

## Frequently Asked Questions

**F** The Division of Health Service Regulation (DHSR) Acute and Home Care Licensure and Certification Section offers introductory answers to frequently asked questions (FAQs) about Home Care. Links throughout the answers will guide you to further information on our website or from other sources. Should you have questions, please call our office at 919-855-4620.

Please note: Agencies enrolled in NC Medicaid programs or in Medicare programs must also be familiar with any additional requirements of these programs. These FAQs address requirements under the NC Home Care Licensure rules.

### **A** General

#### **1. What is a home care agency?**

*Home care agency means a private or public organization that provides home care services in a place of temporary or permanent residence used as an individual's home.*

#### **2. What are home care services?**

*Home care services include nursing care; physical, occupational, or speech therapy; medical social services; in-home aide services; infusion nursing services; clinical respiratory services; in-home companion, sitter, and respite care; and homemaker services as outlined in 10A NCAC 13J.*

#### **3. What is a home health agency?**

*Home Health means a home care agency which is certified to receive Medicare and Medicaid reimbursement for providing nursing care, therapy, medical social services, and home health aide services (see §131E-136(4)).*

#### **4. What does it mean to be a certified agency?**

*A certified agency is a home care agency which has been approved to receive Medicare reimbursement for providing nursing care, therapy, medical social services, and home health aide services. These agencies are called "home health agencies."*

#### **5. What is the difference between certified and non-certified?**

*A certified agency has approval by Centers for Medicare and Medicaid Services (CMS) to receive Medicare reimbursement for home health services provided to*

*individuals. A non-certified agency may enroll to receive Medicaid reimbursement through the Division of Medical Assistance (DMA) for services other than certified home health. Certified and non-certified agencies may seek reimbursement through other funding sources (i.e. private pay, Department of Social Services).*

**6. How can I become a certified home health agency?**

*To become a certified home health agency a Certificate of Need (CON) must be obtained. Contact [DHSR CON Section](#) for more information.*

**7. When does the moratorium on in-home aide services end?**

*The moratorium on in-home aide services began July 1, 2016 and lasts for a period of three years. It is scheduled to end June 30, 2019.*

**8. What does a moratorium on in-home aide services mean?**

*Beginning July 1, 2016 and for a period of three years thereafter, the Department may not issue any licenses for home care agencies that intend to offer in-home aide services. The moratorium does not apply to certified home health agencies or an existing home care agency being acquired.*

**9. Can I apply for a home care license for other services?**

*Yes, the moratorium applies to in-home aide services only. You may apply for a license for any other home care service.*

**10. What is the difference between DHSR (Division of Health Service Regulation) and DMA (Division of Medical Assistance)?**

*DHSR is the state agency which licenses home care agencies and ensure agencies are providing services in accordance with the home care rules and regulations. DMA manages the Medicaid and Health Choice programs.*

**License**

**11. Do I need a home care license to provide home care services to individuals?**

*Yes, "No person or governmental unit shall operate a home care agency without a license." [GS 131E-138](#).*

**12. How do I apply for a home care license?**

*You may download, complete and submit [the licensure application](#) from the DHSR website <http://www.ncdhhs.gov/dhsr/>. The appropriate licensure fee must accompany the application.*

**13. What is the licensure fee for a home care agency?**

*The licensure fee for an initial application is \$560.00. The fee for a change of ownership is \$510.00. The annual licensure renewal fee is \$510.00. All fees are nonrefundable.*

**14. Do I need to complete special training to obtain a home care license?**

*Yes, if you cannot demonstrate to DHSR that you have ever owned or operated a home care agency a license cannot be issued until you have received training approved by DHSR as set out in the NC Rules Governing the Licensure of Home Care Agencies 10A NCAC 13J.0903a Application For and Issuance of License*

**15. Where can I go to complete the DHSR approved training course for home care licensure?**

*Home care training information can be obtained via the DHSR website [Home Care Provider Training](#)*

**16. When does my license expire?**

*All home care licenses expire at midnight on December 31<sup>st</sup>.*

**17. When do I have to renew my home care license?**

*You must renew your home care license prior to the expiration date.*

**18. What if I fail to renew my license before the expiration date?**

*The completed renewal application and the license renewal fee must be received no later than December 31 to ensure your license is renewed with an effective date of January 1. License renewal applications received after January 1<sup>st</sup> shall be effective the date received.*

**19. What if I do not receive my license renewal application before my license expires?**

*License renewal applications are mailed beginning in October each year. If you do not receive your license renewal application before December 1, call the DHSR office at 919-855-4620.*

**20. What if I do not return my license renewal on or before the date the license expires?**

*If you do not renew your home care license prior to the expiration date you will be operating without a license and subject to referral to Division of Medical Assistance (DMA) or other funding sources. Failure to renew your home care license may also affect your ability to be an enrolled Provider with DMA.*

**Administration**

**21. What is the role of the Agency Director**

*The Agency Director is the person who has administrative responsibility for the operation of the agency. The term is sometimes used interchangeably with Administrator.*

**22. What are the qualifications for Agency Director**

*The Agency Director must meet at least one of the following qualifications:*

- *a health care practitioner as defined in [G.S. 90-640\(a\)](#) ;*
- *an individual who has at least two years of supervisory or management experience in home care or any other provider licensed pursuant to [G.S. 131E](#) or [G.S. 122C](#); or*
- *an individual who holds a bachelor's degree in health, business or public administration science and has at least one year of supervisory or management experience in home care or other licensed health care program.*

*The Agency Director for home care agencies licensed to provide Companion, Sitter and Respite services only shall be a high school graduate, or be certified under the GED program, and shall meet one or more of the following:*

- *a health care practitioner as defined in [G.S. 90-640\(a\)](#) ;*
- *have one year experience in home care, companion, sitter, or respite services, or any other provider licensed pursuant to [G.S. 131E](#) or [G.S. 122C](#)*

**23. I have a new Agency Director. Do I need to notify DHSR?**

*Yes, if the position of Agency Director becomes vacant, DHSR must be notified within 5 working days in writing of the vacancy along with the name of the replacement. The new Agency Director must meet the qualifications as specified in question #22 above. You should mail to DHSR Acute and Home Care Licensure and Certification Section Attn: Agency Director Change 2712 Mail Service Center Raleigh NC 27699 a written notification of the change in Agency*

Director, the effective date of the change and all documents needed to support the proposed candidate meets the qualifications (i.e. licenses, credentials, etc.). Once the Agency Director is approved, a notification letter will be mailed to the Agency. Email notifications are accepted at [DHSR.homecare@dhhs.nc.gov](mailto:DHSR.homecare@dhhs.nc.gov).

**24. How do I expand my geographic service area?**

*If an agency plans to expand its geographic service area they must notify DHSR 30 days in advance. You must send a written letter requesting approval to expand to another county. The letter should be mailed to DHSR Acute and Home Care Licensure and Certification Section Attn: Geographic Service Expansion Request 2712 Mail Service Center Raleigh NC 27699. Email requests are accepted at [DHSR.homecare@dhhs.nc.gov](mailto:DHSR.homecare@dhhs.nc.gov).*

**25. Do I need to obtain approval to provide non-certified services in counties outside of the county where my agency is located?**

*Yes, Agencies licensed to provide in-home aide services may provide services in counties which are contiguous with the county where the agency is located or within 90 minutes driving time from the site where the agency is located. Approval from DHSR is required to ensure compliance with this requirement.*

**26. How long does it take to receive a response from DHSR about my geographic service expansion request?**

*You should allow 14 business days from the time you submit your request to DHSR to receive written notification of whether the request was approved or denied.*

**27. How do I notify DHSR of my change of address**

*“The name and street address under which the agency operates shall appear on the license.” Your address should appear on the license before the effective date of your move to your new address. You should submit a written notice of address change to DHSR Acute and Home Care Licensure and Certification Section Attn: Change of Address 2712 Mail Service Center Raleigh NC 27699. Email notifications are accepted at [DHSR.homecare@dhhs.nc.gov](mailto:DHSR.homecare@dhhs.nc.gov).*

**28. If I have notified DMA (Division of Medical Assistance) about my change in address do I also need to notify DHSR?**

*Yes, DMA and DHSR are separate entities. You must notify both DMA and DHSR of a change in address.*

**29. Can I open another non-certified office in another county?**

*An agency may have more than one premise. Each premise will be issued a separate license. Follow the steps at [Requirements for Adding an Additional Home Care Site](#). Note: Due to the moratorium on in-home aide services, the license for an additional site can not include in-home aide services.*

**30. How do I add a service to my license?**

*To add a service to your license send a written request identifying the service you would like to add to DHSR Acute and Home Care Licensure and Certification Section Attn: Additional Service Request 2712 Mail Service Center Raleigh NC 27699. Your request will be reviewed and you will be contacted by Home Care staff for further instructions regarding documents which need to be submitted. You will be asked to show evidence of the appropriate personnel and all the policies and procedures necessary to comply with the rules and regulations specific to the service provided.*

**31. What is a change of ownership?**

*A change of ownership or CHOW refers to “a planned change in ownership, corporate structure, merger, or acquisition.” The agency must be in compliance with all applicable statutes and rules.*

**32. I want to sell my home care agency, what do I need to do?**

*Follow the steps for CHOW at [Change of Ownership for Home Care Agency](#).*

**33. Can a CHOW be processed on an agency with an expired license?**

*No, a CHOW can only be processed on agencies with a valid license.*

**34. Can a CHOW be processed on an agency that is closed?**

*No, a CHOW can only be processed on agencies with a valid license.*

**Services**

**35. What is required to operate a home care agency?**

*To provide home care services to a client, in addition to having a valid license; an agency must have the appropriate staff, policies and procedures and a premise to operate.*

**36. Since Independent Assessment Entity (IAE) nurses are doing assessments for Medicaid Beneficiaries of in-home aide services, do we still need to have a nurse?**

*Yes, the home care agency must have a RN Supervisor available for supervision during the hours that in-home aide services are provided.*

**37. What does it mean that the RN Service Supervisor must be “continuously available” during the hours in-home aide services are provided?**

*The RN Supervisor must be available to the in-home aides and clients during the hours in-home aide services are provided and available to go on-site when necessary.*

**38. Can a LPN do the assessments and supervisory visits for in-home aide services?**

*The LPN may not perform assessments nor conduct supervisory visits for in-home aide services.*

**39. Since the Independent Assessment Entity (IAE) nurses are completing assessments for Medicaid Beneficiaries, does the Home Care agency nurse have to conduct a home visit to develop the plan of care (POC)?**

*Yes, the Home Care agency RN must conduct a home visit to make observations, collect data and develop the POC.*

**40. What is an in-home aide?**

*An in-home aide is an individual who provides hands-on care to home care clients. In-home aides are sometimes referred to as PCAs (personal care assistants, patient care assistants), NA I or NA II (nurse assistants), or UAP (unlicensed assistive personnel). In-home aides provide patient care under the direction and supervision of a registered nurse.*

**41. What services can an in-home aide provide?**

*In-home aide duties may include the following:*

- *help with prescribed exercises which the client and in-home aides have been taught by a health care practitioner licensed pursuant to [G.S. 90](#);*
- *provide or assist with personal care (i.e., bathing, care of mouth, skin and hair); assist with ambulation;*

- *assist client with self-administration of medications which are ordered by a physician or other person authorized by state law to prescribe;*
- *perform incidental household services which are essential to the client's care at home; and*
- *record and report changes in the client's condition, family situation or needs to an appropriate health care practitioner. (see 10A NCAC 13J.1107c In-Home Aide Services)*

**42. Can an in-home aide administer medications?**

*No, In-home aides may assist the client with self-administration of medications. The North Carolina Board of Nursing lists tasks for NA I and IIs and has a criteria for responsibilities of the nurse regarding delegation to NA I & IIs, and unlicensed assistive personnel. Refer to the NCBON [Position Statement](#)*

**43. If an individual needs Level II Personal Care tasks is a registered nurse required to complete the assessment?**

- *A registered nurse is required to assess, develop and implement patient care plans if hands-on (personal care) services are being provided.*

**44. What are the requirements for an individual who is not a Nurse Aide I or II to provide personal care services?**

*Agencies must follow their policies and procedures regarding competencies that are based on the [NC Rules Governing the Licensure of Home Care Agencies](#), and other state law as applicable. Please note: Providers enrolled in Medicaid and/or Medicare must be familiar with their requirements for staff competencies.*

**Personnel**

**45. Where can I find the qualifications to teach Infection Control classes (i.e. Airborne and Blood borne pathogen training)?**

*Contact the NC Department of Labor, OSHA Division at (919) 807-2900.*

**46. What qualifications do DHSR require in order to teach courses for a home care agency?**

*The Home Care Rules and Regulations do not specify qualifications of trainers in home care agencies. This should be specified by agency policy and through consultation with the appropriate licensing board(s).*



**47. How many in-service hours is my agency required to provide to employees?**

*The agency policy should specify the number of in-service hours employees are required to complete. The agency must maintain records on in-service education and attendance.*

**48. Can I hire an individual with a substantiated finding on the Health Care Personnel Registry (HCPR)?**

*No, see 10A NCAC 13J .1003 (c) and contact [HCPR](#) at 919-855-3968 for additional questions or concerns.*

**49. Does the agency have to obtain State criminal background checks?**

- *According to G.S. 131E – 265, “...Within five business days of making the conditional offer of employment, a home care agency shall submit a request to the Department of Public Safety under G.S 143B-939 to conduct a State or National criminal history record check required by this section or shall submit a request to a private entity to conduct a State criminal history record check required by this section...”*

**Plan of Care**

**50. Can the Medicaid PCS Service Plan be used as the Plan of Care?**

*No, see DMA Clinical Coverage Policy 3L*

**51. What documentation does DHSR expect to see if there is a change in the client’s Plan of Care (PoC)?**

*The Plan of Care (PoC) should be developed to best meet the needs of the client/patient. The agency should have policy and procedures which address how changes in the PoC are handled. There should be evidence that the client/patient was informed in advance of any change to the POC.*

## Reporting

### **52. What does the agency have to report to the Health Care Personnel Registry (HCPR)? A home care agency is defined as a “health care facility” according to G.S. 131E- 256 (2)(b)**

- *Neglect or abuse of a resident in a health care facility or a person to whom home care services as defined by G.S. 131E – 136 or hospices services as defined by G.S. 131E-201 are being provided.*
- *Misappropriation of the property of a resident in a health care facility including places where home care services or hospice services are being provided.*
- *Misappropriation of the property of a health care facility.*
- *Diversion of drugs belonging to a health care facility.*
- *Diversion of drugs belonging to a patient or client of the health care facility.*
- *Fraud against a health care facility.*
- *Fraud against a patient or client for whom the employee is providing services.*
- *Injury of unknown origin.*