; July 1, 1990;  
Readopted Eff. September 1, 2019.*

#### **10A NCAC 06R .0602 CHANGES IN PERSONNEL**

Whenever there is a change in program director or operator, the qualifications of the new staff person as meeting the standards in Rule .0305 or .0306 of this Subchapter must be documented in writing to the county department of social services no later than the effective date of the change. The adult day care consultant of the Division of Aging shall be notified in writing of the change and the county department of social services' satisfaction that standards are met.

*History Note: Authority G.S. 131D-6; 143B-153;  
Eff. January 1, 1986;  
Amended Eff. July 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

### **SECTION .0700 - CONSTRUCTION REQUIREMENTS FOR DAY CARE HOME**

#### **10A NCAC 06R .0701 RESIDENTIAL BUILDING CODE REQUIREMENTS**

Adult Day Care Homes initially certified after January 1, 2003 and those that make structural building modifications after this date shall meet the residential building code requirements of the North Carolina Commercial Building Code. The requirements shall include:

- (1) standard wood frame, brick, block or veneer construction;
- (2) attic shall not be used for storage;
- (3) porches and stoops shall be protected by handrails;
- (4) steps shall be protected by handrails; and
- (5) all entrances, pathways and exits shall adhere to the North Carolina State Accessibility Code.

*History Note: Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **10A NCAC 06R .0702 FIRE AND SAFETY REQUIREMENTS**

Adult Day Care Homes shall:

- (1) have fire extinguishers of the type recommended by the fire inspector and governed by the North Carolina Fire Prevention Code, centrally located in the kitchen;

- (2) provide automatic station products of combustion type smoke detectors as required by the North Carolina Fire Prevention Code;
- (3) provide listed heat detectors in the attic and basement from the approved list in the North Carolina Fire Prevention Code; and
- (4) provide a fire safety and evacuation plan to be prepared according to requirements of the North Carolina Fire Prevention Code.

*History Note:* Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

#### **10A NCAC 06R .0703 OTHER**

Adult day care programs initially certified after January 1, 2003, or those that make structural building modifications after this date, shall comply with the North Carolina building codes where are hereby incorporated by reference, including subsequent amendments and additions. Copies of the building codes may be obtained from the North Carolina Department of Insurance, Office of State Fire Marshall, 2101 Mail Service Center, Raleigh, NC 27699-2101, or telephone (919) 661-5880, at a cost of fifty dollars (\$50.00); or available at the following website: <http://www.ncdoi.com/OSFM/default.asp>.

*History Note:* Authority G.S. 131D-6; 143B-153;  
Eff. July 1, 1978;  
Amended Eff. July 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

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

#### **10A NCAC 06R .0801 THE CERTIFICATE**

- (a) The certificate shall be issued by the Division of Aging and Adult Services, when requirements for certification have been met under the rules of this Subchapter. The certificate shall be posted in the facility and visible to anyone upon entry into the facility.
- (b) The certificate shall be in effect for 12 months from the date of issuance unless revoked for cause, voluntarily or involuntarily terminated, or changed to provisional certification status.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. January 1, 1986;  
Amended Eff. July 1, 2000;  
Readopted Eff. September 1, 2019.

#### **10A NCAC 06R .0802 PROVISIONAL CERTIFICATE**

- (a) A provisional renewal certificate shall be issued by the Division of Aging and Adult Services when:
  - (1) The certification renewal process identifies violations and a plan for corrective action is in place. The provisional certification will continue until corrections have been made and the Division is informed or until revoked.
  - (2) Corrective action has not been completed by the completion date established in a corrective action plan. The provisional certification will continue until corrections have been made and the Division is informed or until revoked.
  - (3) Renewal materials have not been submitted by the applicant per the Division's requested date, but were received by the Division prior to the expiration date of the current period of certification. The provisional certificate will remain in place until revoked or until replaced with full certification.
  - (4) There is an exigent circumstance such as an extreme weather event including a hurricane, major flooding, fire or earthquake, that prohibits the provider from satisfying the requirements of the adult day care program. If an exigent circumstance prohibits an adult day care program from

meeting the requirements for recertification, the Division of Aging and Adult Services may issue a provisional certification for up to 180 calendar days from the date of the exigent circumstance.

(b) A provisional certificate shall not be effective for more than six months.

(c) When a provisional certificate is issued, the program shall post a copy of the notice from the Division of Aging and Adult Services adjacent to the current certificate. The notice shall include the reason why the program received a provisional certificate.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. January 1, 1986;  
Amended Eff. July 1, 2000; July 1, 1990;  
Readopted Eff. September 1, 2019.

#### **10A NCAC 06R .0803 TERMINATION OF CERTIFICATION**

The certificate will automatically terminate under the following conditions:

- (1) In a private for-profit program, when ownership in its entirety is transferred; in a private, non-profit program, when the board of directors is dissolved; in a public agency, when the board of that agency is dissolved;
- (2) When the program moves to another location;
- (3) When the required certification renewal materials are not received by the Division of Aging by the expiration date of the current period of certification.

*History Note:* Authority G.S. 131D-6; 143B-153;  
Eff. January 1, 1986;  
Amended Eff. July 1, 2000; July 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

#### **10A NCAC 06R .0804 DENIAL OR REVOCATION OF CERTIFICATE**

(a) A certificate shall be denied or revoked by the Division of Aging and Adult Services at any time for failure to comply with the rules of this Subchapter.

(b) When a program fails to comply with the rules of this Subchapter at the time initial certification is requested, the certification shall be denied by the Division of Aging and Adult Services. A notice setting forth the particular reasons for the denial shall be delivered personally or by certified mail to the applicant. Such denial becomes effective 20 days after the receipt of the notice. If the provider appeals pursuant to Rule .0806 in this Subchapter, the Division of Aging and Adult Services shall reinstate a provider if applying for a renewal certificate, unless the health, safety and welfare of a participant is at risk as determined by the Division of Aging and Adult Services, until administrative appeals have been exhausted.

(c) When the Division of Aging & Adult Services revokes a certificate when a violation has not been corrected by the date established by a corrective action plan, the Division of Aging & Adult Services shall issue a notice setting forth the particular reasons for the revocation and the notice shall be delivered personally or by certified mail to the applicant. Such revocation becomes effective 20 days after the receipt of the notice. If the provider appeals pursuant to Rule .0806 in this Subchapter, the Division of Aging & Adult Services shall reinstate the provider, unless the health, safety and welfare of a participant is at risk, until administrative appeals have been exhausted.

(d) In accordance with 150B-3(c), if the Division finds that the health, safety, or welfare of the participants requires emergency action and incorporates this finding in its notice, the certificate shall be summarily suspended. Notice of the summary suspension shall be effected by serving the program director by personal delivery or certified mail. The summary suspension will be effective on the date specified in the notice or upon service of the notice, whichever is later.

(e) When a program receives a notice of revocation, the program director shall inform each participant or caretaker of the notice and the reason for the revocation.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Eff. January 1, 1986;  
Amended Eff. July 1, 2000; July 1, 1990;  
Readopted Eff. September 1, 2019.

#### **10A NCAC 06R .0805 PENALTY**

- (a) If the program is in willful violation as specified in Rule .0102 of this Subchapter, a penalty may be imposed.
- (b) The amount of the penalty, within the limitation established by G.S. 131D-6, shall be determined based on the degree and extent of the harm or potential harm caused by the willful violation.
- (1) Where a violation presents a clear and immediate danger to the participants a civil penalty of one hundred dollars (\$100.00) per day will be imposed effective from the day that corrective action was to have been completed.
  - (2) Where a violation has the potential to endanger the participants' health, safety or welfare a civil penalty of fifty dollars (\$50.00) per day will be imposed effective from the day that corrective action was to have been completed.
  - (3) Where a violation does not directly endanger the participants a civil penalty of ten dollars (\$10.00) per day will be imposed effective from the date on which corrective action was to have been completed.
- (c) The Division of Aging shall determine the penalty levied against a program based on the severity of the violation as described in (b) of this Rule and will notify the program by registered or certified mail. The penalty shall become due 20 days after receipt of the notice.

*History Note:* Authority G.S. 131D-6; 143B-153;  
Eff. January 1, 1986;  
Amended Eff. July 1, 2000; July 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

#### **10A NCAC 06R .0806 PROCEDURE FOR APPEAL**

- (a) When the program is notified by the Division of Aging and Adult Services of a negative action, the program may ask for an informal review by Division staff. For the purpose of this Rule, a "negative action" shall include a violation, statutory penalty, provisional certificate, termination, revocation, summary suspension, or denial. If the informal review is not, satisfactory to the governing body or its designee, the governing body or designee may request a hearing.
- (b) The program may request a hearing with the Office of Administrative Hearings within 60 days after receipt of written notification from the Division of a negative action.
- (c) Except as provided for in Rule .0804(d) of this Subchapter, upon receipt of a request for a hearing, the enforcement of the negative action shall be suspended pending the final decision or until the governing body or its designee has exhausted the appeal process.
- (d) The petition for a hearing shall be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 and 26 NCAC 03 .0103.

*History Note:* Authority G.S. 131D-6; 143B-153(2a); 143B-153(6); 150B-22;  
Eff. January 1, 1986;  
Amended Eff. July 1, 2000; March 1, 1992; July 1, 1990;  
Readopted Eff. September 1, 2019.

### **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 .0901 DISCLOSURE**

The rules of this Chapter are established to govern the disclosure requirements for adult day care programs that provide or promote themselves as providing special care services for persons with Alzheimer's or other dementias, mental health disabilities, or other special needs diseases or conditions. Only those centers that meet these requirements may advertise or represent themselves as providing special care services as defined in Rule .0201.

*History Note:* Authority G.S. 131D-6; 143B-153; S.L. 1999-334;  
Temporary Adoption Eff. September 28, 1999;  
Eff. July 17, 2000;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **10A NCAC 06R .0902 POLICIES AND PROCEDURES**

Adult day care programs shall have written special care services policies and procedures implemented by staff and available for review within the center. In addition to the applicable policies and procedures established by this Subchapter, adult day care centers that provide special care services shall write policies and establish procedures that address:

- (1) The philosophy of the special care service that includes a statement of mission and objectives regarding the specific population to be served by the center that shall address the following:
  - (a) an environment that maintains and promotes the use of skills for daily living;
  - (b) a structured program of daily activities that allows for flexibility to respond to the needs, abilities, and preferences of participants;
  - (c) individualized service plans that address the maintenance of participant's abilities and promote the highest possible level of physical and mental functioning, as determined by program staff and the participant's current status; and
  - (d) methods of behavior management that preserve dignity through design of the physical environment, physical exercise, social activity, medication administration, proper nutrition and health maintenance.
- (2) The process and criteria for enrollment in and discharge from the service.
- (3) A description of the special care services offered by the center.
- (4) Participant assessment and service planning, including opportunity for family or caretaker involvement in the service planning and the implementation of the service plan, including responding to changes in the participant's condition.
- (5) Safety measures addressing dangers such as wandering, ingestion, falls, smoking, and aggressive behavior.
- (6) Lost or missing participants.
- (7) Staff to participant ratios in the special care service to meet the needs of participants.
- (8) Amount and content areas of staff training both at orientation and annually based on the special care needs of the participants.
- (9) Physical environment and design features that address the needs of the participants. These features can encompass an entire center if the center promotes itself as providing special care or any section separated by closed doors from the rest of the center and advertised especially for special care of participants.
  - (a) Center or section exit doors may be locked only if the locking devices meet the requirements outlined in the State Building Code for special locking devices; and
  - (b) Where exit doors are not locked, a system of security monitoring shall be provided.
- (10) Activities based on personal preferences and needs of the participants that focus on the individual's interests and abilities.
- (11) Opportunity for involvement of families or caregiver in participant care.
- (12) The availability of or information on family support groups and other community services.
- (13) Additional costs and fees to the participant for the special services provided.

*History Note: Authority G.S. 131D-6; 143B-153(2a); 143B-153(6);  
Temporary Adoption Eff. September 28, 1999;  
Eff. July 17, 2000;  
Readopted Eff. September 1, 2019.*

#### **10A NCAC 06R .0903 THE FACILITY – SPECIAL CARE SERVICES**

In addition to meeting general requirements for facility grounds in Rule .0401(a) of this Subchapter, an adult day care center or home providing special care services shall assure that participants receiving this service have access to an outside area. This area shall be secured or supervised when participants have a physical or cognitive impairment and their safety and well-being would otherwise be compromised.

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

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **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 that provides special care services shall:

- (1) Provide disclosure information to a participant or the responsible party of a participant 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) Obtain the participant's medical examination report that shall specify a diagnosis, disability or condition consistent with the special care service offered by the program.
- (3) Ensure that a participant transferring from adult day care services to special care services meets 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(2a); 143B-153(6);  
Eff. July 17, 2000;  
Readopted Eff. September 1, 2019.*

#### **10A NCAC 06R .0905 INDIVIDUAL SERVICE PLANS – SPECIAL CARE SERVICES**

In addition to meeting individual service plan requirements in Rule .0501(b) of this Subchapter, an adult day care center or home providing special care services shall assure that the individual service plan is based on the participant's needs, interests and level of abilities. It shall specify programming that involves environmental, social and health care strategies to help the participant attain or maintain the maximum level of functioning possible and compensate for lost abilities.

*History Note: Authority G.S. 131D-6; 143B-153; S.L. 1999-334;  
Eff. July 17, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **10A NCAC 06R .0906 PROGRAM PLAN – SPECIAL CARE SERVICES**

In addition to meeting program plan requirements in Rule .0501(c) of this Subchapter, an adult day care center or home providing special care services shall assure that the program plan provides for a balance of activities that promote an optimum level of functioning in all activity areas including personal care activities.

*History Note: Authority G.S. 131D-6; 143B-153; S.L. 1999-334;  
Eff. July 17, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **10A NCAC 06R .0907 STAFF ORIENTATION AND TRAINING – SPECIAL CARE SERVICES**

An adult day care center or home providing special care services shall assure that special care services staff receive at least the following orientation and training:

- (1) Prior to assuming responsibility for a special care service, the program director shall document receipt of training specific to the population(s) to be served.
- (2) The program director shall have in place a written plan for training staff that identifies content, sources, evaluations and schedules of training. The plan shall be reviewed and updated annually.
- (3) The program director shall assure that within a month of employment, each staff person assigned to special care services shall demonstrate knowledge of the needs, interests and levels of abilities of the participants. This shall be documented in the center's files.
- (4) Within six months of employment, each staff person assigned to special care service shall complete three training experiences. The training shall include, but not be limited to, population specific techniques for communication, behaviors and activities of daily living.
- (5) Each staff person working directly with participants in special care service shall complete a minimum of two population specific educational or training experiences annually.

- (6) All training experiences of each staff person shall be documented in the center's files.

*History Note: Authority G.S. 131D-6; 143B-153; S.L. 1999-334;  
Eff. July 17, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **10A NCAC 06R .0908 REQUIREMENTS FOR SPECIAL CARE SERVICES UNIT**

In addition to meeting all other special care services requirements, an adult day care center with a special care services unit shall assure the following:

- (1) An area designated as a special care services unit located within a center that also serves other participants, shall have the unit providing special care separated by closed doors and located so that other participants, visitors or staff do not have to pass through the section to reach other areas of the building.
- (2) A special care services unit separated by closed doors from the rest of the adult day center shall meet equipment and furnishing requirements as stated in Rule .0403(a)(1),(2),(3) and (b) of this Subchapter.
- (3) At least one toilet shall be located in the unit.
- (4) An area designated as a special care services unit shall provide space on the unit for each participant as stated in Rule .0401(d)(1) of this Subchapter.
- (5) An area designated as a special care services unit within an adult day center shall meet existing adult day care staffing ratio requirements as stated in Rule .0305(c)(2) of this Subchapter.

*History Note: Authority G.S. 131D-6; 143B-153; S.L. 1999-334;  
Eff. July 17, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*