

NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**


ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

December 3, 2021

To: N.C. Licensed Adult Care Home & Family Care Home Providers

From: Megan Lamphere, Chief 
DHSR Adult Care Licensure Section

RE: Updated Notice of Statewide Waivers of Certain Licensing Requirements Due to Novel Coronavirus Disease (COVID-19)

STATEWIDE WAIVERS
OF CERTAIN LICENSING REQUIREMENTS
FOR ADULT CARE HOMES (ACH) AND FAMILY CARE HOMES (FCH)
DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19)

NOTICE

As the situation surrounding COVID-19 continues, this Notice provides an update of statewide waivers for certain licensing requirements applicable to Adult Care Homes and Family Care Homes licensed pursuant to N.C.G.S. § 131D, Article 1, and rules 10A NCAC 13F and 10A NCAC 13G without the need for providers to make individual requests, subject to the following Waiver Terms and Conditions. These waivers are granted pursuant to N.C.G.S. § 131D-7 and the Director of Emergency Management's request for waiver of certain regulations. This update supersedes the statewide waiver issued on April 24, 2020. Because of COVID-19, the Department continues to take major and unprecedented actions to protect the health, safety, and welfare of the people in North Carolina. This statewide waiver will expire at the conclusion of the Governor's emergency declaration or sooner as determined by the Department and is subject to the terms and conditions set forth herein.

Personnel Requirements & Hiring New Staff

The following are updates to waivers that were issued to enable new staff to begin providing care immediately in an adult care home or family care home. Documentation of each requirement below shall be maintained in the employee's personnel file as applicable.

1. **Tuberculosis Testing**, Rules 10A NCAC 13F .0406 and 10A NCAC 13G .0405 are no longer waived.

Employees for whom tuberculosis testing was deferred should be tested by December 22, 2021 and documentation shall be maintained in their personnel file.

2. **Criminal Background Check**, Rules 10A NCAC 13F .0407(a)(7) and 10A NCAC 13G .0406(a)(7) are no longer waived based on Executive Order No. 236 issued on October 4, 2021. Executive Order No. 236 rescinded Section 6(C) of Executive Order No. 130.

As soon as possible, but no later than 30 days from the date of this notice, facilities shall conduct a complete criminal history record checks in accordance with N.C.G.S. § 131D-40 for any staff who were hired on or after April 24, 2020 and did not have a complete criminal history record check completed subject to the waiver. Documentation of a complete criminal record check shall be maintained in the employee's personnel file.

3. **Personal Care Training and Competency**, This extension remains in place, superseding 10A NCAC 13F .0501(b) and 10A NCAC 13G .0501(b). Employees of adult care facilities who provide personal care or who directly supervise those who provide personal care shall now have **nine (9) months** after the date of hiring to complete the 80-hour personal care training and competency evaluation program. However, facilities must still assure necessary supervision and on-the-job training for the employee, as provided in 10A NCAC 13F .0501(d) and 10A NCAC 13G .0501(g), until such time as the employee has successfully completed the personal care training and competency evaluation program. Documentation of on-the-job training shall be maintained in the employee's personnel record.
4. **Training on Care of Diabetic Residents**, Rules 10A NCAC 13F .0505 and 10A NCAC 13G .0505 are no longer waived. Facilities shall assure that training on the care of residents with diabetes is provided to staff prior to the administration of insulin.

Resident Admissions & Other Requirements

1. **Tuberculosis Testing Upon Admission**, Rules 10A NCAC 13F .0703(a) and 10A NCAC 13G .0702(a) are no longer waived. Residents for whom tuberculosis testing was deferred should be tested by December 22, 2021, and documentation shall be maintained in the resident's record.
2. **Annual Medical Exam**: Rules 10A NCAC 13F .0703(c) and 10A NCAC 13G .0702(c) are no longer waived.
3. **Care Plan**: Rules 10A NCAC 13F .0802(e) and 10A NCAC 13G .0802(e) are no longer waived.

4. **Medication Orders:** Rules 10A NCAC 13F .1002(d)(1) and 10A NCAC 13G .1002(d)(1) are no longer waived.
5. **Pharmaceutical Care:** Rules 10A NCAC 13F .1009(a)(1) and 10A NCAC 13G .1009(a)(1) are no longer waived.
6. **Licensed Health Professional Support Quarterly Reviews and Evaluations:** Rules 10A NCAC 13F .0903(c) and 10A NCAC 13G .0903(c) are no longer waived.

Visitation & Group Activities

1. **Visitation:** Rules 10A NCAC 13F .0906 (f)(1)-(2) and 10A NCAC 13G .0906 (f)(1)-(2) are no longer waived. In-person visitation should be occurring to the greatest extent possible in adult care homes and family care homes.

Facilities should continue to follow COVID-19 guidance issued by the Department and in accordance with rules 10A NCAC 13F .1801 and 10A NCAC 13G .1701. Current guidance may be found on the NCDHHS website at:

<https://covid19.ncdhhs.gov/guidance#long-term-care-facilities>.

2. **Group Activities:** Rules 10A NCAC 13F .0905 and 10A NCAC 13G .0905 are no longer waived.

Facilities should continue to follow COVID-19 guidance issued by the Department and in accordance with rules 10A NCAC 13F .1801 and 10A NCAC 13G .1701. Current guidance may be found on the NCDHHS website at

<https://covid19.ncdhhs.gov/guidance#long-term-care-facilities>.

Nutrition & Food Service

1. **Disposable Place Settings:** Rules 10A NCAC 13F .0904(b)(2) and 10A NCAC 13G .0904(b)(2) are no longer waived. Exceptions may be made on a temporary basis as recommended by the local health department as a result of an outbreak of COVID-19 or other communicable disease.
2. **Menus:** Rules 10A NCAC 13F .0904(c) and 10A NCAC 13G .0904(c) are no longer waived.
3. **Communal Dining:** Facilities should continue to follow COVID-19 guidance issued by the Department and in accordance with rules 10A NCAC 13F .1801 and 10A NCAC

13G .1701. Current guidance may be found on the NCDHHS website at <https://covid19.ncdhhs.gov/guidance#long-term-care-facilities>.

Effect, Rescission, or Modification

The waivers set forth above are effective as of the date of this notice and the waiver allowances issued on April 24, 2020, have expired. The Department reserves the right to rescind, modify, or extend this waiver based upon new federal, state, or local directives or guidance. This statewide waiver shall expire on the 30th day after the Declaration of a State of Emergency, declared in Executive Order No. 116, is rescinded, or sooner as determined by the Department.