

SUBCHAPTER 06X – STATE IN-HOME SERVICES FUND: IN-HOME AIDE SERVICES

SECTION .0100 - COORDINATION

10A NCAC 06X .0101 IN-HOME AIDE SERVICES FOR OLDER ADULTS

The rules in 10A NCAC 06A and Rule .0214 of this Subchapter shall apply for the provision of In-Home Aide Services for Older Adults with any allocation received by county departments of social services from the Division of Social Services.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

SECTION .0200 - PROGRAM REQUIREMENTS

10A NCAC 06X .0201 IN-HOME AIDE SERVICES: ADULTS, CHILDREN AND THEIR FAMILIES

As described in this Subchapter, Rules .0202 through .0214, shall apply for the provision of In-Home Aide Services for Adults and Children and Their Families with any allocation received by county departments of social services from the Division of Social Services as part of the state's Comprehensive Annual Services Plan.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0202 DEFINITIONS

As used in this Subchapter and in 10A NCAC 71Q .0911, In-Home Aide Services, the following terms have the meanings specified:

- (1) "Activities of Daily Living (ADL)" include eating; dressing; bathing; toileting; bowel and bladder control; transfers; ambulation; and communication such as speaking, writing, signing, gestures, and using communication devices.
- (2) "Adult" means 18 to 59 years of age.
- (3) "Available Person" is someone who lives with or near the client, who has the time and is willing to perform the needed services.
- (4) "Child" means under 18 years of age.
- (5) "Home Management" includes tasks that range from basic housekeeping, shopping, and essential transportation to intensive work with individuals and children and their families on budgeting and family management.
- (6) "Instrumental Activities of Daily Living (IADL)" includes meal preparation, medication intake, cleaning, money management, phone use, laundering, reading, writing, shopping and going to necessary activities.
- (7) "Medically Stable" means physical or mental adaptation to previously recognized health problems with effective maintenance by diet, medication, routine physical exercise, or a combination of these remedies.
- (8) "Medically Unstable" means a recent acute illness or complications of a chronic condition that are not physically or mentally controlled by diet, medication, or physical exercise and which require frequent monitoring and testing by skilled professionals.
- (9) "Own Home" means that the service recipient is living in a residence he maintains for himself or is maintained for him. "Own home" does not include any group care setting. For children and their families own home also means a family foster home licensed by the North Carolina Department of Human Resources to provide care for children and supervised by a county department of social services or licensed child-placing agency.
- (10) "Personal Care" includes tasks that range from assistance with basic personal hygiene and grooming, feeding, and ambulation to medical monitoring and other health care related tasks.

- (11) "Primary Caregiver" is the person who voluntarily provides the most care or assumes the most responsibility for another person.
- (12) "Respite Care" is a component of In-Home Aide Services which provides needed relief to primary caregivers or parents of persons who cannot be left alone because of mental or physical problems or the need for care and supervision.
- (13) "Responsible Person" is someone who is dependable and capable of performing the needed services for the client.
- (14) "Review" means a regular contact by an appropriate professional with the individual or family or both to note progress, maintenance or deterioration, changes in circumstances, and adequacy of the In-Home Aide Service Plan in meeting the person's and family's needs, and to make any needed adjustments.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0203 DESCRIPTION OF IN-HOME AIDE SERVICE LEVELS FOR ADULTS

As used in this Subchapter, the following descriptions of In-Home Aide Service levels shall apply for adults:

- (1) Level I - Home Management. In-Home Aide Services at this level are intended to provide support to individuals and their families who require assistance with basic home management tasks, such as housekeeping, cooking, shopping, and bill paying. Clients to be served include those who are self-directing, medically stable, and who have at least one instrumental activity of daily living (IADL) impairment. Personal care tasks may not be performed at this level.
- (2) Level II - Home Management and Personal Care. In-Home Aide Services at this level are intended to provide support to individuals and their families who require assistance with basic activities of daily living and home management tasks. Both the home management and assistance with personal care tasks can be provided to the client when his capacities are diminishing or when the client is striving to maintain or improve his own functioning. Clients to be served include those who are medically stable and partially dependent in carrying out one or two activities of daily living (ADL) due to physical or mental impairments, or both; or who have maintenance needs or rehabilitative potential, or both. In addition to their personal care needs, clients may also require assistance with IADL activities to improve IADL functioning or to learn independent living skills; or they may have two to four IADL needs requiring additional support to maintain or achieve overall functioning.
- (3) Level II - Home Management Only. In-Home Aide Services at this level are intended to provide support to individuals and their families who require assistance with home management tasks and do not require assistance with personal care. Provision of home management tasks focuses more on strengthening and developing the individual's own skills rather than on doing these tasks for him. Clients to be served include those who need assistance to remain in their own homes; or who need assistance to maintain, strengthen, and safeguard their functioning because of physical or emotional illness or handicap.
- (4) Level III - Home Management. In-Home Aide Services at this level are intended to provide intensive education and support to individuals and their families in carrying out home management tasks and improving family functioning skills. Provision of the service primarily focuses on individualized work with a client and his family in teaching and demonstrating skills and tasks and reinforcing improved client and family accomplishments. It also involves direct care and support in crisis situations. Clients to be served generally have moderate to severe limitations in cognitive or psycho-social functioning, but have potential for partial or total independence in IADL or home management functioning, or both. Some clients may have more than four IADL impairments.
- (5) Level III - Personal Care. In-Home Aide Services at this level are intended to provide substantial ADL support to individuals who require assistance with health or personal care tasks, or both. Provision of these tasks involves extensive "hands on" care and potential assistance with a wide range of health related conditions. Clients to be served include those who are medically stable with significant ADL impairments (three or more) resulting from a chronic condition; or who are medically stable with significant ADL impairments, but have rehabilitative potential; or who are medically

unstable due to recent illness, complications of a chronic condition, or a deteriorating condition with variable ADL and IADL needs.

- (6) Level IV - Home Management. In-Home Aide Services at this level are intended to provide a wide range of educational and supportive services to individuals and their families who are in crisis or who require long term assistance with complex home management tasks and family functioning skills. Provision of the service involves quick and creative response to individual and family crisis situations identified by the case manager; it also focuses on appropriate learning sessions with small groups of persons from different families who have similar needs. Clients to be served include those who have serious limitations in cognitive or psycho-social functioning, or both, but who have the potential for major or complete independence in IADL functioning and who have little or no ADL impairment.

*History Note: Authority G.S. 143B-153;
December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0204 DESCRIPTION OF IN-HOME AIDE LEVELS FOR CHILDREN/FAMILIES

As used in this Subchapter, the following descriptions of In-Home Aide Service levels shall apply for children and their families:

- (1) Level I - Home Management. In-Home Aide Services at this level are intended to provide support to children and their families who require assistance with basic home management tasks, such as housekeeping, cooking, shopping, and bill paying.
- (2) Level II - Home Management and Personal Care. In-Home Aide Services at this level are intended to provide support to children and their families who require assistance with basic personal care and home management tasks. Both the home management and assistance with personal care tasks can be provided to families when their capacities are diminishing or when the family is striving to maintain or improve family functioning.
- (3) Level II - Home Management Only. In-Home Aide Services at this level are intended to provide support to children and their families who require assistance with home management tasks and do not require assistance with personal care. Provision of home management tasks focuses more on strengthening and developing the family's own skills rather than on doing these tasks for them. Children and their families to be served include those who need assistance to remain in their own homes; or who need assistance to maintain, strengthen, and safeguard their functioning because of physical or emotional illness or handicap or to preserve and strengthen family functioning; or who need assistance to obtain education, training, and employment to improve their economic self-sufficiency.
- (4) Level III - Home Management. In-Home Aide Services at this level are intended to provide intensive education and support to children and their families in carrying out home management tasks and improving family functioning skills. Provision of the service primarily focuses on individualized work with a family in teaching and demonstrating skills and tasks and reinforcing improved family accomplishments. It also involves direct assistance and support in crisis situations.
- (5) Level III - Personal Care. In-Home Aide Services at this level are intended to provide substantial support to children and their families who require assistance with health or personal care tasks, or both. Provision of these tasks involves extensive "hands on" care and potential assistance with a wide range of health related conditions.
- (6) Level IV - Home Management. In-Home Aide Services at this level are intended to provide a wide range of educational and supportive services to children and their families who are in crisis or who require long term assistance with complex home management tasks and family functioning skills. Provision of the service involves quick and creative response to family crisis situations identified by the case manager; it also focuses on appropriate learning sessions with small groups of persons from different families who have similar needs.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;*

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

10A NCAC 06X .0205 SERVICE DELIVERY

In-Home Aide Services must be provided in accordance with the standards established in Rules .0203, .0204, .0206, and .0210 of this Section for task levels, competency requirements, supervision, and quality assurance requirements regardless of whether the aide performing the tasks is a paid employee or a volunteer under the supervision of an established agency.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0206 ASSESSMENT AND REASSESSMENTS

- (a) The purpose of the initial assessment and regular reassessments is to determine each individual's or family's level of functioning and determine or confirm the need for In-Home Aide Services.
- (b) The initial assessment and reassessments must be conducted by an appropriate professional, which means a social worker, registered nurse, registered dietitian or certified nutritionist, physical therapist and occupational therapist. The initial assessment and reassessments are prerequisites to providing In-Home Aide Services.
- (c) An initial assessment is not a prerequisite when the health, safety, or well-being of an individual or family is at risk. In these instances the initial assessment must be completed within five working days of the onset of services.
- (d) The initial assessment and reassessment must be conducted in the individual's or family's home and must address the mental, social, environmental, economic, and physical health status of the individual or family, as well as an individual's ability to perform activities of daily living (ADL's) and instrumental activities of daily living (IADL's).
- (e) The initial assessment and reassessments must be signed and dated by the professional responsible for assuring the completion of the initial assessment and reassessments.
- (f) An initial assessment must be completed prior to the professional's development of an In-Home Aide Service Plan.
- (g) A full reassessment must be completed at least every 12 months or earlier if the appropriate professional, as specified in Paragraph (b) of this Rule, determines that the family's or individual's needs have increased or decreased due to changes in one or more of the functional areas listed in Paragraph (d) of this Rule.
- (h) A review of the individual's or family's situation must be completed by an appropriate professional as specified in Paragraph (b) of this Rule at least quarterly. When Level II or III - Personal Care tasks are provided to a client, the quarterly review must be conducted in the client's home. If a reassessment is conducted, it meets the requirements for a quarterly review.
- (i) If the individual or family needs Home Management tasks at Level I or II, the initial assessment and reassessments must be completed by an appropriate professional, as specified in Paragraph (b) of this Rule. If a professional other than a social worker is conducting the initial assessment or reassessment at Level I or II, and the individual's or family's social needs appear more extensive than the assessor is able to adequately evaluate, then a social worker must be consulted for further input. If the individual or family needs Home Management tasks at Level III or IV, the initial assessment and reassessments must be completed by a social worker.
- (j) If the individual or family needs Personal Care tasks at Level III, a registered nurse must complete the physical health status and the ADL portions of the initial assessment and reassessments. For Level II Personal Care tasks, if a social worker or registered dietitian is conducting the initial assessment or reassessment and the individual's or family's personal care needs appear more extensive than the assessor is able to adequately evaluate, then an appropriate health professional must be consulted for further input.
- (k) Consultation with a registered nurse is required for Level II clients receiving Personal Care tasks if the client's personal care needs have increased due to changes in a medically related problem to determine the appropriate level of In-Home Aide Services.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Amended Eff. September 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0207 IN-HOME AIDE SERVICE PLAN

- (a) Each individual must have an In-Home Aide Service Plan which is based on the initial assessment and regular reassessments.
- (b) The In-Home Aide Service Plan must include:
- (1) Measurable client outcome goals;
 - (2) In-Home Aide Service level or levels to be provided;
 - (3) Specific tasks to be performed;
 - (4) Frequency of service provision;
 - (5) Anticipated duration of the service; conditions for continuing or discontinuing service;
 - (6) Signature of agency's professional staff developing the service plan;
 - (7) A physician's signature, if required by a specific funding source.
- (c) When a client receiving Level II - Personal Care Services requests assistance with one or more of the following tasks:
- (1) Applying ace bandages, TED's or binders;
 - (2) Applying or removing prosthetic devices; and
 - (3) Self-monitoring of temperature, pulse, blood pressure and weight;
- the In-Home Aide Service Plan must specify that the client has requested such assistance and that the client is responsible for directing these tasks and for making decisions regarding actions to be taken as a result of temperature, pulse, blood pressure and weight readings.
- (d) All changes in tasks must be documented and dated on the In-Home Aide Service Plan by the responsible professional.
- (e) Children and their families must have a plan that is consistent with the family's services plan to prevent family disruption and unnecessary out-of-home placement of children.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Amended Eff. September 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0208 COMPETENCY REQUIREMENTS

- (a) An aide performing any tasks in Level III-Personal Care must be listed on the Nurse Aide Registry with the N.C. Board of Nursing within four months of being employed as specified in 21 NCAC 36 .0400. Copies of the rules in 21 NCAC 36 .0400 may be obtained at no cost by writing the Nurse Aide Registry, N.C. Board of Nursing, P.O. Box 1998, Raleigh, N.C. 27602.
- (b) In the event that a spouse, parent, child or sibling is paid to provide care, the service provider agency can make a determination that the family member is capable of providing the care needed without requiring any formal training. The family member must demonstrate competence to perform the tasks needed by the client to an appropriate professional. When the family member provides Personal Care at Level III, he must be listed on the Nurse Aide Registry with the N.C. Board of Nursing within four months of being employed to perform these tasks.
- (c) The following competency requirements for aides hired on or after July 1, 1993 shall apply:
- (1) Aides who provide In-Home Aide Services must meet the competency requirements for the level of service they are regularly required to perform.
 - (2) Meeting competency requirements includes a correct demonstration of tasks to an appropriate professional.
 - (3) The agency employing the in-home aides must maintain documentation of each aide's competence; this includes verification of knowledge of all content areas and ability to correctly perform all tasks at the level of service regularly provided. If the aide is required to perform selective tasks at a higher level, documentation of competence in the specific tasks is also required. An aide must be competent to complete all tasks at the current level of service provision before being assigned tasks at a higher level.
 - (4) Each service provider agency is responsible for ensuring that competency testing is appropriately administered.
 - (5) Each service provider agency is responsible for ensuring that its aides have sufficient training to pass a competency test for the level of service the aides will regularly provide.

(d) Demonstration of competence in the presence of an appropriate professional can take place in a variety of settings including, but not limited to, the classroom, laboratory, local agency, or the home of the client and family.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0209 TIME FRAMES FOR COMPLETING COMPETENCY REQUIREMENTS

(a) By December 1, 1991, regardless of the level of service to which the aide is assigned, demonstrated competence for the specific tasks assigned to that aide must be documented before allowing the aide to perform the tasks independently.

(b) For aides performing Level III-Personal Care, requirements in Rule .0208(a) of this Section shall apply.

(c) The following time frames for completing competency requirements for each level of In-Home Aide Services shall apply only to aides hired on or after July 1, 1993 with the exception of Subparagraph (c)(3)(b) of this Rule:

- (1) Level I. Competency requirements consist of demonstration of the knowledge and skills required to carry out the functions described in Rules .0203(1) and .0204(1) of this Section. Competency requirements for Level I must be met within one year of employment as a Level I aide.
- (2) Level II. Competency requirements consist of demonstration of the knowledge and skills required to carry out the functions described in Rules .0203(2) or (3) and .0204(2) or (3) of this Section. Competency requirements for Level II must be met within one year of employment as a Level II aide.
- (3) Level III. This level is tracked for either Home Management or Personal Care and shall consist of the following competency requirements:
 - (A) Home Management Track. Competency requirements consist of demonstration of the knowledge and skills required to carry out the functions described in Rules .0203(4) and .0204(4) of this Section. Competency requirements for Level III Home Management must be met within one year of employment at this level.
 - (B) Personal Care Track. Competency requirements consist of demonstration of the knowledge and skills required to carry out the functions described in Rules .0203(5) and .0204(5) of this Section and registration as a Nurse Aide I with the NC Board of Nursing within four months of being employed at this level.
- (4) Level IV. Competency requirements consist of demonstration of the knowledge and skills required to carry out the functions described in Rules .0203(6) and .0204(6) of this Section. Competency requirements for Level IV must be met within one year of employment as a Level IV aide.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0210 AIDE SUPERVISION

(a) It is the responsibility of the agency providing the In-Home Aide Service to assure that supervision is given to all aides.

(b) Regardless of the level of tasks performed, supervisory home visits must be made at least twice during the first month of the aide's employment.

(c) Following the first month of the aide's employment, supervisory home visits must be made as follows:

- (1) Level I - at least quarterly;
- (2) Level II - at least quarterly;
- (3) Level III - at least quarterly;
- (4) Level IV - at least every 60 days.

(d) The frequency of aide supervision must be increased as needed to respond to the capabilities of the aide and the needs of the client.

(e) Each service provider agency must assure at least some portion of the supervisory visits occur when the aide is providing assistance or care to clients.

(f) Aides providing In-Home Aide Services subject to home care agency licensure as specified in Rule .0213 of this Section must be supervised in accordance with requirements codified in 10A NCAC 13J .1110, which is incorporated by

reference, including subsequent amendments and editions. Copies of these Rules may be obtained from the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, NC 27611-7447, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) for up to 10 pages and fifteen cents (\$.15) for each additional page at the time of adoption of this Rule.

History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Amended Eff. September 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

10A NCAC 06X .0211 SELECTION OF AIDES

Agencies providing in-home aide services must have a written policy regarding who may serve as in-home aides. The written policy shall include, at a minimum, the following information about who may serve as in-home aides:

- (1) aides shall be 18 years of age or older or emancipated minors; and
- (2) aides shall be persons who have demonstrated competency to perform the tasks needed by the client; and
- (3) whether or not the agency allows the hiring of relatives to serve as a client's in-home aide. If the agency allows a relative to be a client's in-home aide, the policy must also contain the following requirements:
 - (a) that the relative of the client for this purpose is either a parent, spouse, child, or sibling of the client, including step relations of the client for any of those; and
 - (b) that the relative must have given up employment or the opportunity for employment in order to perform the tasks needed by the client; and
- (4) any other hiring guidelines established by the agency.

History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Amended Eff. December 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

10A NCAC 06X .0212 CLIENT RECORDS

Records must be kept for each In-Home Aide Services client and must include:

- (1) Documentation of request or authorization for services;
- (2) A copy of the completed initial assessment;
- (3) Copies of all completed reassessments;
- (4) Copies of the initial and any revised In-Home Aide Service Plans;
- (5) Documentation of significant client information;
- (6) Documentation of client eligibility;
- (7) Documentation of quarterly reviews;
- (8) Documentation notifying client of service reduction, denial or termination.

History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

10A NCAC 06X .0213 QUALITY ASSURANCE REQUIREMENTS

(a) All agencies providing In-Home Aide Services must be either licensed by the Department of Health and Human Services as a home care agency, or be certified or accredited through one of the following accreditation organizations, or other entities recognized by the Department of Health and Human Services or the North Carolina Medical Care Commission pursuant to G.S. 131E, Article 6, Part C:

- (1) North Carolina Accreditation Commission for In-Home Aide Services;
- (2) National Home Caring Council;

- (3) Joint Commission on Accreditation of HealthCare Organizations (Home Care accreditation);
- (4) National League for Nursing.

(b) Licensure by the Department of Health and Human Services is required by July 1, 1992 for agencies providing In-Home Aide Services at Level II - Home Management and Personal Care, Level III - Personal Care, or both. If the agency is certified or accredited as described in Paragraph (a) of this Rule, then the agency shall be given deemed status for licensure.

(c) Certification or accreditation by one of the accreditation organizations described in Paragraph (a) of this Rule is required by July 1, 1996 for agencies providing In-Home Aide Services at Level I - Home Management, Level II - Home Management Only, Level III - Home Management, Level IV - Home Management, or any combination thereof. If the agency is licensed as a home care agency by the Department of Health and Human Services then certification or accreditation shall not be required.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

10A NCAC 06X .0214 METHODS OF SERVICE PROVISION

(a) One or more of the methods of service provision enumerated in this Paragraph shall be used to provide In-Home Aide Services.

- (1) Direct Provision. County departments of social services may employ in-home aide services providers as members of their staff to perform tasks in accordance with 10A NCAC 71Q .0911 and the rules of this Subchapter. In-home aide services providers are subject to the provisions of the State Personnel Act and to applicable personnel policies of the county in which they are employed. Responsibility for the selection, training, assignment to the clients, supervision and discharge of in-home aide services providers rests with the county department of social services.
- (2) Cash Payment. In-Home Aide Services may be provided through a cash payment made to an eligible client as reimbursement for services he has received and for which he has paid. County departments of social services may make cash advances to eligible clients but may not claim reimbursement from any federal or state funds until a receipt is provided by the client documenting that the service has been delivered and paid for. The cash payment method of provision is utilized only in accordance with the following arrangement:
 - (A) The client, or a person designated by the client, is capable and willing to be responsible for hiring, firing and supervising the In-Home Aide Services provider and for carrying out other applicable employer-related responsibilities.
 - (B) The tasks performed by the provider do not require supervision by a registered nurse or another professional with skills appropriate to the tasks being performed for the client.
 - (C) The client, or a person designated by the client, provides certification that the provider meets the competency requirements for the level of tasks provided.
- (3) Purchase of Service Contract. In-Home Aide Services may be purchased from another agency under a purchase of service contract in accordance with rules set forth in 10A NCAC 67B.

(b) Regardless of the method of service provision, the amount of service provided to each client will be based on individual need.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*