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Date: June 16, 2017 at 1:14:38 PM EDT
To: "Hill, Greta D" <greta.hill@dhhs.nc.gov>
Subject: Question about Rules

Hi, Greta

I have questions about the proposed in home aide rules that I got from the list serve.

First question:

On 10A NCAC 13J .1107 In Home Aide Services, line 35 (g) discusses the Home and Community Care Block Grant and the Social Services Block Grant rules regarding levels and following those rules. Then it says all other agencies shall comply with a-f .

What is confusing is that the last line that says that all other agencies have to comply with (a)-(f). If the agency is licensed and receiving these funds for providing personal care services, wouldn't these agencies still have to comply with (a)-(f)?

Perhaps it would be less confusing and to provide more clarity if this section is referring to personal care if the last line was restated or deleted. If the intent is to reference the levels that Aging and DSS network use, perhaps it would be helpful to add that these agencies still need to meet a-f if providing personal care.

The second item is on Social Worker:

Second question:

Social Worker is now defined as 90B3-(8)-

- (8) Social Worker. - A person certified, licensed, or associate licensed by this Chapter or otherwise exempt under G.S. 90B-10. (1983, c. 495, s. 1; 1991, c. 732, s. 1; 1999-313, s. 1; 2007-379, s. 1; 2009-88, s. 1; 2012-72, s. 2; 2013-410, s. 8.)

90B 10-

90B-10. Exemption from certain requirements.

(a) Applicants who were engaged in the practice of social work before January 1, 1984, shall be exempt from the academic qualifications required by this act for Certified Social Workers and Certified Social Work Managers and shall be certified upon passing the Board examination and meeting the experience requirements, if any, for certification of persons in that classification.

(b) The following may engage in clinical social work practice without meeting the requirements of G.S. 90B-7(d):

- (1) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

(2) A student completing a clinical requirement for graduation while pursuing a course of study in social work in an institution accredited by or in candidacy status with the Council on Social Work Education.

(3) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

(c) Notwithstanding the requirements of G.S. 90B-16, any individual who is employed by an agency of a local or State governmental entity, and who is in a position holding the title of "Social Worker" or any variation of the name, and whose position title is derived from the Office of State Human Resources Social Work Series may use the title "Social Worker" or any variation of the title. This includes persons in such positions in counties whose classification and compensation systems have been certified as substantially equivalent by the State Human Resources Commission and persons serving in such positions in Human Services agencies created by counties pursuant to G.S. 153A-77. (1983, c. 495, s. 1; 1991, c. 732, s. 5; 1993 (Reg. Sess., 1994), c. 745, s. 38.1; 1996, 2nd Ex. Sess., c. 18, s. 24.11; 1997-443, s. 11.31; 2007-379, s. 4; 2009-88, s. 2; 2013-382, s. 9.1(c).)

90B-16. Title protection.

(a) Except as provided in G.S. 90B-10, an individual who (i) is not certified, licensed, or associate licensed by this Chapter as a social worker, (ii) does not hold a bachelor's or master's degree in social work from a college or university having a social work program accredited or admitted to candidacy for accreditation by the Council of Social Work Education, or (iii) has not received a doctorate in social work shall not use the title "Social Worker" or any variation of the title.

(b) The Board is authorized to enforce title protection pursuant to this section in accordance with G.S. 90B-13.

(c) The Board shall adopt rules to implement this section. (2009-88, s. 3; 2012-72, s. 4.)

Does 90B 10 and 90B 16 cover an individual who is performing the duties of a social worker and may be called a social worker in an agency that may operate under the auspices of a county but is not county run? In other words, does this definition cover a Council on Aging agency that may contract with county government to provide home management only in home aide services and who have social workers who provide assessments and supervision for in home management services? Does it cover an agency that is providing home management only if it is a nonprofit entity?

Greta, please call me if you have questions.

Thanks,

Glenda

Glenda Artis

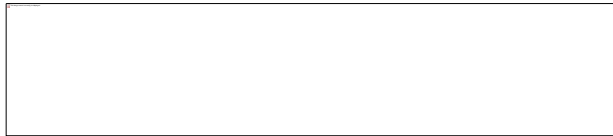
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