

1 10A NCAC 13J .1110 is proposed for readoption with substantive changes as follows:

2
3 **10A NCAC 13J .1110 SUPERVISION AND COMPETENCY OF ~~INHOME~~ IN-HOME AIDES OR**
4 **OTHER IN-HOME CARE PROVIDERS**

5 (a) ~~In-home aides or other allied health personnel~~ In-home care providers subject to occupational licensing laws shall
6 meet requirements consistent with the rules established by the occupational licensing board ~~to which~~ that they are
7 subject. Each agency shall document that its ~~in-home aides and other~~ in-home care providers are competent to perform
8 client care tasks or activities ~~to which~~ that they are assigned. Meeting competency includes a demonstration of tasks
9 to the health care practitioner. ~~Such individuals~~ In-home care providers shall perform delegated activities under the
10 supervision of persons authorized by state law to provide such supervision.

11 (b) Those ~~in-home aides and other~~ in-home care providers who are not subject to occupational licensing laws, shall
12 only be assigned client care activities ~~for which~~ that they have demonstrated competency, the documentation of ~~which~~
13 competency is maintained by the agency. Meeting competency includes a ~~correct~~ demonstration of tasks to ~~an~~
14 ~~appropriate professional.~~ the health care practitioner. Each agency shall document that its ~~in-home aides and other~~ in-
15 home care providers demonstrate competence for all assigned client care tasks or activities. ~~Such individuals~~ In-home
16 care providers shall be supervised by the ~~appropriate professional~~ health care practitioner who may further delegate
17 specific supervisory activities to a ~~paraprofessional~~ in-home care providers as designated by agency policy, provided
18 that the following criteria are met:

- 19 (1) there is ~~continuous~~ availability of the ~~appropriate professional~~ health care practitioner for
20 supervision and consultation; and
21 (2) accountability for supervisory activities delegated is maintained by the ~~appropriate professional.~~
22 health care practitioner.

23 ~~(e) Staff who are not licensed by the North Carolina Respiratory Care Board shall only be assigned duties for which~~
24 ~~they have demonstrated competency and shall not engage in providing Respiratory Care as that term is defined in the~~
25 ~~Respiratory Care Practice Act, G.S. 90-648(11). Agencies that are providing clinical respiratory care services must~~
26 ~~provide supervision by a licensed respiratory care practitioner or a registered nurse with sufficient education and~~
27 ~~clinical experience in the scope of the services offered.~~

28 ~~(d)~~ (c) The ~~appropriate supervisor~~ health care practitioner shall supervise an in-home care provider as specified in
29 Paragraph (a) or (b) of this Rule by making a supervisory visit to each client's place of residence ~~at least every three~~
30 ~~months,~~ quarterly with or without the in-home care provider's presence, and ~~at least~~ annually, while the in-home care
31 provider is providing care to each client. The supervisory visit shall include review of the client's general condition,
32 and progress and response to the services provided by the specified type of in-home care provider.

33 ~~(e) A quarterly supervisory visit to the home of each client, by the appropriate professional supervisor for each type~~
34 ~~of in-home care provider as specified in Paragraphs (a) and (b) of this Rule, shall meet the minimum requirement for~~
35 ~~supervision of any and all of the specified type of in-home care providers who have provided service to the client~~
36 ~~within the quarter. The supervisory visit shall include review of the client's general condition, progress and response~~
37 ~~to the services provided by the specified type of in-home care provider.~~

1 ~~(d)~~ (d) Documentation of supervisory visits shall be maintained in the agency's records and shall ~~contain~~ contain date
2 of visit, findings of visit, and signature of person performing the visit.

3 (1) ~~date of visit;~~

4 (2) ~~findings of visit; and~~

5 (3) ~~signature of person performing the visit.~~

6 ~~In order to assure effective supervision of services provided by in-home aides, geographic service areas for these~~
7 ~~services shall be limited to the area which includes the county where the agency is located, counties that are contiguous~~
8 ~~with the county where the agency is located or within 90 minutes driving time from the site where the agency is~~
9 ~~located, whichever is greater. Agencies providing services to any client prior to January 1, 2006 who resides in a~~
10 ~~geographic service areas which prior to January 1, 2006 which are is beyond the counties that are contiguous with the~~
11 ~~county where the agency is located or greater than 90 minutes driving time from the site where the agency is located,~~
12 ~~may continue to provide services to the client these areas until the client is discharged from the agency.~~

13 ~~(e)~~ (e) When follow-up corrective action is needed for any ~~or all of a specified~~ type of in-home care provider based
14 on findings of the supervisory visit, documentation of such corrective action by the ~~appropriate supervisor~~ health care
15 practitioner shall be maintained in the employee(s) or other agency record.

16 ~~(f)~~ (f) ~~An appropriate professional~~ A health care practitioner conducting a supervisory visit for any ~~and all of a~~
17 ~~specified type of in-home care provider may simultaneously conduct the quarterly case review as required in Rule~~
18 ~~.1202 of this Subchapter.~~

19 ~~(g)~~ (g) The ~~appropriate professional~~ health care practitioner shall be ~~continuously~~ available for supervision,
20 supervision ~~on site where services are provided when necessary,~~ during the hours that in-home care services are
21 provided.

23 *History Note: Authority G.S. 131E-140;*

24 *Eff. July 1, 1992;*

25 *Amended Eff. July 1, 1993;*

26 *RRC Objection due to lack of statutory authority and ambiguity Eff. November 16, 1995;*

27 *Amended Eff. February 1, 1996;*

28 *Temporary Amendment Eff. April 1, 2006;*

29 *Amended Eff. November 1, ~~2006-2006~~;*

30 *Readopted Eff. January 1, 2018.*