



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary


MARK PAYNE • Director, Division of Health Service Regulation

August 16, 2024

Memo #P0035

MEMORANDUM

TO: N.C. Licensed Family Care Home Providers

FROM: Megan Lamphere, Chief 
DHSR Adult Care Licensure Section

RE: **Rule Changes Effective September 1, 2024**
10A NCAC 13G. 0102 List of Definitions
10A NCAC 13G .0404 Qualifications of Activity Director
10A NCAC 13G .0601 Management and Other Staff

As you are aware, the N.C. Medical Care Commission, in partnership with the Division of Health Service Regulation Adult Care Licensure Section, are re-adopting various family care home rules in accordance with the “Periodic Review of Existing Rules” process required in N.C. Gen. Stat. 150B. According to the law, rules identified during the initial review as being “necessary with substantive interest” must be re-adopted. The re-adoption process includes review by a rule re-adoption workgroup made up of representatives who are providers members of the two industry associations, resident advocacy groups, county departments of social services, the Ombudsman program, and relevant state agencies. The goal of the workgroup and re-adoption of rules is to ensure that rules are clear and unambiguous, are in line with current practices and laws, and protect the health, safety and rights of residents.

The following rules were approved for re-adoption by the N.C. Rules Review Commission on June 26, 2024 and the changes are effective September 1, 2024:

10A NCAC 13G. 0102 List of Definitions (Adopt)
10A NCAC 13G .0404 Qualifications of Activity Director (Amend)
10A NCAC 13G .0601 Management and Other Staff (Readopt)

Important rule changes to note effective September 1, 2024, include:

- New Rule: 10A NCAC 13G .0102 List of Definitions to clarify terms used throughout the adult care home rules
- Changes to the Activity Director qualifications to eliminate alternative exam option and update rule to reflect current professional terminology
- Updates to clarify specific management responsibilities to include the investigation and reporting of resident abuse, neglect, exploitation, drug diversion, elopement, missing residents, incidents involving hospitalizations or death, and clarifies that the administrator shall be aware when staffing requirements cannot be met and any time the facility seeks the assistance of local law enforcement

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

ADULT CARE LICENSURE SECTION

LOCATION: 801 Biggs Drive, Brown Building, Raleigh, NC 27603
MAILING ADDRESS: 2708 Mail Service Center, Raleigh, NC 27699-2708
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3765 • FAX: 919-733-9379

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

August 16, 2024

- The terms “relief person-in-charge” and “relief supervisor-in-charge” have been eliminated for clarity. Requirements have been updated to include a staff person who meets the staff qualification requirements.
- Requirements for posting staffing information, including the contact information of the Administrator and Supervisor-in-Charge, in the facility

Please be sure to update your staff and colleagues, as well as your records, with these changes. Additionally, to ensure you have the most current set of rules for adult care homes, download copies of 10A NCAC 13G from the Adult Care Licensure Section website at <https://info.ncdhhs.gov/dhsr/acls/rules.html>.

Courtesy copies of the new revised rules and of the rules showing the changes made are enclosed with this memorandum. Also for your convenience, a Rule Comparison Chart is included to aid in understanding how this group of rules is now organized and where notable changes have been made.

Thank you for the care and services you continue to provide each day to the residents living in North Carolina family care homes.

Please direct any questions you may have about this memorandum to DHSR.AdultCare.Questions@dhhs.nc.gov.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

ADULT CARE LICENSURE SECTION

LOCATION: 815 Palmer Drive, Dobbin Building, Raleigh, NC 27603
MAILING ADDRESS: 2708 Mail Service Center, Raleigh, NC 27699-2708
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3765 • FAX: 919-733-9379

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

DHSR Adult Care Licensure Section
10A NCAC 13G - Family Care Homes (2-6 beds)
Rule Comparison Chart - Rules Effective 9/1/2024

New Rule & ASPEN Tag Number* (effective 9/1/24)	Previous Rule & ASPEN Tag Number (prior to 9/1/24)	Key Changes & Important Information to Note
Rule: 13G .0102 List of Definitions Tag: 001	No previous rule or tag number. This is a new rule.	<ul style="list-style-type: none"> Clarifies terms used throughout the family care home rules
Rule: 13G .0404 Qualifications of Activity Director Tag(s): 138, 139	Rule: 13G .0404 Qualifications of Activity Director Tag(s): 138, 139	<ul style="list-style-type: none"> Updates terms to be consistent with professional standards
Rule: 13G .0601 Management and Other Staff Tag(s): 185, 186, 187, 188, 189	Rule: 13G .0601 Management and Other Staff Tag(s): 185, 186, 187, 188, 189, 190, 191, 192	<ul style="list-style-type: none"> Clarifies specific responsibilities of the Administrator and Supervisor-in-Charge, including knowledge and communication of certain incidents and events Terms “relief person in charge” and “relief supervisor in charge” have been eliminated as they created confusion and ambiguity related to the roles these staff persons play in a family care home and the qualifications they must meet to ensure the health and safety of the residents in their care. Requires the contact information of the Administrator and Supervisor-in-Charge shall also be posted in the facility to ensure residents and families are aware of who they can contact with questions or concerns.

***ASPEN Tag Number” refers to the tag number assigned to each rule in the ASPEN Central Office database used by the DHSR Adult Care Licensure Section for generating a Statement of Deficiencies (SOD) report.*

**RULES FOR
THE LICENSING OF
FAMILY CARE HOMES
(2-6 BEDS)**

10A NCAC 13G

Rules Effective September 1, 2024

10A NCAC 13G .0102 LIST OF DEFINITIONS

In addition to the definitions set forth in G.S. 131D-2.1, the following definitions shall apply throughout this Subchapter:

- (1) "Abuse" as defined in G.S. 131D-2.1.
- (2) "Activities of daily living" means bathing, dressing, personal hygiene, ambulation, or locomotion, transferring, toileting, and eating.
- (3) "Acute care needs" means symptoms or a condition that develops quickly and is not a part of the resident's baseline health or mental health status or is a change or worsening in the symptoms of a resident's chronic condition, which may have a slower onset and worsen over time.
- (4) "Administrator" means the term as defined in G.S. 90-288.13 and G.S. 131D-2.1.
- (5) "Adult care home" means the term as defined in G.S. 131D-2.1.
- (6) "Alternative examination" means a test developed and administered by the Department to meet the educational requirements of an activity director or supervisor-in-charge for those applicants who do not possess a high school diploma or General Education Diploma (G.E.D.) prior to September 1, 2024.
- (7) "Aide duty" means time spent by qualified staff providing assistance with activities of daily living, medication administration, or supervision of residents as determined by the resident's assessment, care plan, physician's orders, and current symptoms.
- (8) "Ambulatory" means able to respond and evacuate a facility without physical or verbal prompting from staff or another person.
- (9) "Department" means the North Carolina Department of Health and Human Services.
- (10) "Discharge" means a resident's termination of their residency at the adult care home, resulting in the resident's move to another location.
- (11) "Exploitation" means the term as defined in G.S. 131D-2.1.
- (12) "Facility" means a licensed family care home.
- (13) "Family care home" means the term as defined in G.S. 131D-2.1.
- (14) "First shift" means between the hours of 7:01 a.m. and 3:00 p.m.
- (15) "Food service duties" means tasks performed by staff related to serving meals to residents, including assisting with food preparation, arranging and setting the dining tables, serving food and beverages, and cleaning the dining room after meal service is complete.
- (16) "Housekeeping duties" means tasks performed by staff such as cleaning and sanitizing facility common areas and resident rooms.
- (17) "Legal representative" means a person authorized by state or federal law (law including, but not limited to, power of attorney representative payee) to act on behalf of the resident to support the resident in decision-making; access medical, social, or other personal information of the resident; manage financial matters or receive notifications.
- (18) "Long-term care" means a continuum of care and services available in an individual's community that provides the care and support required during a persistent or chronic health condition, such as when a person is unable to independently perform some or all activities of daily living or requires supervision due to physical or cognitive impairment.
- (19) "Medication aide" means an individual who administers medications to residents and meets all requirements as set forth in Rule .0403 of this Subchapter.
- (20) "Neglect" means the term as defined in G.S. 131D-2.1.
- (21) "Non-ambulatory" means not able to respond and evacuate a facility without physical or verbal prompting from staff or another person.
- (22) "On-call" means able to be contacted by two-way telecommunication.
- (23) "On-duty" in reference to an administrator means the administrator is on-site and directly responsible for the day-to-day operations of a facility. "On-duty" in reference to a supervisor-in-charge means a supervisor-in-charge designated by the facility as required in Rule .0402 of this Subchapter and who is on-site and directly responsible for the day-to-day operations of a facility under the direction and supervision of the administrator.
- (24) "Personal care aide" means a staff member who performs personal care services as defined by G.S. 131D-2.1.
- (25) "Physical restraint" means any physical or mechanical device attached to or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or normal access to one's body.

- (26) "Physician extender" means a licensed physician assistant or licensed nurse practitioner.
- (27) "Resident" means the term as defined in G.S. 131D-2.1.
- (28) "Responsible person" means a person chosen by the resident to act on their behalf to support the resident in decision-making; have access to medical, social, or other personal information of the resident; manage financial matters; or receive notifications.
- (29) "Second shift" means between the hours of 3:01 p.m. and 11:00 p.m.
- (30) "Staff" means any person who performs duties as an employee, paid or unpaid, on behalf of the family care home.
- (31) "Supervision" means oversight, monitoring, and interventions implemented by the facility for the purpose of mitigating the risk of an accident, incident, illness, or injury to a resident to ensure the health, safety, and welfare of the resident and other residents.
- (32) "Supervisor-in-charge" means an individual responsible for the total operation of a family care home in the absence of the administrator and under the direction and supervision of the administrator as described in Rule .0402 of this Subchapter.
- (33) "Third shift" means between the hours of 11:01 p.m. and 7:00 a.m.

History Note: Authority G.S. 131D-2.16; 143B-153;
Eff. September 1, 2024.

10A NCAC 13G .0404 QUALIFICATIONS OF ACTIVITY DIRECTOR

Adult care homes shall have an activity director who meets the following qualifications:

- (1) The activity director hired after September 30, 2022 shall meet a minimum educational requirement by being a high school graduate or certified under the GED Program.
- (2) The activity director hired after September 30, 2022 shall have complete, within nine months of employment or assignment to this position, the basic activity course for assisted living activity directors offered by community colleges or a comparable activity course as determined by the Department based on instructional hours and content. An activity director shall be exempt from the required basic activity course if one or more of the following applies:
 - (a) be a licensed recreational therapist or be eligible for certification as a therapeutic recreation specialist as defined by the North Carolina Recreational Therapy Licensure Act in accordance with G.S. 90C;
 - (b) have two years of experience working in programming for an adult recreation or activities program within the last five years, one year of which was full-time in an activities program for patients or residents in a health care or long term care setting;
 - (c) be a licensed occupational therapist or licensed occupational therapy assistant in accordance with G.S. 90, Article 18D; or
 - (d) be certified as an Activity Professional by the National Certification Council for Activity Professionals; or
 - (e) the required basic activity course was completed prior to September 1, 2024.

*History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165;
Eff. April 1, 1984;
Amended Eff. July 1, 1990; April 1, 1987; January 1, 1985;
ARRC Objection Lodged March 18, 1991;
Amended Eff. August 1, 1991;
Temporary Amendment Eff. July 1, 2004;
Amended Eff. July 1, 2005;
Readopted Eff. October 1, 2022;
Amended Eff. September 1, 2024.*

SECTION .0600 – STAFFING OF THE FACILITY

10A NCAC 13G .0601 MANAGEMENT AND OTHER STAFF

(a) A family care home administrator who is approved in accordance with Rule .1501 of this Subchapter shall be responsible for the total operation and management of the facility to assure that all care and services are provided to maintain the health, safety, and welfare of the residents in accordance with all applicable local, state, and federal regulations and codes. The administrator shall also be responsible to the Division of Health Service Regulation and the county department of social services for complying with the rules of this Subchapter. The co-administrator, when there is one, shall share equal responsibility with the administrator for the operation of the facility and for meeting and maintaining the rules of this Subchapter. The term "administrator" also refers to co-administrator where it is used in this Subchapter.

(b) The administrator shall have knowledge of and shall ensure the following:

- (1) the investigation and reporting of any allegations of resident abuse, neglect, and exploitation as specified in Rule .1213(d) of this Subchapter;
- (2) the investigation and reporting of any suspicion of or allegations of drug diversion as specified in Rule .1008 of this Subchapter;
- (3) the reporting of any incidents of resident elopement or when a resident is missing from the facility as required in Rule .1213(e)(2) and Rule .0906(f)(4) of this Subchapter; and
- (4) the investigation and reporting of any incident or accident resulting in the hospitalization or death of a resident as specified in Rule .1209 and Rule .1213 of this Subchapter.

(c) The administrator shall be made aware when the facility is unable to meet the staffing requirements of this Section.

(d) The administrator shall be made aware any time the facility seeks the assistance of the local law enforcement authority.

(e) At all times the administrator or supervisor-in-charge shall be in the facility or within 500 feet of the facility with a means of two-way telecommunication. The administrator or supervisor-in-charge is directly responsible for assuring that all required duties are carried out in the facility and for assuring that at no time is a resident left alone in the facility without a staff member.

(f) When the administrator or supervisor-in-charge are not in the facility or within 500 feet of the facility, a staff person who meets the staff qualification requirements of this Subchapter shall be on duty in the facility. The staff person shall be on duty in the facility no more than eight hours per 24 hours and no more than 24 hours total per week.

(g) Additional staff shall be employed as needed for housekeeping and the supervision and care of the residents in accordance with the rules of this Subchapter.

(h) The facility shall post daily staffing information in a location accessible to residents and visitors in accordance with G.S.131D-4.3(a)(5). The information shall include:

- (1) the name and contact information of the administrator and supervisor in charge;
- (2) the number of required supervisors on each shift; and
- (3) the number of aides required on each shift.

History Note: Authority G.S. 131D-2.16; 131D-25; 143B-165;
Eff. January 1, 1977;
Readopted Eff. October 31, 1977;
Amended Eff. July 1, 2005; July 1, 1990; April 1, 1987; April 1, 1984; June 26, 1980;
Readopted Eff. September 1, 2024.

1 10A NCAC 13G .0102 is adopted as published in 38:11 NCR 662-677 as follows:

2
3 **10A NCAC 13G .0102 LIST OF DEFINITIONS**

4 In addition to the definitions set forth in G.S. 131D-2.1, the following definitions shall apply throughout this
5 Subchapter:

- 6 (1) “Abuse” as defined in G.S. 131D-2.1.
- 7 (2) “Activities of daily living” means bathing, dressing, personal hygiene, ambulation, or locomotion,
8 transferring, toileting, and eating.
- 9 (3) “Acute care needs” means symptoms or a condition that develops quickly and is not a part of the
10 resident’s baseline health or mental health status or is a change or worsening in the symptoms of a
11 resident’s chronic condition, which may have a slower onset and worsen over time.
- 12 (4) “Administrator” means the term as defined in G.S. 90-288.13 and G.S. 131D-2.1.
- 13 (5) “Adult care home” means the term as defined in G.S. 131D-2.1.
- 14 (6) “Alternative examination” means a test developed and administered by the Department to meet the
15 educational requirements of an activity director or supervisor-in-charge for those applicants who do
16 not possess a high school diploma or General Education Diploma (G.E.D.) prior to September 1,
17 2024.
- 18 (7) “Aide duty” means time spent by qualified staff providing assistance with activities of daily living,
19 medication administration, or supervision of residents as determined by the resident’s assessment,
20 care plan, physician’s orders, and current symptoms.
- 21 (8) “Ambulatory” means able to respond and evacuate a facility without physical or verbal prompting
22 from staff or another person.
- 23 (9) “Department” means the North Carolina Department of Health and Human Services.
- 24 (10) “Discharge” means a resident’s termination of their residency at the adult care home, resulting in
25 the resident’s move to another location.
- 26 (11) “Exploitation” means the term as defined in G.S. 131D-2.1.
- 27 (12) “Facility” means a licensed family care home.
- 28 (13) “Family care home” means the term as defined in G.S. 131D-2.1.
- 29 (14) “First shift” means between the hours of 7:01 a.m. and 3:00 p.m.
- 30 (15) “Food service duties” means tasks ~~[that may be]~~ performed by staff related to serving meals to
31 residents, including assisting with food preparation, ~~[arranging,]~~ ~~arranging~~ and setting the dining
32 tables, serving food and beverages, and cleaning the dining room after meal service is complete.
- 33 (16) “Housekeeping duties” means tasks ~~[that may be]~~ performed by staff such as cleaning and sanitizing
34 facility common areas and resident ~~rooms.~~ ~~[rooms, sweeping, vacuuming, dusting, mopping,~~
35 ~~collecting, and disposing of trash.]~~
- 36 (17) “Legal representative” means a person authorized by state or federal law (law ~~(including, [(including~~
37 ~~]but not limited [to] to,~~ power of attorney representative payee) to act on behalf of the resident to

1 support the resident in decision-making; access medical, social, or other personal information of the
2 resident; manage financial matters or receive notifications.

3 (18) “Long-term care” means a continuum of care and services available in an individual's community
4 that provides the care and [supports] support required during a persistent or chronic [state of health,
5 throughout which time] health condition, such as when a person is unable to independently perform
6 some or all activities of daily living or requires supervision due to physical or cognitive impairment.

7 (19) “Medication aide” means an individual who administers medications to residents and meets all
8 requirements as set forth in Rule .0403 of this Subchapter.

9 (20) “Neglect” means the term as defined in G.S. 131D-2.1.

10 (21) “Non-ambulatory” means not able to respond and evacuate a facility without physical or verbal
11 prompting from staff or another person.

12 (22) “On-call” means able to be contacted by two-way telecommunication.

13 (23) “On-duty” in reference to an administrator means the administrator is on-site and directly
14 responsible for the day-to-day operations of a facility. “On-duty” in reference to a supervisor-in-
15 charge means a supervisor-in-charge designated by the facility as required in Rule .0402 of this
16 Subchapter and who is on-site and directly responsible for the day-to-day operations of a facility
17 under the direction and supervision of the administrator.

18 (24) “Personal care aide” means a staff member who performs personal care services as defined by G.S.
19 131D-2.1.

20 (25) “Physical restraint” means any physical or mechanical device attached to or adjacent to the
21 resident’s body that the resident cannot remove easily, and which restricts freedom of movement or
22 normal access to one’s body.

23 (26) “Physician extender” means a licensed physician assistant or licensed nurse practitioner.

24 (27) “Resident” means the term as defined in G.S. 131D-2.1.

25 (28) “Responsible person” means a person chosen by the resident to act on their behalf to support the
26 resident in decision-making; have access to medical, social, or other personal information of the
27 resident; manage financial matters; or receive notifications.

28 (29) “Second shift” means between the hours of 3:01 p.m. and 11:00 p.m.

29 (30) “Staff” means any person who performs duties as an employee, paid or unpaid, on behalf of the
30 family care home.

31 (31) “Supervision” means oversight, monitoring, and interventions implemented by the facility for the
32 purpose of mitigating the risk of an accident, incident, illness, or injury to a resident to ensure the
33 health, safety, and welfare of the resident and other residents.

34 (32) “Supervisor-in-charge” means an individual responsible for the total operation of a family care home
35 in the absence of the administrator and under the direction and supervision of the administrator as
36 described in Rule .0402 of this Subchapter.

37 (33) “Third shift” means between the hours of 11:01 p.m. and 7:00 a.m.

1

2 History Note: Authority G.S. 131D-2.16; 143B-153;

3 Eff. September 1, 2024.

1 10A NCAC 13G .0404 is proposed for amendment as follows:

2

3 **10A NCAC 13G .0404 QUALIFICATIONS OF ACTIVITY DIRECTOR**

4 Adult care homes shall have an activity director who meets the following qualifications:

5 (1) The activity director hired after September 30, 2022 shall meet a minimum educational requirement
6 by being a high school graduate or certified under the GED Program.

7 (2) The activity director hired after September 30, 2022 shall have complete, within nine months of
8 employment or assignment to this position, the basic activity course for assisted living activity
9 directors offered by community colleges or a comparable activity course as determined by the
10 Department based on instructional hours and content. An activity director shall be exempt from the
11 required basic activity course if one or more of the following applies:

12 (a) be a licensed recreational therapist or be eligible for certification as a therapeutic recreation
13 specialist as defined by the North Carolina Recreational Therapy Licensure Act in
14 accordance with G.S. 90C;

15 (b) have two years of experience working in programming for an adult recreation or activities
16 program within the last five years, one year of which was full-time in an activities program
17 for patients or residents in a health care or long term care setting;

18 (c) be a licensed occupational therapist or licensed occupational therapy assistant in
19 accordance with G.S. 90, Article 18D; or

20 (d) be certified as an Activity ~~Director~~ Professional by the National Certification Council for
21 Activity ~~Professionals~~. Professionals; or

22 (e) the required basic activity course was completed prior to September 1, 2024.

23

24 *History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165;*

25 *Eff. April 1, 1984;*

26 *Amended Eff. July 1, 1990; April 1, 1987; January 1, 1985;*

27 *ARRC Objection Lodged March 18, 1991;*

28 *Amended Eff. August 1, 1991;*

29 *Temporary Amendment Eff. July 1, 2004;*

30 *Amended Eff. July 1, 2005;*

31 *Readopted Eff. October 1, ~~2022~~, 2022;*

32 *Amended Eff. September 1, 2024.*

1 10A NCAC 13G .0601 is proposed for readoption with substantive changes as follows:

2
3 **SECTION .0600 – STAFFING OF THE ~~HOME~~ FACILITY**

4
5 **10A NCAC 13G .0601 MANAGEMENT AND OTHER STAFF**

6 (a) A family care home administrator who is approved in accordance with Rule .1501 of this Subchapter shall be
7 responsible for the total operation of a family care home and management of the facility to assure that all care and
8 services are provided to maintain the health, safety, and welfare of the residents in accordance with all applicable
9 local, state, and federal regulations and codes. The administrator shall also be responsible to the Division of Health
10 Service Regulation and the county department of social services for ~~meeting and maintaining~~ complying with the rules
11 of this Subchapter. The co-administrator, when there is one, shall share equal responsibility with the administrator for
12 the operation of the home facility and for meeting and maintaining the rules of this Subchapter. The term administrator
13 “administrator” also refers to co-administrator where it is used in this Subchapter.

14 (b) The administrator shall have knowledge of and shall ensure the following:

15 (1) the investigation and reporting of any allegations of resident abuse, neglect, and exploitation as
16 specified in Rule .1213(d) of this Subchapter;

17 (2) the investigation and reporting of any suspicion of or allegations of drug diversion as specified in
18 Rule .1008 of this Subchapter;

19 (3) the reporting of any incidents of resident elopement or when a resident is missing from the facility
20 as required in Rule .1213(e)(2) and Rule .0906(f)(4) of this Subchapter; and

21 (4) the investigation and reporting of any incident or accident resulting in the hospitalization or death
22 of a resident as specified in Rule .1209 and Rule .1213 of this Subchapter.

23 (c) The administrator shall be made aware when the facility is unable to meet the staffing requirements of this Section.

24 (d) The administrator shall be made aware any time the facility seeks the assistance of the local law enforcement
25 authority.

26 ~~(b)(c)~~ (c) At all times there shall be one the administrator or supervisor-in-charge who shall be in the facility or within
27 500 feet of the facility with a means of two-way telecommunication. The administrator or supervisor-in-charge is
28 directly responsible for assuring that all required duties are carried out in the home facility and for assuring that at no
29 time is a resident left alone in the home facility without a staff member. Except for the provisions cited in Paragraph
30 (e) of this Rule regarding the occasional absence of the administrator or supervisor in charge, one of the following
31 arrangements shall be used:

32 (1) ~~The administrator shall be in the home facility or reside within 500 feet of the home with a means~~
33 ~~of two way telecommunication with the home at all times. When the administrator does not live in~~
34 ~~the licensed home, there shall be at least one staff member who lives in the home or one on each~~
35 ~~shift and the administrator shall be directly responsible for assuring that all required duties are~~
36 ~~carried out in the home;~~

1 ~~(2) — The administrator shall employ a supervisor in charge to live in the home facility or reside within~~
 2 ~~500 feet of the home with a means of two-way telecommunication with the home at all times. When~~
 3 ~~the supervisor in charge does not live in the licensed home, there shall be at least one staff member~~
 4 ~~who lives in the home or one on each shift and the supervisor in charge shall be directly responsible~~
 5 ~~for assuring that all required duties are carried out in the home; or~~

6 ~~(3) — When there is a cluster of licensed homes located adjacently on the same site, there shall be at least~~
 7 ~~one staff member in each home, either live in or on a shift basis, and at least one administrator or~~
 8 ~~supervisor in charge who lives within 500 feet of each home with a means of two-way~~
 9 ~~telecommunication with each home at all times and who is directly responsible for assuring that all~~
 10 ~~required duties are carried out in each home.~~

11 ~~(e) When the administrator or supervisor in charge is absent from the home or not within 500 feet of the home, the~~
 12 ~~following shall apply:~~

13 ~~(1) — For absences of a non-routine nature that do not exceed 24 hours per week, a relief person in charge~~
 14 ~~designated by the administrator shall be in charge of the home during the absence and in the home~~
 15 ~~or within 500 feet of the home according to the requirements in Paragraph (b) of this Rule. The~~
 16 ~~administrator shall assure that the relief person in charge is prepared to respond appropriately in~~
 17 ~~case of an emergency in the home. The relief person in charge shall be 18 years or older.~~

18 ~~(2) — For recurring or planned absences, a relief supervisor in charge designated by the administrator~~
 19 ~~shall be in charge of the home during the absence and in the home or within 500 feet of the home~~
 20 ~~according to the requirements in Paragraph (b) of this Rule. The relief supervisor in charge shall~~
 21 ~~meet all of the qualifications required for the supervisor in charge as specified in Rule .0402 of this~~
 22 ~~Subchapter with the exception of Item (4) pertaining to the continuing education requirement.~~

23 (f) When the administrator or supervisor-in-charge are not in the facility or within 500 feet of the facility, a staff
 24 person who meets the staff qualification requirements of this Subchapter shall be on duty in the facility. The staff
 25 person shall be on duty in the facility no more than eight hours per 24 hours and no more than 24 hours total per week.

26 ~~(d)(g)~~ Additional staff shall be employed as needed for housekeeping and the supervision and care of the residents.
 27 residents in accordance with the rules of this Subchapter.

28 ~~(e)(h)~~ Information on required staffing shall be posted in the facility according to G.S. 131D-4.3(a)(5). The facility
 29 shall post daily staffing information in a location accessible to residents and visitors in accordance with G.S.131D-
 30 4.3(a)(5). The information shall include:

31 (1) the name and contact information of the administrator and supervisor in charge;

32 (2) the number of required supervisors on each shift; and

33 (3) the number of aides required on each shift.

34
 35 *History Note: Authority G.S. 131D-2.16; 131D-25; 143B-165;*

36 *Eff. January 1, 1977;*

37 *Readopted Eff. October 31, 1977;*

1 *Amended Eff. July 1, 2005; July 1, 1990; April 1, 1987; April 1, 1984; June 26, ~~1980.~~ 1980.*
2 *Readopted Eff. September 1, 2024.*