



**7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?**

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.

**8. Rule establishes or increases a fee? (See G.S. 12-3.1)**

**Yes**  
Agency submitted request for consultation on:  
Consultation not required. Cite authority:

**No**

**9. Rule-making Coordinator: Misty L. Piekaar-McWilliams**

**Phone: 919.855.4890**

**E-Mail: misty.piekaar@dhhs.nc.gov**

**10. Signature of Agency Head\*:**

*Drew J. Pledger*

**\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name:**

**Title:**

**E-Mail:**

**Agency contact, if any: Same as above**

**Phone:**

**E-Mail:**

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

**PART I. TITLE AND INTRODUCTION**

**TITLE OF ACT**

**SECTION 1.1.** This act shall be known as the "Current Operations Appropriations Act of 2021."

**INTRODUCTION**

**SECTION 1.2.** The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

**PART II. CURRENT OPERATIONS AND EXPANSION/GENERAL FUND**

**GENERAL FUND APPROPRIATIONS**

**SECTION 2.1.(a)** Appropriations from the General Fund for the budgets of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for each year of the 2021-2023 fiscal biennium, according to the following schedule:

<b>Current Operations - General Fund</b>	<b>FY 2021-2022</b>	<b>FY 2022-2023</b>
<b>EDUCATION</b>		
Community College System		
Requirements	1,819,143,571	1,685,373,047
Less: Receipts	502,936,159	345,149,910
<b>Net Appropriation</b>	<b>1,316,207,412</b>	<b>1,340,223,137</b>
Public Instruction		
Requirements	13,493,426,049	13,146,477,032
Less: Receipts	2,890,675,279	2,219,558,462
<b>Net Appropriation</b>	<b>10,602,750,770</b>	<b>10,926,918,570</b>

University of North Carolina  
UNC at Asheville

**SECTION 9A.3B.(c)** The Department of Health and Human Services, Division of Aging and Adult Services, Division of Social Services, and the Social Services Commission shall amend or repeal any rules requiring a maximum statewide reimbursement rate for adult day care and adult day health services paid under the Home and Community Care Block Grant and the State Adult Day Care Fund. Rules shall be promulgated to allow the reimbursement rates for adult day care services, adult day health services, and associated transportation services to be set by each county lead agency for planning and coordination. The rates shall reflect geographical differences, the availability of services, the cost to provide services, and other local variables.

**SECTION 9A.3B.(d)** This section is effective when it becomes law.

## **RAPID REHOUSING FOR INDIVIDUALS AND FAMILIES AT RISK OF HOMELESSNESS**

**SECTION 9A.4.** Of the funds appropriated in this act from the State Fiscal Recovery Fund to the Department of Health and Human Services, Division of Aging and Adult Services, the sum of fifteen million dollars (\$15,000,000) in nonrecurring funds for the 2021-2022 fiscal year shall be allocated for rapid rehousing services to assist individuals and families at risk of homelessness due to the COVID-19 public health emergency with obtaining safe housing. The funds allocated under this section shall remain available until depleted or on the date federal law requires the funds to be fully expended, whichever is earlier. These funds shall be used to supplement and not supplant existing funds for homelessness prevention activities and may be used to provide financial assistance to eligible individuals and families to cover the cost of acute needs such as the following:

- (1) Security deposits and rental assistance for a period not to exceed 12 months per individual or family.
- (2) Utility deposits and utility assistance for a period not to exceed 12 months per individual or family.
- (3) Temporary hotel stays while awaiting more permanent housing.
- (4) Housing navigation services.
- (5) Case management services related to the rapid attainment of safe housing.
- (6) Activities to increase local capacity for housing services and other related services to prevent homelessness, such as the evidenced-based coordinated entry system.
- (7) Home improvements and home repairs to support vulnerable seniors age 60 and older to remain in in-home living arrangements rather than congregate care settings during the COVID-19 public health emergency.

## **NUTRITION SERVICES FOR OLDER ADULTS**

**SECTION 9A.5.** Of the funds appropriated in this act from the State Fiscal Recovery Fund to the Department of Health and Human Services, Division of Aging and Adult Services, the sum of three million five hundred eighty-five thousand dollars (\$3,585,000) in nonrecurring funds for the 2021-2022 fiscal year shall be used to address food insecurity among older adults due to the COVID-19 pandemic through the following activities:

- (1) Providing two meals per week or twenty dollars (\$20.00) per week in groceries to eligible older adults who are frail or functionally impaired.
- (2) Providing two weeks of meals to eligible high-risk older adults after a hospital discharge.
- (3) Expanding the North Carolina Senior Farmers' Market Nutrition Program across the State to eligible low-income older adults.

## **PART IX-B. CENTRAL MANAGEMENT AND SUPPORT**

**SECTION 43.8.** Except as otherwise provided, this act is effective July 1, 2021.  
In the General Assembly read three times and ratified this the 18<sup>th</sup> day of November,  
2021.

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 2:05 p.m. this 18<sup>th</sup> day of November, 2021

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

AGENCY: Social Services Commission

RULE CITATION: 10A NCAC 06T .0201 (Temporary)

**DEADLINE FOR RECEIPT: May 13, 2022**

***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:

*General to the Rule: What is the difference between “local level”, “local entities” and a county “lead agency for planning and coordination”? If there is a difference, what is the authority of the agency to expand the number of entities authorized to set the reimbursement rate beyond “local level” pursuant to S.L. 2021-180?*

*In (a), Page 1, Line 8: Is there a citation to the “state adult day care fund”? The only reference within Chapter 143B is in G.S. 143B-181.1(a)(11). Is that the same fund?*

*In (c) and (d), Page 1, Lines 11, 14, 15, and 21: The term “local entities” is undefined in either G.S. 143B or in Title 10A of the North Carolina Administrative Code. What is a “local entity”? How is the “local entity” determined and by what authority?*

*In (c) and (d), Page 1, Lines 12, 15, and 21: The term “county lead agency” is undefined in G.S. 143B and Title 10A of the North Carolina Administrative Code. What is a county lead agency? How is the county lead agency determined and by what authority?*

*In (c) and (d), Page 1, Lines 13, 16, and 23, did you mean to say “amending” instead of “amended”?*

*Page 1, Lines 17 through 19: Consider whether this should be its own subsection.*

*History Note: Page 1, Line 25: G.S. 143B-153(2a) and (6) reference federal legislation. Would it not be appropriate to offer a citation to that legislation? Is that the same as Title XX referenced in Rule .0202?*

*In your History Note, please specify which sections of the Session Law to which you’re referring. It appears to me that you’re implementing SL 2021-180, ss. 9A.3B.(a), 9A.3B.(b), and 9A.3B.(c).*

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

William W. Peaslee  
Commission Counsel

Date submitted to agency: May 9, 2022

1 10A NCAC 06T .0201 is amended under temporary procedures as follows:

2  
3 **SUBCHAPTER 06T – STATE ADULT DAY CARE FUNDING**

4  
5 **SECTION .0200 - STATE ADULT DAY CARE FUND**

6  
7 **10A NCAC 06T .0201 NATURE AND PURPOSE OF STATE ADULT DAY CARE FUND**

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

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

11 (c) The ~~maximum~~ rate for the purchase of adult day care services ~~under contract~~ shall be set by the local entity or  
12 county lead agency for planning and coordination not exceed thirty three dollars and seven cents (\$33.07) per day,  
13 per client. The rates shall reflect the factors as set forth in section 9A.3B.(b) in Session Law 2021-180, amended G.S.  
14 143B-153(2a). The ~~maximum~~ rate for the purchase of adult day health services ~~under contract~~ shall be set by the local  
15 entity or county lead agency for planning and coordination not exceed forty dollars (\$40.00) per day, per client. The  
16 rates shall reflect the factors as set forth in section 9A.3B.(b) in Session Law 2021-180, amended G.S. 143B-153(2a).

17 Adult day health services may only be purchased for an individual following a preadmission health assessment as  
18 specified in 10A NCAC 06S .0204(c)(2)(A) and a determination that the individual needs one or more services as set  
19 forth in 10A NCAC 06S .0402(a).

20 (d) The ~~maximum~~ reimbursement rate for transporting an adult day care client to an adult day care program or adult  
21 day health program shall be set by the local entity or county lead agency for planning and coordination not exceed one  
22 dollar and fifty cents (\$1.50) for a one-way trip. The rates shall reflect the factors as set forth in section 9A.3B.(b) in  
23 Session Law 2021-180, amended G.S. 143B-153(2a).

24  
25 *History Note: Authority G.S. 143B-153(2a); 143B-153(6); S.L. 1981, c. 1048, 1048 ; S. L. 2021-180;*

26 *Eff. January 1, 1982;*

27 *Temporary Amendment Eff. July 27, 1994 for a period of 180 days or until the permanent rule*  
28 *becomes effective, whichever is sooner;*

29 *Amended Eff. December 1, 1994; July 1, 1990;*

30 *Temporary Amendment Eff. December 8, 1997;*

31 *Amended Eff. March 1, 2007; April 1, 2005; April 1, 1999;*

32 *Readopted Eff. November 1, 2019;*

33 *Temporary Amendment Eff. July 1, 2022.*