



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

MEMORANDUM

DATE: June 15, 2017
TO: Interested Parties
FROM: Nadine Pfeiffer, Rule Review Manager *NP*
RE: Proposed Readoption of The Licensing of Home Care Agencies Rules – 10A NCAC 13J

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal analysis that has been prepared in connection with the proposed rule. Eight rules are being readopted as a result of the periodic review of the Subchapter 10A NCAC 13J rules, thereby requiring rules determined as “Necessary With Substantive Public Interest” be readopted through the permanent rulemaking process.

The North Carolina Medical Care Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to readopt the following eight rules:

10A NCAC 13J The Licensing of Home Care Agencies

10A NCAC 13J .0901 Definitions
10A NCAC 13J .1004 Evaluation
10A NCAC 13J .1007 Clients Rights and Responsibilities
10A NCAC 13J .1107 In-Home Aide Services
10A NCAC 13J .1110 Supervision and Competency of In-Home Aides or Other In-Home Care Providers
10A NCAC 13J .1202 Case Review and Plan of Care
10A NCAC 13J .1402 Content of Record
10A NCAC 13J .1502 Scope of Services

In accordance with G.S. 150B-21.4, the Office of State Budget and Management (OSBM) reviewed the proposed rule readoptions and fiscal analysis on February 7, 2017 and updated rule text on April 26, 2017. The OSBM determined these rules have little to no impact on state or local governments and no substantial economic impact. A fiscal note is not required by G.S. 150B-21.3A(d)(2).

OFFICE OF THE DIRECTOR

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The proposed rule text is attached to this memo. The rules were published in today's June 15, 2017 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <http://www.ncoah.com/rules/register>.

A public hearing is scheduled for August 9, 2017 at 10:00 a.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is located in the Dorothea Dix Park. The Commission is accepting public comments on these rules and fiscal analysis from June 15, 2017 – August 14, 2017. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is January 1, 2018.

A copy of the proposed rules, fiscal analysis, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at www2.ncdhhs.gov/dhsr/ruleactions.html.

Should you have questions related to this memorandum or the proposed rule and fiscal note, please feel free to contact the Acute Care Licensure and Certification Section at (919) 855-4620.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
Emery Milliken, Deputy Director, Health Service Regulation
Joel Johnson, Assistant General Counsel, DHHS
Azzie Conley, Section Chief, Acute Care Licensure and Certification
Cindy Deporter, Assistant Section Chief, Acute Care Licensure and Certification
Clarence Ervin, Assistant Section Chief, Acute Care Licensure and Certification
Dr. John Fagg, Chairman, N.C. Medical Care Commission