

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Department of Health and Human Services - Division of Aging and Adult Services intends to amend the rule cited as 10A NCAC 06Q .0201.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: March 10, 2022.

Public Hearing:

Date: March 24, 2022

Time: 10:00 a.m.

Location: Virtual, Microsoft Teams, Phone Number +1 984-204-1487, Code 179785057#

Reason for Proposed Temporary Action: The effective date of a recent act of the General Assembly or of the U.S. Congress, NC Session Law 2021-180, effective November 18, 2021. Session Law 2021-180 removed the authority for rate setting for adult day services (adult day care and adult day health and respective transportation costs to the facilities) from the NC DHHS Secretary and granted the authority to local entities and county lead agencies. Section 9A.3B.(c) in Session Law 2021-180 specifically states that DHHS and the Social Services Commission (there are 2 funding sources with 2 different sets of authority) shall promulgate rules to allow reimbursement rates to be set by each county lead agency. Pursuant to NCGS 150B-21.1, temporary rules are necessary because of a recent act of the General Assembly and adherence to the notice and hearing requirements would be contrary to the public interest because counties need to set rates for adult day services prior to the commencement of the State fiscal year.

Comment Procedures: Comments from the public shall be directed to: Misty Piekaar-McWilliams, 693 Palmer Drive, Raleigh, NC 27603; phone (919) 855-4980; email misty.piekaar@dhhs.nc.gov. The comment period begins March 18, 2022 and ends April 8, 2022.

CHAPTER 06 - AGING - PROGRAMS OPERATIONS

SUBCHAPTER 06Q - ADULT DAY CARE

SECTION .0200 - REQUIREMENTS

10A NCAC 06Q .0201 ~~MAXIMUM REIMBURSEMENT RATES~~

(a) The ~~maximum~~ reimbursement rate for adult day care services shall ~~not exceed thirty-three dollars and seven cents (\$33.07)~~ be set by the local entities or each county lead agency for planning and coordination per day, per client. The ~~maximum~~ rate for adult day health services shall be set by the local entities or each county lead agency for planning and coordination ~~not exceed forty dollars (\$40.00)~~ per day, per client. The rates shall reflect the factors as set forth in section 9A.3B.(a) in Session Law 2021-180, amended G.S. 143B-181.1(a)(11).

(b) The ~~maximum~~ reimbursement rate for transporting an adult day care client to an adult day care center shall be set by local entities or each county lead agency for planning and coordination ~~not exceed one dollar and fifty cents (\$1.50)~~ for a one-way trip. The ~~maximum~~ reimbursement rate for round-trip transportation of an adult day care client or adult day health client to an adult day care center or adult day health center shall be set by the local entities or each county lead agency for planning and coordination ~~not exceed three dollars (\$3.00)~~ per day, per client. The rates shall reflect the factors as set forth in section 9A.3B.(a) in Session Law 2021-180, amended G.S. 143B-181.1(a)(11).

Authority G.S. 143B-181.1(a)(11); ~~143B-181.1(e)~~; 143B-181.1(c); S.L. 2021-180.