

1 10A NCAC 13J .0901 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13J .0901 DEFINITIONS**

4 Terms used in this Subchapter have the meanings as defined in G.S. 131E-136 and as follows:

- 5 (1) "Activities of Daily Living" (ADL) means mobility, eating, bathing, dressing, ~~toileting, and~~
6 ~~continence, and toileting.~~
- 7 (2) "Agency" means a home care agency.
- 8 (3) "Agency director" means the person having administrative responsibility for the operation of the
9 agency.
- 10 ~~(4) "Allied health personnel" means licensed practical nurses, physical therapy assistants, occupational~~
11 ~~therapy assistants or other health professionals as defined in occupational licensure laws that are~~
12 ~~subject to supervision by a health professional.~~
- 13 ~~(5) "Appropriate professional means a licensed health care professional or a person with a baccalaureate~~
14 ~~degree in social work or an individual who meets the job specifications established for a social~~
15 ~~worker by the Office of State Personnel.~~
- 16 ~~(6)~~ (4) "Client" means a home care client, as defined in G.S. 131E-136 (2b).
- 17 ~~(7)~~ (5) "Clinical respiratory services" means the provision of respiratory equipment and services that
18 involve the assessment of a client's pulmonary status, monitoring of a client's response to ~~therapy~~
19 therapy, and reporting to the client's physician. Procedures include: oximetry, blood gases, delivery
20 of medication via aerosolization, management of ventilatory support equipment, pulmonary
21 function ~~testing~~ testing, and infant monitoring.
- 22 ~~(8)~~ (6) "Department" means the North Carolina Department of Health and Human Services.
- 23 ~~(9)~~ (7) "Extensive Assistance" means a client is ~~totally~~ dependent or requires ~~weight bearing support hands~~
24 on assistance more than half the time while performing part of an activity, ~~such as guiding or~~
25 ~~maneuvering of limbs~~, and meets one of the following criteria:
- 26 (a) ~~Requires~~ requires extensive assistance in more than two activities of daily living (ADLs),
27 as defined in Item (1) of this Rule; ~~or~~
- 28 (b) ~~Needs~~ needs an in-home aide to perform at least one task at the nurse aide II level; or
- 29 (c) ~~Requires~~ requires extensive assistance in more than one ADL and has a medical or
30 cognitive impairment as defined in ~~Item (19)~~ item (20) of this Rule.
- 31 ~~(10)~~ (8) "Follow-up care" means services provided to a licensed hospital's discharged ~~clients~~ client in their
32 ~~homes~~ home by a hospital's employees. No services except pulmonary care, pulmonary
33 ~~rehabilitation~~ rehabilitation, or ventilator services shall exceed three visits in any two month period
34 and shall not extend beyond a 12 month period following discharge.
- 35 ~~(11)~~ (9) "Governing body" means the person or group of persons having legal authority for the operation of
36 the agency.

- 1 ~~(12)~~ (10) "Hands-on care" means any home care service ~~which~~ that involves touching the patient in order to
 2 implement the patient's plan of care.
- 3 (11) "Health care practitioner" means as defined in G.S. 90-640(a).
- 4 ~~(13)~~ (12) "Infusion nursing services" means those services related to the administration of pharmaceutical
 5 agents directly into a body organ or cavity. Routes of administration include ~~but are not limited to~~
 6 sub-cutaneous intravenous, intraspinal, ~~epidural~~ epidural, or intrathecal infusion. Administration
 7 shall be by or under the supervision of a registered nurse in accordance with their legal scope of
 8 practice.
- 9 ~~(14)~~ "In-home aide" means an individual who provides hands-on care to home care clients.
- 10 ~~(15)~~ (13) "In-home aide services" are hands-on ~~paraprofessional~~ services ~~which~~ that assist individuals, their
 11 ~~family~~ family, or both with home management tasks, personal care tasks, or supervision of the
 12 client's activities, or all of the above, to enable the individual, their family or both, to remain and
 13 function ~~effectively at home as long as possible.~~ home.
- 14 ~~(16)~~ (14) "In-home care provider" means any individual who provides home care services as enumerated in
 15 G.S. 131E-136.
- 16 (15) "Instrumental Activities of Daily Living" (IADL) means meal preparation, housekeeping,
 17 medication reminders, shopping, errands, transportation, money management, phone use, reading,
 18 and writing.
- 19 (16) "Licensed Clinical Social Worker" means as defined in G.S. 90B-3(6a).
- 20 (17) "Licensed practical nurse" means ~~a person licensed as such, pursuant to~~ as defined in G.S. 90-
 21 ~~471.30.~~ G.S. 90-171.30 or G.S 90-171.32.
- 22 (18) "Limited Assistance" means care to a client who requires hands-on care involving guided
 23 maneuvering of limbs with eating, toileting, bathing, dressing, personal hygiene, self-monitoring of
 24 ~~medications~~ medications, or other tasks assigned that require weight bearing assistance half the time
 25 or less during the activity and does not meet the definition of extensive assistance in ~~Item (9)~~ Item
 26 (8) of this Rule.
- 27 (19) "Medical or cognitive impairment" means a diagnosis and client assessment that documents at least
 28 one of the following:
- 29 (a) ~~Pain~~ pain that is present more than half the time that interferes with an individual's activity
 30 or ~~movement.~~ movement.
- 31 (b) ~~Dyspneic~~ dyspneic or noticeably short of breath with minimal exertion during the
 32 performance of ADLs and requires continuous use of ~~oxygen.~~ oxygen; or
- 33 (c) ~~Individual~~ individual is not alert and oriented or is unable to shift attention and recall
 34 directions more than half the time.
- 35 ~~(20)~~ "Medical social services" means those professional services provided to individuals in their homes
 36 by a medical social worker, or by a medical social worker assistant under the supervision of a

~~medical social worker, when provided by an agency in conjunction with other nursing or therapy services provided by the same agency.~~

~~(21) "Medical social worker" means a person with a master's degree from a school of social work approved by the Council on Social Work Education who is eligible for certification by the North Carolina Social Work Certification Licensure Board as a Certified Master Social Worker.~~

~~(22) "Medical social worker assistant" means a person who has a baccalaureate degree in social work, psychology, sociology, or other field related to social work, and has had at least one year of social work experience.~~

~~(23)~~ (20) "Nursing registry" means a person or organization that maintains a list of nurses or in-home aides or both that is made available to persons seeking nursing care or in-home aide ~~services~~ service, but does not collect a placement fee from the worker or client, coordinate the delivery of services or supervise or control the provision of services.

~~(24)~~ (21) "Nursing services" means professional services provided by a registered nurse or a licensed practical nurse under the supervision of a registered nurse.

~~(25)~~ (22) "Occupational therapist" means ~~a person licensed as such, pursuant to~~ as defined in G.S. 90-270.70- G.S. 90-270.67(2) or G.S. 90-270.72.

~~(26)~~ (23) "Occupational therapist assistant" means ~~a person licensed as such, pursuant to~~ as defined in G.S. 90-270.70- G.S. 90-270.67(3) or G.S. 90-270.72.

~~(27)~~ (24) "Occupational therapy services" means ~~professional services provided by a licensed occupational therapist or a licensed occupational therapist assistant under the supervision of a licensed occupational therapist.~~ as defined in G.S. 90-270.67(4).

~~(28) "Paraprofessional" means an in home care provider who does not hold a professional license or professional certification and through the nature of their duties assists a professional.~~

~~(29)~~ (25) "On-call services" means unscheduled home care services made available to clients on a 24-hour basis.

~~(30)~~ (26) "Personal care" ~~includes tasks that range from~~ means assistance to an individual with ~~basic personal hygiene, grooming, feeding and ambulation to~~ Activities of Daily Living and ~~medical monitoring and other health care related tasks.~~ monitoring.

~~(31)~~ (27) "Physical therapist" means ~~a person licensed as such, pursuant to~~ as defined in G.S. 90-270.29- G.S. 90-270-24(2), G.S. 90-270-30, or G.S. 90-270-31(b).

~~(32)~~ (28) "Physical therapist assistant" means ~~a person licensed as such pursuant to~~ as defined in G.S. 90-270.29- G.S. 90-270.24(2) or G.S. 90-270-31(b).

~~(33)~~ (29) "Physical therapy services" means ~~professional services provided by a licensed physical therapist or a licensed physical therapist assistant under the supervision of a licensed physical therapist.~~ as defined in G.S. 90-270.24(4).

~~(34)~~ (30) "Physician" means ~~a person licensed as such, pursuant to~~ as defined in G.S. 90-15- G.S.90-9.1 or G.S. 90-9.2.

1 ~~(35)~~ (31) "Plan of care" means the written description of the authorized home care services and tasks to be
2 provided to a client.

3 (32) "Practice of respiratory care" means as defined in G.S.90-648(10).

4 ~~(36)~~ (33) "Premises" means the location or licensed site ~~from which~~ that the agency provides home care
5 services or maintains client service records or advertises itself as a home care agency.

6 ~~(37)~~ (34) "Qualified" means suitable for employment as a consequence of having met the standards of
7 education, experience, ~~licensure~~ licensure, or certification established in the applicable job
8 description created and adopted by the agency.

9 ~~(38)~~ (35) "Registered nurse" means ~~a person licensed as such, pursuant to~~ as defined in G.S. 90-171.30.
10 G.S.90-171.30 or G.S. 90.171.32.

11 ~~(39)~~ "Respiratory therapist" means ~~a person who is credentialed by the National Board for Respiratory~~
12 ~~Care.~~

13 ~~(40)~~ (36) "Respiratory care practitioner" means ~~those persons licensed in the state of North Carolina who~~
14 ~~provide clinical respiratory services in a client's home.~~ as defined in G.S. 90-648 (12).

15 ~~(41)~~ (37) "Scope of services" means those specific services provided by a licensed agency as listed on their
16 home care license.

17 ~~(42)~~ (38) "Survey" means an inspection by the Division of Health Service Regulation in order to assess the
18 compliance of agencies with the home care licensure rules.

19 ~~(43)~~ (39) "Social worker" means ~~a person who meets the qualifications of the North Carolina Office of State~~
20 ~~Personnel for social workers.~~ as defined in G.S 90B-3(8).

21 ~~(44)~~ (40) "Speech and language pathologist" means ~~a person licensed as such, pursuant to G.S. 90-294.~~ as
22 defined in G.S. 90-293(5).

23 ~~(45)~~ ~~Speech therapy means professional services provided by a licensed speech and language pathologist.~~

24 ~~(46)~~ (41) "Skilled Services" means all home care services enumerated in G.S. 131E-136(3) with the exception
25 of in-home aide services.

26 (42) "The practice of speech and language pathology" means as defined in G.S. 90-293(7).

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28 *History Note: Authority G.S. 131E-136; 131E-140;*
29 *Eff. July 1, 1992;*
30 *RRC Objection due to lack of statutory authority Eff. November 16, 1995;*
31 *Amended Eff. January 1, 2010; February 1, ~~1996-1996;~~*
32 *Readopted Eff. January 1, 2018.*