

1 10A NCAC 13J .0901 is amended with changes as published in 23:10 NCR, pp. 891-895:

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10A NCAC 13J .0901 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

(1) "Activities of Daily Living" (ADL) means mobility, eating, bathing, dressing, toileting, and continence.

~~(2)~~ (2) "Agency" means a home care agency as defined in G.S. 131E-136(2).

~~(3)~~ (3) "Agency director" means the person having administrative responsibility for the operation of the agency.

~~(4)~~ (4) "Allied health personnel" means licensed practical nurses, physical therapy assistants, occupational therapy assistants or other health professionals as defined in occupational licensure laws that are subject to supervision by a health professional.

~~(5)~~ (5) "Appropriate professional" means a licensed health care professional or a person with a baccalaureate degree in social work or an individual who meets the job specifications established for a social worker by the Office of State Personnel.

~~(6)~~ (6) "Client" means an individual who receives home care services.

~~(7)~~ (7) "Clinical respiratory services" means the provision of respiratory equipment and services that involve the assessment of a client's pulmonary status, monitoring of a client's response to therapy and reporting to the client's physician. Procedures, ~~include but not limited to:~~ include: oximetry, blood gases, delivery of medication via aerosolization, management of ventilatory support equipment, pulmonary function testing and infant monitoring.

(8) "Extensive Assistance" means { } a client is totally dependent or requires weight-bearing support more than half the time while performing part of an activity, such as { } guiding or maneuvering of limbs, { } and meets one of the following criteria:

- (a) { } Requires extensive assistance in more than two activities of daily living (ADLs), as defined in Item (1) of this Rule; or
- (b) Needs { } an in-home aide to perform at least one task at the nurse aide II level; or
- (c) { } Requires extensive assistance in more than one ADL and has a medical or cognitive impairment as defined in Item (21) of this { } Rule.

~~(9) "Limited Assistance" means care to a client who requires hands-on care involving guided maneuvering of limbs with eating, toileting, bathing, dressing, personal hygiene, self monitoring of medications or other tasks assigned that require weight bearing assistance half the time or less during the activity and does not meet the definition of extensive assistance in Item (8) of this Rule.~~

(7) { } (10) "Department" means the North Carolina Department of Health and Human Services.

(8) { } (11) "Follow-up care" means services provided to a licensed hospital's discharged clients in their homes by a hospital's employees. All services except pulmonary care, pulmonary rehabilitation or ventilator services shall not exceed three visits in any two month period and shall not extend beyond a 12 month period following discharge.

(9) { } (12) "Geographic service area" means the geographic area in which a licensed agency provides home care services.

- 1 (40) { } (13) "Governing body" means the person or group of persons having full legal authority for the operation
2 of the agency.
- 3 (41) { } (14) "Hands on care" means any home care service which involves touching the patient in order to
4 implement the patient's plan of care.
- 5 (42) { } (15) "Home care services" ~~as used in these Rules~~ means those services defined in G.S. 131E-136(3).
- 6 (43) { } (16) "Home health agency" ~~as used in this Chapter~~ has the same meaning as that defined in G.S.
7 131E-136(4).
- 8 (44) { } (17) "Infusion nursing services" means those services related to the administration of pharmaceutical
9 agents directly into a body organ or cavity. Routes of administration include but are not limited to sub-cutaneous
10 infusion, or intravenous, intraspinal, epidural or intrathecal infusion. Administration shall be by or under the
11 supervision of a registered nurse in accordance with their legal scope of practice.
- 12 (45) { } (18) "In-home aide" means an individual who provides hands-on care to home care clients.
- 13 (46) { } (19) "In-home care provider" means any individual who provides home care services as enumerated in
14 G.S. 131E-136.
- 15 (47) { } (20) "In home aide services" are hands-on paraprofessional services which assist individuals, their family
16 or both with ~~essential~~ home management tasks, personal care tasks, or supervision of the client's activities, or all of
17 the above, to enable the individual, their family or both, to remain and function effectively at home as long as
18 possible.
- 19 (48) { } (21) "Licensed practical nurse" means a person ~~duly~~ licensed as such, ~~holding a current license as~~
20 ~~required by pursuant to~~ G.S. 90-171.30.
- 21 { } (22) "Medical or cognitive impairment" { } ~~means~~ a diagnosis and client assessment that documents at least
22 one of the following:
- 23 (a) Presence of { } pain that is continuous or present more than half the time that { } interferes
24 with an individual's activity or movement.
- 25 (b) Dyspneic or noticeably short of breath with minimal exertion during the performance of ADLs and
26 requires continuous use of oxygen.
- 27 (c) { } Individual is not alert and oriented or is unable to shift attention and recall directions more
28 than half the time.
- 29 (49) { } (23) "Medical social services" means those professional services provided to individuals in their homes
30 by a medical social worker, or by a medical social worker assistant under the supervision of a medical social worker,
31 when provided by an agency in conjunction with other nursing or therapy services provided by the same agency.
- 32 (20) { } (24) "Medical social worker" means a person with a masters degree from a school of social work
33 approved by the Council on Social Work Education who is eligible for certification by the North Carolina Social
34 Work Certification Licensure Board as a Certified Master Social Worker.
- 35 (24) { } (25) "Medical social worker assistant" means a person who has a baccalaureate degree in social work,
36 psychology, sociology, or other field related to social work, and has had at least one year of social work experience.

- 1 (22) { } (26) "Nursing registry" means a person or organization that maintains a list of nurses or in-home aides or
2 both that is made available to persons seeking nursing care or in-home aide services but does not collect a placement
3 fee from the worker or client, coordinate the delivery of services and supervise or control the provision of services.
- 4 (23) { } (27) "Nursing services" means professional services provided by a registered nurse or a licensed practical
5 nurse under the supervision of a registered nurse.
- 6 (24) { } (28) "Occupational therapist" means a person duly licensed as such, holding a current license as required
7 by pursuant to G.S. 90-270.70.
- 8 (25) { } (29) "Occupational therapist assistant" means a person duly licensed as such, holding a current license as
9 required by pursuant to G.S. 90-270.70.
- 10 (26) { } (30) "Occupational therapy services" means professional services provided by a licensed occupational
11 therapist or a licensed occupational therapist assistant under the supervision of a licensed occupational therapist.
- 12 (27) { } (31) "Paraprofessional" means an in-home care provider who does not hold a professional license or
13 professional certification and through the nature of their duties assists a professional.
- 14 (28) { } (32) "On-call services" means unscheduled home care services made available to clients on a 24-hour
15 basis.
- 16 (29) { } (33) "Personal care" includes tasks that range from assistance to an individual with basic personal
17 hygiene, grooming, feeding and ambulation to medical monitoring and other health care related tasks.
- 18 (30) { } (34) "Physical therapist" means a person duly licensed as such, holding a current license as required by
19 pursuant to G.S. 90-270.29.
- 20 (31) { } (35) "Physical therapist assistant" means a person duly licensed as such holding a current license as
21 required by pursuant to G.S. 90-270.29.
- 22 (32) { } (36) "Physical therapy services" means professional services provided by a licensed physical therapist or
23 a licensed physical therapist assistant under the supervision of a licensed physical therapist.
- 24 (33) { } (37) "Physician" means a person licensed as such, holding a current license as required by pursuant to
25 G.S. 90-15.
- 26 (34) { } (38) "Plan of care" means the written description of the authorized home care services and tasks to be
27 provided to a client.
- 28 (35) { } (39) "Premises" means the location or licensed site from which the agency provides home care services or
29 maintains client service records or advertises itself as a home care agency.
- 30 (36) { } (40) "Qualified" means suitable for employment as a consequence of having met the standards of
31 education, experience, licensure or certification established in the applicable job description created and adopted by
32 the agency.
- 33 (37) { } (41) "Registered nurse" means a person duly licensed as such, holding a current license as required by
34 pursuant to G.S. 90-171.30.
- 35 (38) { } (42) "Respiratory therapist" means a person who is credentialed by the National Board for Respiratory
36 Care.

1 (39) { } (43) "Respiratory practitioner" means those persons who provide clinical respiratory services in a client's
2 home.

3 (40) { } (44) "Scope of services" means those specific services provided by a licensed agency as listed on their
4 home care license.

5 (41) { } (45) "Survey" means an inspection by the Division of Health Service Regulation in order to assess the
6 compliance of agencies with the home care licensure rules.

7 (42) { } (46) "Social worker" means a person who meets the qualifications of the North Carolina Office of State
8 Personnel for social workers.

9 (43) { } (47) "Speech and language pathologist" means a person ~~duly~~ licensed as such, ~~holding a current license~~
10 ~~as required by pursuant to~~ G.S. 90-294.

11 (44) { } (48) "Speech therapy" means professional services provided by a licensed speech and language
12 pathologist.

13 (45) (49) "Skilled Services" means all home care services enumerated in G.S. 131E-136(3) with the exception of in-
14 home aide services.

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16 *History Note: Authority G.S. 131E-140;*

17 *Eff. July 1, 1992;*

18 *RRC Objection due to lack of statutory authority Eff. November 16, 1995;*

19 *Amended Eff. January 1, 2010; February 1, 1996.*

1 10A NCAC 13J .1003 is amended with changes as published in 23:10 NCR, pp. 891-895:

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3 **10A NCAC 13J .1003 PERSONNEL**

4 (a) Written policies shall be established and implemented by the agency regarding infection control and exposure to
5 communicable diseases consistent with Subchapter 19A of Title 15A, North Carolina Administrative Code. These
6 policies and procedures shall include provisions for compliance with 29 CFR 1910 (Occupational Safety and Health
7 Standards) which is incorporated by reference including subsequent amendments. Copies of Title 29 Part 1910 can
8 be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954,
9 Pittsburgh, PA 15250-7954 or by calling Washington, D.C. (202) 512-1800. The cost is twenty-one dollars (\$21.00)
10 and may be purchased with a credit card. Hands-on care employees must have a baseline skin test for TB.
11 Individuals who test positive must demonstrate noninfectious status prior to assignment in a client's home.
12 Individuals who have previously tested positive to the TB skin test shall obtain a baseline and subsequent annual
13 verification that they are free of TB symptoms. This verification shall be obtained from the local health department,
14 a private physician or health nurse employed by the agency. The Tuberculosis Control Branch of the North Carolina
15 Department of Health and Human Services, Division of Public Health, 1902 Mail Service Center, Raleigh, NC
16 27699-1902 shall provide, free of charge, guidelines for conducting verification and Form DHHS 3405 (Record of
17 Tuberculosis Screening). Employees identified by agency risk assessment, to be at risk for exposure shall be
18 subsequently tested at intervals prescribed by OSHA standards.

19 (b) The agency shall not hire any individual either directly or by contract who has a substantiated finding on the
20 North Carolina Health Care Personnel Registry in accordance with G.S. 131E-256(a)(1).

21 (c) Written policies shall be established and implemented which include personnel record content, orientation and
22 in-service education. Records on the subject of in-service education and attendance shall be maintained by the
23 agency and retained for at least one year.

24 (d) Job descriptions for every position shall be established in writing which include qualifications and specific
25 responsibilities. Individuals shall be assigned only to duties for which they are trained and competent to perform and
26 when applicable for which they are ~~properly~~ licensed.

27 (e) Personnel records shall be established and maintained for each home care employee. When requested, the
28 records shall be available on the agency premises for inspection by the Department. These records shall be
29 maintained for at least one year after termination from agency employment. The records shall include the following:

- 30 (1) an application or resume which lists education, training and previous employment that can be
31 verified, including job title;
- 32 (2) a job description with record of acknowledgment by the employee;
- 33 (3) reference checks or verification of previous employment;
- 34 (4) records of tuberculosis screening for employees for whom the test is necessary as described in
35 Paragraph (a) of this Rule;
- 36 (5) documentation of Hepatitis B immunization or declination for hands-on care employees in
37 accordance with the agency's exposure control plan;

- 1 (6) airborne and bloodborne pathogen training for hands on care employees, including annual updates,
2 in compliance with 29 CFR 1910 and in accordance with the agency's exposure control plan;
3 (7) performance evaluations according to agency policy and at least annually. These evaluations may
4 be confidential pursuant to Rule .0905 of this Subchapter;
5 (8) verification of employees' credentials as applicable; and
6 (9) records of the verification of competencies by agency supervisory personnel of all skills required
7 of home care services personnel to carry out client care tasks to which the employee is assigned.
8 The method of verification shall be defined in agency policy.

9 (f) For in-home aides not listed on the nurse aide registry, personnel records shall include verification of core
10 competencies by a registered nurse that includes the following core personal care skills for in-home aides hired after
11 April 1, 2009:

- 12 { } (1) Assisting with Mobility including ambulation, transfers and bed { } mobility;
13 { } (2) Assisting with { } Bath/Shower;
14 { } (3) Assisting with { } Toileting;
15 { } (4) Assisting with { } Dressing;
16 { } (5) Assisting with { } Eating; and
17 { } (6) Assisting with continence needs.

18 { }

19 *History Note: Authority G.S. 131E-140;*
20 *Eff. July 1, 1992;*
21 *Amended Eff. February 1, 1996; June 1, 1994;*
22 *Temporary Amendment Eff. April 1, 2006;*
23 *Amended Eff. January 1, 2010; October 1, 2006.*

1 10A NCAC 13J .1107 is amended with changes as published in 23:10 NCR, pp. 891-895:

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3 **10A NCAC 13J .1107 IN-HOME AIDE SERVICES**

4 (a) If an agency provides in-home aide services, the services shall be provided in accordance with the client's plan
5 of care. Agencies participating in the Home and Community Care Block Grant or Social Services Block Grant
6 through the Division of Aging and Adult Services shall comply, for those clients, with the in-home aide service level
7 rules contained in 10A NCAC 06A and 10A NCAC 06X which are hereby incorporated by reference with all
8 subsequent amendments. All other agencies providing in-home aide services shall comply with the provisions in
9 Paragraphs (b) and (c) of this Rule.

10 (b) If the client's plan of care requires the in-home aide to provide extensive assistance as defined in { } Rule
11 .0901(8) of this Subchapter to a client who is totally dependent in the activity or requires substantial hands-on care
12 and physical support including more than guided maneuvering of limbs or weight bearing assistance; { } the in-
13 home aide shall be listed on the Nurse Aide Registry pursuant to G.S. 131E-255. However, if the client's plan of care
14 requires the in-home aide to provide only limited assistance to the client which includes hands-on care involving
15 guided maneuvering of limbs with eating, toileting, bathing, dressing, personal hygiene, self monitoring of
16 medications or other non-weight bearing assistance, the in-home aide shall not be required to be listed on the Nurse
17 Aide Registry. Agencies shall be in compliance with this Paragraph no later than April 1, 2008. However, if the
18 client's plan of care { } requires the in-home aide to provide only limited assistance as defined in { } Rule
19 .0901(9) of this Subchapter the in-home aide { } is not required to be listed on the Nurse Aide Registry. { }

20 (c) In-home aides shall follow instructions for client care written by the health care practitioner required for the
21 services provided. In-home aide duties may include the following:

- 22 (1) help with prescribed exercises which the client and in-home aides have been taught by a health
23 care practitioner licensed pursuant to G.S. 90;
- 24 (2) provide or assist with personal care (i.e., bathing, care of mouth, skin and hair);
- 25 (3) assist with ambulation;
- 26 (4) assist client with self-administration of medications which are ordered by a physician or other
27 person authorized by state law to prescribe;
- 28 (5) perform incidental household services which are essential to the client's care at home; and
- 29 (6) record and report changes in the client's condition, family situation or needs to an appropriate
30 health care practitioner.

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32 *History Note: Authority G.S. 131E-140;*

33 *Eff. July 1, 1992;*

34 *Amended Eff. January 1, 2010; October 1, 2007; October 1, 2006; February 1, 1996.*

