

PREPARING FOR HOME CARE LICENSURE TRAINING & APPLICATION

The Division of Health Service Regulation regulates many entities including hospitals, nursing homes, adult care homes, home care agencies and hospice agencies. This Division works to ensure that people in the care of these entities - including licensed home care agencies - are safe and receive appropriate care.

For a home care agency to provide safe and appropriate care, the individuals responsible for the agency operations and services need to be familiar with the many laws and regulations for which they will be held accountable.

10A NCAC 13J .0903 of the licensure rules require the following:

*If the applicant cannot demonstrate to the Division of Facility Services that he or she has ever owned or operated a home care agency prior to submission of the application, **the Division shall not issue a license until the applicant has received training** approved by the Division which shall include in the requirements for licensure, the licensure process, and the rules pertaining to the operation of a home care agency.*

The training requirements help to ensure that the applicant is not only able to navigate through the application process, but also provide a learning opportunity for the applicant regarding the many laws and regulations a licensed home care agency must meet. To better prepare for the training, the application process and the eventual operating of a licensed agency, applicants should review the following information before scheduling training.

Who Provides Training?

The Association for Home & Hospice Care of NC (AHHC) provides training that has been approved by DHSR and is currently providing training for applicants who are not impacted by Senate Bill 748.

If you are unsure if you are required to attend training, you will need to contact the Division of Health Services Regulation at 919-855-4620 for that determination.

→ Please note: The names of individuals attending training are forwarded to the Division of Health Services Regulation. You must attend the class in its entirety in order to successfully complete the class. This means that you cannot arrive late or leave early.

Applicant Training Classes – Who Should Attend?

1. Agency Director

"Agency director" means the person having administrative responsibility for the operation of the agency. It stands to reason, that without an agency director, an agency cannot operate.

It is crucial that the agency director attend the training classes in order to understand how to operate the agency under federal/state laws and regulations.

THE QUALIFICATIONS REQUIRED OF AN AGENCY DIRECTOR

10A NCAC 13J .1001 AGENCY MANAGEMENT AND SUPERVISION

(b) The agency shall designate an individual to serve as agency director. The agency director shall have the authority and responsibility for administrative direction of the agency and shall meet one or more of the following qualifications:

** (1) a health care practitioner as defined in G.S. 90-640(a); (**NC law defines a "health care practitioner" as an individual who is licensed, certified, or registered to engage in the practice of medicine, nursing, dentistry, pharmacy, or any related occupation involving the direct provision of health care to patients.")

(2) 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

(3) 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.

- Decide if your agency director will meet the licensure rule requirements as stated above.
- Also consider the availability of the Agency Director. The agency director (or their designee in the director's absence as defined by agency policy) needs to be present or totally accessible during the hours the agency is providing services. In past interpretations given by the Centers for Medicare & Medicaid Services, **this means that the individual cannot be concurrently employed elsewhere.**

2. Supervisor

Supervision is generally defined as "watching" over a task or individual to ensure that the task is performed correctly or the individual performs correctly. The North Carolina Board of Nursing regulations define supervision as: *the provision of guidance or direction, evaluation and follow-up by the licensed nurse for accomplishment of an assigned or delegated nursing activity or set of activities.*

Since many licensed home care agencies providing in-home aide services also enroll in the Medicaid PCS program, it is important to understand the requirements of the licensure rules and the PCS policies as pertains to supervision of aides. The PCS program and the CAP/DA programs require that supervision be provided by a registered nurse. If the applicant is applying for a license in order to provide in-home aide services, it is very important that the RN supervisor be present for the training so that the RN understands the requirements of home care licensure and the impacting federal and state laws and so does not put her own license in jeopardy.

THE SUPERVISION REQUIREMENTS OF HOME CARE LICENSURE

10A NCAC 13J .1001 AGENCY MANAGEMENT AND SUPERVISION

(c) The agency shall designate a person responsible for supervising each type of home care service contained in Section .1100 of this Subchapter that is provided by the agency either directly or by contract. This individual may be the supervisor for one or more home care services and may also serve as the agency director.

10A NCAC 13J .1110 SUPERVISION AND COMPETENCY OF IN-HOME AIDES OR OTHER IN-HOME CARE PROVIDERS

(i) The appropriate professional shall be **continuously available** for supervision, on-site where services are provided when necessary, during the hours that in-home care services are provided.

- Consider the availability of supervision. The regulatory requirements for supervision mandate that the supervision is continuously available, on-site when necessary during anytime aide services are being provided by the agency. **This means that the person responsible for supervision cannot be concurrently employed elsewhere in order for the intent of the rule to be met.**

For example, a nurse working for the hospital or physician's office full time during the weekday could not serve as the continuously available supervisor for the home care agency during those same hours. There would have to be another nurse(s) continuously available to the aide during that time in order for the intent of the supervision rule to be met.

ADDITIONAL CONSIDERATIONS IN ORDER TO BE READY FOR LICENSURE

The class will provide detailed information on the application process. When you submit your application to DHSR you should be prepared to show how you will be able to meet the agency director and supervision requirements of licensure. Subsequently, when you meet with the DHSR reviewer you will need to have the required agency policies completed and ready for review. There are additional items that you should have available at that time.

- **Local business licenses and permits may also be required.** When submitting your home care licensure application to DHSR, you need to also submit proof that either a local license/permit was not required or submit a copy of the permit/license that your business obtained.
- **You should also consider whether or not the site of the agency will be appropriate or not.**

In most areas, there are zoning restrictions that may prevent you from operating a business from a particular location, including your home. If you are considering using your home as the agency site, you need to provide proof during the licensure application process that your home is zoned for your business. You will need to contact the zoning board in your area to discuss the zoning laws and permits required for your in-home business and submit proof along with your application that you are approved to operate a business from this site.

In addition, the home care licensure rules require that the agency site must have a public access door with a prominent sign bearing the agency's name. Surveyors will conduct inspections at this site and the rules require that you allow immediate access to the site. In addition, the rules require that patient records be kept confidential. If you are using your home for your agency site, you will need to demonstrate in the licensure process how you will meet the requirements of HIPAA and OSHA as regards to patient record and personnel record confidentiality.

10A NCAC 13J .0903 APPLICATION FOR AND ISSUANCE OF LICENSE

(b) The Department shall issue a license to each agency premises. Initial and ongoing licensure inspections may include all premises of an agency.

(c) The license shall be posted in a prominent location accessible to public view within the premises. The agency shall also post a sign at the public access door with the agency name.

10A NCAC 13J .0904 INSPECTIONS

.....The agency shall allow immediate access to its premises and the records necessary to conduct an inspection and determine compliance with the rules of this Subchapter. Failure to do so shall result in termination of the survey and may result in injunctive relief as outlined in G.S. 131E-142(b).