

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Social Services Commission

RULE CITATION: 10A NCAC 06T .0201

DEADLINE FOR RECEIPT: Wednesday, January 17, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (c), line 11, who may purchase adult day care services? The sentence is written in the passive tense. Please revise in the active tense and specify who makes the purchase.

Same for (c), lines 12-13. Revise from the passive to the active tense and specify who may make the purchase.

In (d), lines 17-18, would only the county department of social services make the reimbursement? SL 2023-65 changes G.S. 143B-153(2a) to say that the county DSS or a designee of the board of county commissioners may set the reimbursement rate, but I'm not sure that means either body can actually make the reimbursement itself.

In your History Note, there's no need to cite to SL 2021-180, as that language has been codified into 143B-153(2a), unless you're citing to Section 9A.3B.(c) of the session law.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: January 3, 2024

1 10A NCAC 06T .0201 is amended as published in 38:08 NCR 483-484 as follows:

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3 **SECTION .0200 - STATE ADULT DAY CARE FUND**

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5 **10A NCAC 06T .0201 NATURE AND PURPOSE OF STATE ADULT DAY CARE FUND**

6 (a) The State adult day care fund shall be used for adult day care and adult day health services provided through
7 county departments of social services for the purpose of enabling people to remain in or return to their own homes.

8 (b) The fund shall be used to increase ~~state~~State financial participation in the costs of this service.

9 (c) ~~The maximum rate for the purchase of adult day care services under contract not exceed thirty three dollars and~~
10 ~~seven cents (\$33.07) per day, per client. The maximum rate for the purchase of adult day health services under contract~~
11 ~~shall not exceed forty dollars (\$40.00) per day, per client. Adult day care services may be purchased for an individual~~
12 ~~following a preadmission assessment as specified in 10A NCAC 06R .0501. Adult day health services may ~~only~~ be~~
13 ~~purchased for an individual following a preadmission health assessment as specified in 10A NCAC 06S .0204(c)(2)(A)~~
14 ~~and a determination that the individual needs one or more services as set forth in 10A NCAC 06S .0402(a).~~

15 (d) ~~The maximum reimbursement rate for transporting an adult day care client to an adult day care program not exceed~~
16 ~~one dollar and fifty cents (\$1.50) for a one way trip. If an adult day care or adult day health provider elects to provide~~
17 ~~or arrange for transportation services for the individual who attends the program, the county department of social~~
18 ~~services may reimburse the adult day care or adult day health provider for transporting the individual to the adult day~~
19 ~~care or adult day health program.~~

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21 *History Note: Authority G.S. 143B-153(2a); 143B-153(6); S.L. 1981, c. 1048; S.L. 2021-180; S.L. 2023-65;*
22 *Eff. January 1, 1982;*
23 *Temporary Amendment Eff. July 27, 1994 for a period of 180 days or until the permanent rule*
24 *becomes effective, whichever is sooner;*
25 *Amended Eff. December 1, 1994; July 1, 1990;*
26 *Temporary Amendment Eff. December 8, 1997;*
27 *Amended Eff. March 1, 2007; April 1, 2005; April 1, 1999;*
28 *Readopted Eff. November 1, ~~2019-2019;~~*
29 *Amended Eff. February 1, 2024.*