

1 10A NCAC 70K .0101 is readopted with changes as published in 31:18 NCR 1805 as follows:

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3 **10A NCAC 70K .0101 DEFINITION**

4 (a) For the purposes of the rules in this Subchapter, "residential maternity home" means a child-caring institution
5 ~~which that~~ provides continuing ~~full-time~~ full-time care for adolescent ~~women~~ and adult women during pregnancy
6 and after delivery when delivery takes place in a licensed ~~hospital, and a facility for adult women during pregnancy~~
7 ~~and after delivery when delivery takes place in a licensed hospital. The rules in this Subchapter apply to persons~~
8 ~~intending to organize, develop, or operate a residential maternity home.~~ hospital. Residential maternity homes shall
9 not hold dual licensure under G.S. 131D and G.S. 122C. A residential maternity home shall not be licensed under
10 both 10A NCAC 70I and 10A NCAC 70K. The North Carolina Department of Health and Human Services,
11 Division of Social Services, is the licensing authority for residential maternity homes.

12 (b)The ~~["Reasonable and Prudent Parent Standard"]~~ "Reasonable and Prudent Parent Standard" means the term as
13 defined in [G.S. 131D-10.2] G.S. 131D-10.2A.

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15 *History Note:* Authority G.S. ~~131D-1;~~ 131D-10.2; 131D-10.2A; 131D-10.10; 143B-153;
16 Eff. February 1, 1986;
17 Amended Eff. October 1, 2008; June 1, 1990;
18 Readopted Eff. August 1, 2017.

1 10A NCAC 70K .0201 is readopted with changes as published in 31:18 NCR 1806 as follows:

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3 **10A NCAC 70K .0201 PERSONNEL**

4 (a) Staff Qualifications and Functions.

5 (1) Executive Director. There shall be an executive director employed for the general management and
6 supervision of the maternity home. The executive director shall meet the requirements of a Social Services Program
7 Administrator I as defined by the North Carolina Office of ~~State Personnel. Human Resources. Human Resources,~~
8 which is incorporated by reference, including subsequent amendments and editions. A copy of these requirements
9 can be ~~obtained by contacting the Division of Social Services at 828-669-3388 or by reviewing the following web~~
10 ~~site: (http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100-04099/PDF_Files/04077.pdf found at no cost~~
11 ~~at [<http://www.oshr.nc.gov/state-employee-resources/classification-compensation/job-classification>]~~
12 <http://www.oshr.nc.gov/state-employee-resources/classification-compensation/job-classification>. The college or
13 university degree shall be from a college or university listed at the time of the degree in the Higher Education
14 ~~Directory. Directory,~~ Directory, which is incorporated by reference, including subsequent amendments and editions. This
15 information can be obtained by calling through Higher Education Publications, Inc. at 1-888-349-7715. ~~or by~~
16 ~~viewing site at: <http://www.hepinc.com>.~~ at its website, www.hepinc.com at a cost of 125.00.

17 The executive director shall:

- 18 (A) direct the maternity home's program of care and services in accordance with policies
19 established by the governing board and within license standards;
- 20 (B) recruit, employ, supervise supervise, and discharge staff;
- 21 (C) assure provide, or cause to be provided a training program for staff;
- 22 (D) prepare the annual budget, supervise expenditures, and operate within the budget
23 established; maternity home's budget;
- 24 (E) establish and maintain good working relationships with other human service agencies and
25 represent the agency in the community; and
- 26 (F) delegate authority to a staff member meeting the qualifications described in this
27 Subparagraph or Subparagraph (a)(3) of this Rule during his or her absence.
- 28 (2) Professional Services Staff. The maternity home shall have available professional services
29 personnel to assure appropriate services are provided for each resident in accordance with identified
30 by her case plan or out-of-home family services agreement.
- 31 (3) Social Work Supervisor or ~~case manager supervisors.] Case Manager Supervisors.~~ Social work
32 supervisors Work Supervisors shall be employed by the maternity home to supervise, evaluate
33 evaluate, and monitor the work and progress of the social work staff. The social work supervisor or
34 case manager supervisor Social Work Supervisor or Case Manager Supervisor shall meet the
35 requirements of a Social Work Supervisor II as defined by the North Carolina Office of State
36 Personnel. Human Resources. A copy of these requirements can be obtained by contacting the
37 ~~Division of Social Services at 828-669-3388 or by reviewing the following web site~~

(http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100_04099/PDF_Files/04016.pdf found at (<http://www.oshr.nc.gov/state-employee-resources/classification-compensation/job-classification>). The college or university degree shall be from a college or university listed at the time of the degree in the Higher Education Directory. Social work supervisors shall receive 24 hours of continuing education annually.

- (4) Social Worker ~~case manager, or Case Manager,~~ Social ~~workers or case managers~~ **Workers or Case Managers** shall be employed by the maternity home to provide intake services and social work services to the residents and their families in accordance with the case plan or out-of-home family services agreement. The ~~social worker~~ **Social Worker or Case Manager** shall meet the requirements of a Social Worker II as defined by the North Carolina Office of ~~State Personnel, Human Resources.~~ **A copy of these requirements can be** obtained by contacting the Division of Social Services at 828-669-3388 or by reviewing the following web site (http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100_04099/PDF_Files/04012.pdf) found at (<http://www.oshr.nc.gov/state-employee-resources/classification-compensation/job-classification>). The college or university degree shall be from a college or university listed at the time of the degree in the Higher Education Directory. Social ~~workers~~ **Workers or Case Managers** shall receive 24 hours of continuing education annually.
- (5) Direct Care Staff. All direct care staff shall have a ~~high school,~~ **high school** diploma or GED. Direct care staff shall receive 24 hours of continuing education annually.
- (6) Direct Care Supervisory Staff. All direct care supervisory staff shall have a ~~high school,~~ **high school** diploma or GED. Direct care supervisory staff shall receive 24 hours of continuing education annually.
- (7) Staff members of the maternity home may maintain dual employment or serve as volunteers with adoption agencies or crisis pregnancy centers as long as the maternity home does not provide services to the clients of the adoption agency or crisis pregnancy center. Staff members of the maternity home may serve on the board of directors of adoption agencies or crisis pregnancy centers as long as the adoption agency or crisis pregnancy center does not provide services to the clients of the maternity home.

(b) Staffing Requirements. There shall be at least one ~~social worker [or case manager]~~ **Social Worker or Case Manager** assigned for every 15 residents. Supervision [~~or case manager supervisor staffing ratio to]~~ of [~~social workers or case managers]~~ **Social Workers or Case Managers** shall be assigned as follows:

Supervisors Required	Social Workers or Case Managers Employed
0	0-4 (the executive director serves as social work supervisor)
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2	6-10
3	11-15
There shall be one additional supervisor for every one to five additional social workers.	

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(c) Direct Care ~~Staff~~ Staff Requirements. Direct care staff shall be employed for direct care of maternity home residents ~~(residents residents, which shall~~ include mothers and infants as well as any children or dependents of staff members who live or are cared for in the ~~home)~~ home. There shall be at least one direct care staff member assigned for every eight residents during waking hours and one direct care staff member for every twelve residents during sleeping hours. Additional direct care staff or other personnel shall be available to assist with emergency situations or special needs of the residents.

(d) Direct Care Supervisory ~~Staff~~ Staff Requirements. There shall be at least one direct care supervisor for every 15 direct care staff members.

(e) Volunteers and ~~Interns~~ Interns Requirements. If the maternity home uses volunteers or interns to work directly with residents, the requirements of 10A NCAC 70F .0207 apply.

(f) Additional Personnel Requirements. In addition to those requirements specified in 10A NCAC 70F .0207, the following rules are applicable to maternity home programs:

- (1) Health Examinations. All direct care staff, ~~food service staff~~ any food service staff, and anyone serving in ~~the capacity of direct care staff and food service staff~~ those capacities shall have a medical examination completed by a physician, physician's assistant, or nurse practitioner, hereafter referred to as "licensed medical provider," within at least 12 months before beginning employment and biennially thereafter. The agency shall maintain documentation that all direct care staff and food service staff or anyone serving in ~~the capacity of direct care staff and food service staff~~ those capacities have had a TB skin test or chest x-ray prior to employment unless contraindicated by a licensed medical provider. A medical history form shall be completed by all direct care staff and food service staff. ~~Examinations must~~ The licensed medical provider shall conduct examinations ~~that~~ include tests necessary to determine that the staff member is able to carry out assigned duties and does not have any communicable disease or condition ~~which~~ that poses risk of transmission in the facility. A report of each examination shall be made a part of the employee's personnel file. A medical examination report shall be completed on any adopted children or relative children of direct care staff residing in the maternity home within 12 months prior to the license date. The birth children of direct care staff who reside in the maternity home shall be tested for TB only if one or more of the parents tests positive for TB. There shall be documentation that adopted children or other relative children residing in the maternity home have had a TB skin test or chest x-ray prior to initial licensure unless contraindicated by a licensed medical provider. A medical examination and TB test, if required, shall be completed on any children or relative children of direct care staff who ~~subsequently~~ begin residing in the maternity home. Examinations shall include tests necessary to

1 determine that the children or relative children of staff members who reside in the maternity home
2 do not have any communicable diseases or conditions ~~which~~ that pose risk of transmission in the
3 facility. A medical history form shall be completed on any children or relative children of direct
4 care staff who reside in the living unit. The medical history form shall be signed and dated by the
5 staff member and contain the name, contact information, date of birth, health history, and statement
6 of health. A copy of the medical history form (“Medical History Form” DSS-5017) can be obtained
7 from the Division or found on the Division’s website at <https://www.ncdhhs.gov/division/dss>.
8 Medical examination reports and medical history forms of children of the residents residing in the
9 maternity home shall be maintained in the personnel file of their parent or relative.

10 (2) Staff Development. The maternity home staff shall have a written staff development plan ~~which~~
11 that provides staff training in the following areas:

- 12 (A) medical, physical, and psychological aspects of pregnancy;
- 13 (B) prenatal and postnatal care;
- 14 (C) developmental needs of adolescents and young adults;
- 15 (D) developmental needs of infants and ~~children;~~ toddlers;
- 16 (E) parenting preparation classes;
- 17 (F) stages of growth in infants;
- 18 (G) day-to-day care of infants;
- 19 (H) disciplinary ~~techniques for infants, children and adolescents;~~ techniques;
- 20 (I) education planning;
- 21 (J) job seeking skills;
- 22 (K) locating housing;
- 23 (L) money management;
- 24 (M) food management;
- 25 (N) child ~~care;~~ care programs;
- 26 (O) health education;
- 27 (P) stress management;
- 28 (Q) life skills;
- 29 (R) decision making;
- 30 (S) substance abuse;
- 31 (T) pregnancy prevention;
- 32 (U) counseling skills;
- 33 (V) emergency medical care; ~~and~~
- 34 (W) nutrition and food ~~preparation;~~ preparation;
- 35 (X) reasonable and prudent parent standard; and
- 36 (Y) trauma informed care.

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2 (3) A residential maternity home shall ensure that a staff member trained in cardiopulmonary
3 resuscitation (CPR) and ~~first-aid, first-aid,~~ such as those provided by the American Red Cross, the
4 American Heart ~~Association~~ Association, or equivalent organizations, is always available to the
5 clients in ~~care; care,~~ and that direct care service personnel shall receive training in first aid and CPR
6 within the first 30 days of employment. Training in CPR shall be appropriate for the ages of clients
7 in care. First aid and CPR training shall be updated as required by the American Red Cross, the
8 American Heart Association or equivalent organizations.

9 Residential maternity home staff shall, within the first 30 days of employment, successfully
10 complete certification in first-aid, [cardiopulmonary resuscitation] [(CPR)] CPR, and universal
11 precautions provided by either the American Heart [Association] Association, or the American Red
12 [Cross] Cross, or [other] equivalent organizations approved by the Division of Social Services.
13 [Services within the first 30 days of employment.] [Other organizations shall be approved if the
14 Division of Social Services determines that courses offered are substantially equivalent to those
15 offered by the American Heart Association or the American Red Cross.] Division staff shall
16 determine that an organization is substantially equivalent if the organization is already approved by
17 the Department or meets the same standard of care as the American Heart Association or the
18 American Red Cross. First-aid, ~~[CPR] CPR,~~ and universal precautions training shall be renewed as
19 required by the American Heart Association, the American Red ~~[Cross] Cross,~~ or equivalent
20 organizations. ~~[Successfully completed]~~ “Successfully completed” is defined as demonstrating
21 competency, as evaluated by the instructor who has been approved by the American Heart
22 ~~[Association or]~~ Association, the American Red ~~[Cross] Cross,~~ or other organizations approved by
23 the Division of Social Services to provide first-aid, ~~[CPR] CPR,~~ and universal precautions
24 training. Training in CPR shall be appropriate for the ages of children in care. Documentation of
25 successful completion of first-aid, ~~[CPR] CPR,~~ and universal precautions shall be maintained by
26 the ~~[supervising agency.]~~ maternity home. ~~[Web-based trainings are not acceptable methods of
27 successfully completing certification in first aid, CPR and universal precautions.] The Division shall
28 not accept web-based trainings for certification in first-aid, CPR, or universal precautions.~~

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30 *History Note: Authority G.S; 7B-505.1; 131D-10.5 (7); 131D-10.10; 143B-153;*

31 *Eff. February 1, 1986;*

32 *Amended Eff. June 1, 1990;*

33 *RRC Objection Eff. April 15, 1993 Due to Lack of Statutory Authority;*

34 *Amended Eff. August 1, 2011; August 1, 2010; November 1, 2009; October 1, 2008; July 2, 1993;*

35 *Readopted Eff. August 1, 2017.*

1 10A NCAC 70K .0202 is amended with changes as published in 31:18 NCR 1808 as follows:

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10A NCAC 70K .0202 SERVICES

(a) A maternity home shall have a written statement of purpose and objectives, services offered, eligibility requirements, application procedures, and procedures for implementing all services. This information shall be available to persons or agencies making ~~inquiries;~~ inquiries about the maternity home.

(b) Social Services. The maternity home shall provide admission, residential, and discharge services to applicants, residents in care, and their families or legal custodians, as follows:

- (1) ~~Admission services shall include an assessment of the need for maternity home care, for specific services for the applicant's individual needs, and shall include information to determine if the maternity home's program of care and services can meet these needs.~~ Admission services shall include an assessment of: the individual's need for maternity home care; services for the applicant's individual needs; and a determination whether the maternity home's program of care and services can meet the applicant's needs.
- (2) When an applicant who lives out of state is being considered for admission and the applicant is under ~~the age of eighteen years;~~ 18 years old, the provisions of the North Carolina interstate placement laws (G.S. 7B-3800 et. seq.) shall be met.
- (3) ~~Staff responsibility shall be established for decisions on admissions.~~ Staff shall be assigned the responsibility for making admission decisions.
- (4) Applicants or legal custodians shall complete a written application before or upon admission. Written agreements shall be made concerning release of information, medical care, and fees for care and services.
- (5) An applicant accepted for care shall be referred to and have a working agreement with a licensed child-placing agency or county department of social services of the applicant's choice for planning and decision making in relation to her baby. No maternity home staff member shall ~~directly or indirectly~~ assume any responsibility for placement of children for adoption.
- (6) Residential services throughout the period of care shall include counseling for each resident and her family.
- (7) Each resident shall have the opportunity to talk privately with staff, family members, ~~friends~~ friends, and social workers from child-placing agencies or county departments of social services and to express ~~grievance;~~ grievances regarding the maternity home.
- (8) Each resident shall have assistance as requested in making the best use of her time in the maternity home, adjusting to the living situation, accessing all services needed, resolving personal and family problems, and planning for discharge.
- (9) Discharge services for residents shall include planning for living arrangements, ~~employment~~ employment, or ~~education, and for~~ education. For those residents planning to keep their babies, discharge services shall include preparation for parenthood and support services for single parents.

1 (c) Psychological and Psychiatric Services. Arrangements shall be made available for a resident to have the services
2 of a psychologist or a psychiatrist, if necessary, as well as for consultation for the staff providing care and services to
3 the resident. Maternity homes shall [receive] request documentation regarding who has the authority to consent to
4 psychological and psychiatric services received by the resident. Persons or entities with authority to consent may
5 include the resident's parent, legal guardian or custodian, or county department of social services with legal custody
6 of the resident in accordance with G.S. 7B-505.1.

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History Note: Authority G.S. ~~131D-1~~; 7B-505.1; 131D-10.10; 143B-153;
Eff. February 1, 1986;
Amended Eff. October 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5,
2016;
Amended Eff. August 1, 2017.