

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 Social Services Commission intends to amend the rule cited as 10A NCAC 06T .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 Social Services Commission 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 06T – STATE ADULT DAY CARE FUNDING

SECTION .0200 - STATE ADULT DAY CARE FUND

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

- (a) The State adult day care fund shall be used for adult day care and adult day health services provided through county departments of social services for the purpose of enabling people to remain in or return to their own homes.
- (b) The fund shall be used to increase ~~state~~ State financial participation in the costs of this service.
- (c) The ~~maximum~~ rate for the purchase of adult day care services ~~under contract~~ shall be set by the local entity or county lead agency for planning and coordination ~~not exceed thirty three dollars and seven cents (\$33.07)~~ per day, per client. The rates shall reflect the factors as set forth in section 9A.3B.(b) in Session Law 2021-180, amended G.S. 143B-153(2a). The ~~maximum~~ rate for the purchase of adult day health services ~~under contract~~ shall be set by the local entity or 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.(b) in Session Law 2021-180, amended G.S. 143B-153(2a). Adult day health services may only be purchased for an individual following a preadmission health assessment as specified in 10A NCAC 06S .0204(c)(2)(A) and a determination that the individual needs one or more services as set forth in 10A NCAC 06S .0402(a).
- (d) The ~~maximum~~ reimbursement rate for transporting an adult day care client to an adult day care program or adult day health program shall be set by the local entity or county lead agency for planning and coordination ~~not exceed one 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 Session Law 2021-180, amended G.S. 143B-153(2a).

Authority G.S. 143B-153(2a); 143B-153(6); S.L. 1981, c. 1048; 1048 ; S. L. 2021-180.