

1 10A NCAC 13E .0403 is amended under temporary procedures as follows:

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3 **10A NCAC 13E .0403 STAFF AND STAFFING**

4 (a) Each staff person shall:

- 5 (1) have a job description that reflects actual duties and responsibilities determined by the program and
6 shall be signed by the administrator and the employee;
- 7 (2) ~~have a tuberculin skin test within 12 months prior to hire and annually thereafter;~~ be tested for
8 tuberculosis disease in compliance with control measures adopted by the Commission for Public
9 Health as specified in 10A NCAC 41A .0205, which is hereby incorporated by reference, including
10 subsequent amendments;
- 11 (3) be able to implement all of the program's policies and procedures as defined in Rule .0501 of this
12 Subchapter and accident, fire safety, and emergency procedures for the protection of the
13 participants;
- 14 (4) be informed of the confidential nature of participant information and protect and preserve the
15 information from unauthorized use and disclosure;
- 16 (5) not hinder or interfere with the exercise of the rights as defined by program policy;
- 17 (6) have no substantiated findings listed on the North Carolina Health Care Personnel Registry pursuant
18 to G.S. 131E-256;
- 19 (7) have a statewide criminal background check, upon hire, of the past five years in accordance with
20 G.S. 143B-932; and
- 21 (8) cooperate with inspectors and the monitoring and licensing agencies in complying with the rules of
22 this Subchapter.

23 (b) Any staff member left in charge of the care of participants shall be 18 years or older.

24 (c) ~~The staffing pattern shall be adequate~~ There shall be staff on duty to meet the needs of each participant, with at
25 least one staff ~~person present on duty and awake~~ person at all times qualified to administer medications as defined by Rule
26 .0702 of this Subchapter and trained to provide personal care and supervision to current participants.

27 (d) In a facility with a census of 7 to 12 participants, there shall be at least two staff persons on duty and awake at all
28 times who are responsible for providing personal care and supervision to participants, with at least one of the staff
29 persons qualified to administer medications as defined by Rule .0702 of this Subchapter. The staff persons shall be
30 trained to provide personal care and supervision to current participants.

31 (e) Staff assigned to provide personal care and supervision duties shall not provide food service and housekeeping
32 duties, except when housekeeping duties are incidental to the rendering of care services and do not hinder the assigned
33 staff's duties of care or immediate response to participants, nor impede the assigned staff member's ability to monitor
34 the participants. For the purposes of this Rule, "food service duties" means tasks performed by staff related to serving
35 meals to participants, including assisting with food preparation, arranging and setting the dining tables, serving food
36 and beverages, and cleaning the dining room after meal service is complete, and "housekeeping duties" means tasks
37 performed by staff such as cleaning and sanitizing facility common areas and resident rooms.

1 (f) There shall be additional staff employed to provide food service and housekeeping duties.

2 ~~(d)(g)~~ Services required beyond personal care and supervision shall not be provided unless staff satisfies the license
3 requirements applicable to such services.

4 (h) There shall be documentation on file in the facility of staff qualifications required by Subparagraphs (1), (2), (6),
5 and (7) in Paragraph (a) of this Rule and medication administration competency evaluation as required in .0702 of this
6 Subchapter.

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8 *History Note: Authority G.S. 131D-6.1;*

9 *Eff. April 1, ~~2017~~. 2017;*

10 *Temporary Amendment Eff. November 1, 2026.*

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