



NORTH CAROLINA ASSISTED LIVING ASSOCIATION

NCALA

3392 Six Forks Road
Raleigh NC 27609

June 16, 2025

Ms. Shanah Black
809 Ruggles Drive
2701 Mail Service Center
Raleigh, NC 27699
Email: dhhs.rulescoordinator@dhhs.nc.gov

Re: Comments to Proposed Amendment of Licensing of Adult Care Homes of Seven or More Beds and Licensing of Family Care Homes Rules 10A NCAC 13F and 10A NCAC 13G as published April 15, 2025 in the North Carolina Register, Volume 39, Issue 20, pages 1354-1358

Dear Ms. Black,

I represent the NC Assisted Living Association and the many adult care homes that comprise NC Assisted Living Association.

We have a number of proposed changes to the rules in question and contained in 10A NCAC 13F and 13G .1604 as noted on the attached document (See areas **highlighted in yellow**).

Specifically, under (b) we propose allowing a facility that has recently experienced a change of ownership to request an expedited annual and biennial survey in an attempt to improve its star rating to better reflect the current compliance status of the facility. We are of the opinion that the language in .1602(b) punishes the new owner for past compliance and ratings that they were not responsible for, and we propose the new owner should have the opportunity to start with a rating at 100 points just as someone opening a facility for the first time.

Other proposed changes in (c) are outlined below.

(c)(1) Merit Points (A) through (G), we propose the following changes:

- (A) Increase the merit points equal to the number of demerit points (2.0 points) that were previously subtracted from the rating for a standard deficiency;
- (B) Increase the merit points equal to the number of demerit points (3.5 points) that were previously subtracted from the rating for a Type B violation;

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- (C) Increase the merit points equal to the number of demerit points (3.5 points) that were previously subtracted from the rating for an uncorrected Type B violation;
- (D) Increase the merit points equal to the number of demerit points (10 points) that were previously subtracted from the rating for a Type A1 or Type A2 violation;
- (E) Increase the merit points equal to the number of demerit points (10 points) that were previously subtracted from the rating for an uncorrected Type A1 or Type A2 violation;
- (F) Increase the merit points equal to the number of demerit points (10 points) that were previously subtracted from the rating for a suspension of admissions;
- (G) Increase the merit points equal to the number of demerit points (10 points) that were previously subtracted from the rating as a result of a full license being downgraded to a provisional license.

The rationale for the above proposed changes and the accompanying attachment derives from the fact that we fundamentally believe that if a facility has been cited with deficiencies or undergone administrative sanctions, has submitted an acceptable plan of correction to DHSR and made an effort to and has, in fact, corrected the problems that led to the deficiencies or sanction(s), they should not be made to continue suffering for problems that are no longer present or valid. In essence, the provider has “paid it dues” in terms of already having its rated certificate downgraded and in the face of putting in place corrective actions that DHSR has determined have now brought the facility back in to compliance, the facility should be allowed to receive full credit, as opposed to half credit, for its work in achieving compliance. An analogy to this would be a restaurant that had its sanitation grade downgraded from an A to a B rating and has put in place corrective actions that the local health department has deemed acceptable, but the health department only gives the restaurant half credit for fixing its problems and still keeps the restaurant at a B rating.

The last proposed change to the rules in question under 13F & 13G .1604(c)(1) Merit Points is under (K) as noted on the attached document (See areas **highlighted in yellow**), which awards .5 merit points *“If the facility’s designated on-site staff member who directs the facility’s control activities in accordance with G.S. 131D-4.4A has completed the “Infection Control in Long Term Care Facilities” course offered by the University of North Carolina Statewide Program for Infection Control and Epidemiology (SPICE) every two years...”*

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Given that the above referenced SPICE course costs \$500, which doesn't include the staff person's time and travel expenses, we believe every two years should be changed to every three years and that the facility receive 1 merit point for its efforts in this area. In addition, it is our understanding that this course is only offered twice a year and is limited to a certain number of students, which in our opinion, will make it challenging for folks to complete the course. Overall, we believe if there was more flexibility and incentives in terms of length of time and points awarded, more facilities may be willing to expend the money and resources to pay for the training and associated staff time to attend and this may directly impact facilities' compliance with infection control standards and quality of care provided to residents.

Thank you and the Division and Commission for your time and effort to provide a fair and incentivized rated certificates system for our adult care home and family care home providers to correct identified problems and remain in compliance. As such, it is our hope that the Division and Commission seriously consider our comments and implement our recommended changes accordingly.

Sincerely,

Frances Messer, NCALA President & CEO

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