

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Medical Care Commission

RULE CITATION: 10A NCAC 13F .0405

DEADLINE FOR RECEIPT: Wednesday, December 1, 2021

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 call our office to inquire concerning the staff recommendation.

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

On line 4, what kind of facility? I assume adult care homes?

On line 4, what is meant by "experienced"? Are there any minimum experience requirements or is this left to the facility?

Please consider adding "that is" before "experienced in food service..."

What is an "institutional setting"?

On line 5, please change "registered dietician" to "licensed dietician/nutritionist" or "licensed nutritionist" in order to match their practice act in Article 25 of Chapter 90 of the General Statutes.

On line 6, please remove the comma after "necessary"

Please put your authority citations in numerical order.

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

Amber May
Commission Counsel
Date submitted to agency: November 12, 2021

1 10A NCAC 13F .0405 is readopted as published in 35:24 NCR 2676-2677 as follows:

2
3 **10A NCAC 13F .0405 QUALIFICATIONS OF FOOD SERVICE SUPERVISOR**

4 ~~(a) The~~ Each facility shall have a food service supervisor ~~shall be~~ experienced in food service in commercial or
5 institutional settings and willing to accept consultation from who shall consult with a registered dietitian. dietitian as
6 necessary, to meet the dietary needs of the residents in accordance with Rule .0904 of this Subchapter.

7 ~~(b) Rule 10A NCAC 13G .0405 (c) and (d) shall control for this Subchapter.~~

8
9 *History Note: Authority G.S. ~~131D-2.16~~; 131D-4.5; 131D-2.16; 143B-165;*

10 *Eff. January 1, 1977;*

11 *Readopted Eff. October 31, 1977;*

12 *Amended Eff. April 1, 1987; April 1, ~~1984~~. 1984;*

13 *Readopted Eff. January 1, 2022.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Medical Care Commission

RULE CITATION: 10A NCAC 13F .0509

DEADLINE FOR RECEIPT: Wednesday, December 1, 2021

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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 call our office to inquire concerning the staff recommendation.

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

On line 5, what is this manual? Is this some sort of training requirement? Are the contents of the manual Rules as defined in the APA? If so, are they exempted from the rulemaking process?

On line 6, how will it be determined whether something is "equivalent" to the manual established by the Department?

On line 6, please change "registered dietitian" to "licensed dietitian/nutritionist" or "licensed nutritionist" in order to match their practice act in Article 25 of Chapter 90 of the General Statutes. Would it make sense to pull out the information regarding licensed nutritionists to a separate paragraph?

On line 6, please consider changing "on the internet website" to "at"

Please put your authority citations in numerical order.

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

Amber May
Commission Counsel
Date submitted to agency: November 12, 2021

1 10A NCAC 13F .0509 is amended as published in 35:24 NCR 2676-2677 as follows:

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3 **10A NCAC 13F .0509 FOOD SERVICE ORIENTATION**

4 The food service supervisor and adult care home dietary staff ~~person in charge of the preparation and serving of who~~
5 prepare and serve food shall complete a food service orientation ~~program~~ manual established by the Department or an
6 equivalent within 30 days of ~~hire for those staff hired on or after July 1, 2004.~~ hire. Registered dietitians are exempt
7 from this orientation. The orientation ~~program~~ manual is available on the internet website, ~~http://facility-~~
8 ~~services.state.nc.us/gepage.htm, or it is available at the cost of printing and mailing from the Division of Health~~
9 ~~Service Regulation, Adult Care Licensure Section, 2708 Mail Service Center, Raleigh, NC 27699 2708.~~
10 https://info.ncdhhs.gov/dhsr/acls/pdf/foodsrvman.pdf, at no cost.

11
12 *History Note: Authority G.S. ~~131D-2.16~~; 131D-4.5; 131D-2.16; 143B-165;*

13 *Temporary Adoption Eff. July 1, 2004;*

14 *Temporary Adoption Expired March 12, 2005;*

15 *Eff. June 1, 2005;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
17 *~~2018.~~ 2018;*

18 *Amended Eff. January 1, 2022.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Medical Care Commission

RULE CITATION: 10A NCAC 13F .1213

DEADLINE FOR RECEIPT: Wednesday, December 1, 2021

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

Just to be sure that I understand here – they must post these items in a publicly viewable place and also must provide these to folks upon request?

What is a “publicly viewable place”?

*In the History Note, I assume that by 143-165 you mean 143**B**-165?*

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

Amber May
Commission Counsel
Date submitted to agency: November 12, 2021

10A NCAC 13F .1213 is readopted as published in 35:24 NCR 2676-2677 as follows:

10A NCAC 13F .1213 AVAILABILITY OF CORRECTIVE ACTION AND SURVEY REPORTS

An adult care home shall make available to residents and their families or responsible persons and to prospective residents and their families or responsible persons, upon request and ~~within the facility, corrective action reports by the county departments of social services and facility survey reports by state licensure consultants that have been approved by the Adult Care Licensure Section of the Division of Health Service Regulation within the past 12 months.~~ in a publicly viewable place in the home the following:

- (1) the most recent annual or biennial and subsequent facility survey reports issued by the Adult Care Licensure Section of the Division of Health Service Regulation;
- (2) any other reports issued by the Adult Care Licensure Section of the Division of Health Service Regulation within the past 12 months; and
- (3) corrective action reports issued by the county department of social services within the past 12 months.

History Note: Authority G.S. 131D-2.16; 143-165;

Eff. July 1, ~~2005~~, 2005;

Readopted Eff. January 1, 2022.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Medical Care Commission

RULE CITATION: 10A NCAC 13G .0509

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On line 6, how will it be determined whether something is "equivalent" to the manual established by the Department?

On line 6, please consider changing "on the internet website" to "at"

Please put your authority citations in numerical order.

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Amber May
Commission Counsel
Date submitted to agency: November 12, 2021

1 10A NCAC 13G .0509 is readopted as published in 35:24 NCR 2676-2677 as follows:

2
3 **10A NCAC 13G .0509 FOOD SERVICE ORIENTATION**

4 ~~The family~~ Family care home staff person in charge of the preparation and serving of who prepare and serve food
5 shall complete a food service orientation program manual established by the Department or an equivalent within 30
6 days of ~~hire for those staff hired on or after July 1, 2004.~~ hire. The orientation program manual is available on the
7 internet website, ~~http://facility-services.state.nc.us/gepage.htm, or it is available at the cost of printing and mailing~~
8 ~~from the Division of Health Service Regulation, Adult Care Licensure Section, 2708 Mail Service Center, Raleigh,~~
9 ~~NC 27699-2708.~~ https://info.ncdhhs.gov/dhsr/acls/pdf/foodsrvman.pdf, at no cost.

10
11 *History Note: Authority G.S. ~~131D-2.16; 131D-4.5; 131D-2.16; 143B-165;~~*

12 *Temporary Adoption Eff. July 1, 2004;*

13 *Temporary Adoption Expired March 12, 2005;*

14 *Eff. June 1, ~~2005;~~ 2005;*

15 *Readopted Eff. January 1, 2022.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Medical Care Commission

RULE CITATION: 10A NCAC 13G .1214

DEADLINE FOR RECEIPT: Tuesday, December 7, 2021

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

Just to be sure that I understand here – they must post these items in a publicly viewable place and also must provide these to folks upon request?

What is a “publicly viewable place”?

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

Amber May
Commission Counsel
Date submitted to agency: November 12, 2021

1 10A NCAC 13G .1214 is readopted as published in 35:24 NCR 2676-2677 as follows:

2
3 **10A NCAC 13G .1214 AVAILABILITY OF CORRECTIVE ACTION AND SURVEY REPORTS**

4 A family care home shall make available ~~within the facility, upon request, corrective action reports by the county~~
5 ~~departments of social services and facility survey reports by state licensure consultants that have been approved by~~
6 ~~the Adult Care Licensure Section of the Division of Health Service Regulation within the past 12 months to residents~~
7 ~~and their families or responsible persons and to prospective residents and their families or responsible persons. to~~
8 residents and their families or responsible persons and to prospective residents and their families or responsible
9 persons, upon request and in a publicly viewable place in the home the following:

- 10 (1) the most recent annual or biennial and subsequent facility survey reports issued by the Adult Care
11 Licensure Section of the Division of Health Service Regulation;
12 (2) any other survey reports issued by the Adult Care Licensure Section of the Division of Health
13 Service Regulation within the past 12 months; and
14 (3) corrective action reports issued by the county department of social services within the past 12
15 months.

16
17 *History Note: Authority 131D-2.16; 143B-165;*

18 *Eff. July 1, ~~2005~~; 2005;*

19 *Readopted Eff. January 1, 2022.*