



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

April 24, 2023

#P0016

MEMORANDUM

TO: N.C. Licensed Adult Care Home & Family Care Home Providers

FROM: Megan Lamphere, Chief   
DHSR Adult Care Licensure Section

RE: EXPIRATION of Waiver/Modification of Enforcement of Adult Care Home and Family Care Home Licensing Rules 10A NCAC Subchapters 13F & 13G granted pursuant to the authority in the 2022 Appropriations Act

On July 7, 2022, North Carolina Session Law 2022-74 (the 2022 Appropriations Act), was enacted and included legislation for emergency flexibilities for certain facilities and services regulated by the Division of Health Service Regulation (DHSR). Section 9E.2.(b) added language to North Carolina General Statute § 131D-7, that granted authority to DHSR to temporarily waive any rules adopted by the Medical Care Commission pertaining to Adult Care Homes and Family Care Homes during a declaration of a public health emergency by the United States Secretary of Health and Human Services (“Secretary”).

Pursuant to the authority vested in Section 319 of the Public Health Service Act, the Secretary determined that a public health emergency existed nationwide as a result of the consequences of the Coronavirus Disease 2019 since January 27, 2020 (COVID-19 Public Health Emergency). Former Secretary Azar renewed the determination on April 21, 2020, July 23, 2020, October 2, 2020, and January 7, 2021, and Secretary Becerra renewed the determination on April 15, 2021, July 19, 2021, October 15, 2021, January 14, 2022, April 12, 2022, and July 15, 2022.

The following blanket waiver was issued by DHSR on August 9, 2022, pursuant to the authority granted in the 2022 Appropriations Act.

**Personal Care Training and Competency.** This extension remains in place, superseding 10A NCAC 13F .0501(b) and 10A NCAC 13G .0501(b). Employees of adult care facilities who provide personal care or who directly supervise those who provide personal care shall now have **nine (9) months** after their date of hire to complete the 80-hour personal care training and competency evaluation program. However, facilities must still assure necessary supervision and on-the-job training for the employee, as provided in 10A NCAC 13F .0501(d) and 10A NCAC 13G .0501(g), until such time as the employee has successfully completed the personal care training and competency evaluation program. Documentation of on-the-job training shall be maintained in the employee’s personnel record.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

ADULT CARE LICENSURE SECTION

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The August 9, 2022, Memorandum stated that the blanket waiver would expire at the end of the COVID-19 Public

Health Emergency. The United States Secretary of Health and Human Services **is planning for the federal Public Health Emergency for COVID-19, declared under Section 319 of the Public Health Service Act, to expire at the end of the day on May 11, 2023.**

**The Personal Care Training and Competency blanket waiver will expire on May 11, 2023, consistent with the end of the COVID-19 Public Health Emergency.** Therefore, employees of adult care facilities who provide personal care or who directly supervise those who provide personal care **hired on or before May 11, 2023, will have nine (9) months** after the date of hire to complete the 80-hour personal care training and competency evaluation program. Employees of adult care facilities who provide personal care or who directly supervise those who provide personal care **hired after May 11, 2023, will have six (6) months** after the date of hire to complete the 80-hour personal care training and competency evaluation program in accordance with 10A NCAC 13F .0501(b) and 10A NCAC 13G .0501(b).

Should you have any questions about this memorandum or need additional information, please contact Megan Lamphere, Section Chief of the Adult Care Licensure Section.

cc: Julie Cronin  
Mark Payne  
Emery Milliken  
Bethany Burgon  
Derek Hunter

