

1 10A NCAC 13F .0604 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13F .0604 ~~PERSONAL CARE AND OTHER STAFFING~~ MANAGEMENT OF FACILITIES**
4 **WITH A CENSUS OF 81 OR MORE RESIDENTS**

5 ~~(a) Adult care homes shall staff to the licensed capacity of the home or to the resident census. When a home is staffing~~
6 ~~to resident census, a daily census log shall be maintained which lists current residents by name, room assignment and~~
7 ~~date of admission and must be available for review by the Division of Health Service Regulation and the county~~
8 ~~departments of social services.~~

9 ~~(b) Homes with capacity or census of 12 or fewer residents shall comply with the following.~~

10 ~~(1) — At all times there shall be an administrator or administrator in charge in the home or within 500 feet~~
11 ~~of the home with a means of two way telecommunication.~~

12 ~~(2) — When the administrator or administrator in charge is not on duty within the home, there shall be at~~
13 ~~least one staff member on duty on the first and second shifts and at least one staff member on call~~
14 ~~within the building on third shift. There shall be a call system connecting the bedroom of the staff~~
15 ~~member, who may be asleep on the third shift, with each resident's bedroom.~~

16 ~~(3) — When the administrator or administrator in charge is on duty within the home on the first and second~~
17 ~~shifts and on call within the home on the third shift, another staff member (i.e., co-administrator,~~
18 ~~administrator in charge or aide) shall be in the building or within 500 feet of the home with a means~~
19 ~~of two way telecommunication at all times.~~

20 ~~(4) — The administrator shall prepare a plan of operation for the home (each home in a cluster) specifying~~
21 ~~the staff involved, their regularly assigned duties and the amount of time estimated to be spent for~~
22 ~~each duty. There shall be a current plan of operation on file in the home, available for review by~~
23 ~~the Division of Health Service Regulation and the county department of social services.~~

24 ~~(5) — At least 12 hours shall be spent daily providing for the personal services, health services, drug~~
25 ~~management, planned activities, and other direct services needed by the residents. These duties are~~
26 ~~the primary responsibility of the staff member(s) on duty on the first and second shifts; however,~~
27 ~~other help, such as administrator in charge and activities coordinator may be used to assist in~~
28 ~~providing these services.~~

29 ~~(6) — Between the hours of 9 p.m. and 7 a.m. the staff member on duty and the person on call may perform~~
30 ~~housekeeping and food service duties as long as a staff member can respond immediately to resident~~
31 ~~calls or the residents are otherwise supervised. The duties shall not hinder care of residents or~~
32 ~~immediate response to resident calls, disrupt residents' normal lifestyles and sleeping patterns, nor~~
33 ~~take a staff member out of view of where the residents are.~~

34 ~~(7) — There shall be staff available daily to assure housekeeping and food service.~~

35 ~~(c) A cluster of homes with capacity or census of 12 or fewer residents shall comply with the following staffing:~~

36 ~~(1) — When there is a cluster of up to six licensed homes located adjacently, there shall be at least one~~
37 ~~administrator or administrator in charge who lives within 500 feet of each of the homes with a~~

1 means of two-way telecommunication at all times and who is directly responsible for assuring that
 2 all required duties are carried out in each home; and

- 3 (2) — In each of the homes, at least one staff member shall be on duty on the first and second shifts and at
 4 least one staff member shall be on call within the building during the third shift. There shall be a
 5 call system connecting the bedroom of the staff member, who may be asleep on the third shift, with
 6 each resident's bedroom.

7 (d) ~~Homes with capacity or census of 13-20 shall comply with the following staffing. When the home is staffing to~~
 8 ~~census and the census falls below 13 residents, the staffing requirements for a home with 12 or fewer residents shall~~
 9 ~~apply.~~

- 10 (1) — At all times there shall be an administrator or administrator in charge in the home or within 500 feet
 11 of the home with a means of two-way telecommunication.

- 12 (2) — When the administrator or administrator in charge is not on duty within the home, there shall be at
 13 least one staff member on duty on the first, second and third shifts.

- 14 (3) — When the administrator or administrator in charge is on duty within the home, another staff member
 15 (i.e. co-administrator, administrator in charge or aide) shall be in the building or within 500 feet of
 16 the home with a means of two-way telecommunication at all times.

- 17 (4) — The job responsibility of the staff member on duty within the home is to provide the direct personal
 18 assistance and supervision needed by the residents. Any housekeeping duties performed by the staff
 19 member between the hours of 7 a.m. and 9 p.m. shall be limited to occasional, non-routine tasks.
 20 The staff member may perform housekeeping duties between the hours of 9 p.m. and 7 a.m. as long
 21 as such duties do not hinder care of residents or immediate response to resident calls, do not disrupt
 22 residents' normal lifestyles and sleeping patterns and do not take the staff member out of view of
 23 where the residents are. The staff member on duty to attend to the residents shall not be assigned
 24 food service duties.

- 25 (5) — In addition to the staff member(s) on duty to attend to the residents, there shall be staff available
 26 daily to perform housekeeping and food service duties.

27 (e) ~~Homes with capacity or census of 21 or more shall comply with the following staffing. When the home is staffing~~
 28 ~~to census and the census falls below 21 residents, the staffing requirements for a home with a census of 13-20 shall~~
 29 ~~apply.~~

- 30 (1) — The home shall have staff on duty to meet the needs of the residents. The daily total of aide duty
 31 hours on each 8-hour shift shall at all times be at least:

32 (A) — First shift (morning) ~~16 hours of aide duty for facilities with a census or capacity of 21 to~~
 33 ~~40 residents; and 16 hours of aide duty plus four additional hours of aide duty for every~~
 34 ~~additional 10 or fewer residents for facilities with a census or capacity of 40 or more~~
 35 ~~residents. (For staffing chart, see Rule .0606 of this Subchapter.)~~

36 (B) — Second shift (afternoon) ~~16 hours of aide duty for facilities with a census or capacity of~~
 37 ~~21 to 40 residents; and 16 hours of aide duty plus four additional hours of aide duty for~~

1 ~~every additional 10 or fewer residents for facilities with a census or capacity of 40 or more~~
 2 ~~residents. (For staffing chart, see Rule .0606 of this Subchapter.)~~

3 ~~(C) — Third shift (evening) 8.0 hours of aide duty per 30 or fewer residents (licensed capacity~~
 4 ~~or resident census). (For staffing chart, see Rule .0606 of this Subchapter.)~~

5 ~~(D) — The facility shall have additional aide duty to meet the needs of the facility's heavy care~~
 6 ~~residents equal to the amount of time reimbursed by Medicaid. As used in this Rule, the~~
 7 ~~term, "heavy care resident", means an individual residing in an adult care home who is~~
 8 ~~defined as "heavy care" by Medicaid and for which the facility is receiving enhanced~~
 9 ~~Medicaid payments.~~

10 ~~(E) — The Department shall require additional staff if it determines the needs of residents cannot~~
 11 ~~be met by the staffing requirements of this Rule.~~

12 ~~(2) — The following describes the nature of the aide's duties, including allowances and limitations:~~

13 ~~(A) — The job responsibility of the aide is to provide the direct personal assistance and~~
 14 ~~supervision needed by the residents.~~

15 ~~(B) — Any housekeeping performed by an aide between the hours of 7 a.m. and 9 p.m. shall be~~
 16 ~~limited to occasional, non-routine tasks, such as wiping up a water spill to prevent an~~
 17 ~~accident, attending to an individual resident's soiling of his bed, or helping a resident make~~
 18 ~~his bed. Routine bed making is a permissible aide duty.~~

19 ~~(C) — If the home employs more than the minimum number of aides required, any additional~~
 20 ~~hours of aide duty above the required hours of direct service between 7 a.m. and 9 p.m.~~
 21 ~~may involve the performance of housekeeping tasks.~~

22 ~~(D) — An aide may perform housekeeping duties between the hours of 9 p.m. and 7 a.m. as long~~
 23 ~~as such duties do not hinder the aide's care of residents or immediate response to resident~~
 24 ~~calls, do not disrupt the residents' normal lifestyles and sleeping patterns, and do not take~~
 25 ~~the aide out of view of where the residents are. The aide shall be prepared to care for the~~
 26 ~~residents since that remains his primary duty.~~

27 ~~(E) — Aides shall not be assigned food service duties; however, providing assistance to individual~~
 28 ~~residents who need help with eating and carrying plates, trays or beverages to residents is~~
 29 ~~an appropriate aide duty.~~

30 ~~(3) — In addition to the staffing required for management and aide duties, there shall be sufficient~~
 31 ~~personnel employed to perform housekeeping and food service duties.~~

32 ~~(f) Information on required staffing shall be posted in the facility according to G.S. 131D 4.3(a)(5).~~

33 a) For an adult care home with a census of 81 or more residents, there shall be an administrator on-duty at the facility
 34 at least eight hours per day, five days per week and shall not serve simultaneously as a personal care aide supervisor
 35 or other staff to meet staffing requirements while on duty as an administrator or be an administrator for another adult
 36 care home except as follows. If there is more than one facility under the same ownership on a contiguous parcel of
 37 land or campus setting, and the combined licensed capacity of the facilities is 200 beds or less, there may be one

1 administrator on duty for all the facilities on the campus. The administrator shall not serve simultaneously as a personal
2 care aide supervisor or other staff in this campus setting.

3 (b) When the administrator is not on-duty, there shall be a manager on-duty. The supervisor may serve simultaneously
4 as the manager if the individual meets the qualifications required in Rule .0402 of this Subchapter. Each facility on a
5 contiguous parcel of land or campus setting, as described in Paragraph (a) of this Rule, shall have a person designated
6 as the manager in the facility when the administrator is not on-duty.

7 (c) The administrator shall be on-call, at all times when not on-duty.

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9 *History Note: Authority G.S. 131D-2.16; ~~131D-4.3~~; 131D-4.5; 131D-25; 143B-165;*

10 *Eff. January 1, 1977;*

11 *Readopted Eff. October 31, 1977;*

12 *Amended Eff. December 1, 1991; September 1, 1990; July 1, 1990; April 1, 1984;*

13 *Temporary Amendment Eff. January 1, 2000; December 1, 1999;*

14 *Amended Eff. July 1, 2005; July 1, ~~2000~~; 2000;*

15 *Readopted Eff. September 1, 2024.*