

SECTION III

**ROLE OF GOVERNMENT AND OTHERS IN ENSURING
QUALITY OF CARE**

A. INTRODUCTION

The purpose of this section is to identify and describe the roles and responsibilities of the respective groups having a part in the licensure and regulation of adult care homes in North Carolina. It outlines procedures by which the various agencies, organizations, and individuals will conduct their separate and joint functions. The Medical Care Commission, the Division of Facility Services, and the County Departments of Social Services have responsibility for licensure and regulation. The Division of Aging, the Regional Long Term Care Ombudsmen, the Division of Mental Health, Mental Retardation, and Substance Abuse Services, adult care home community advisory committees and the county board of commissioners have roles and responsibilities related to the oversight of adult care homes. Of course adult care home administrators also have important roles in ensuring the quality of care and the implementation of the Residents' Bill of Rights.

B. ROLES AND RESPONSIBILITIES

1. Medical Care Commission

The Medical Care Commission establishes the rules and regulations with which an adult care home must comply in order to obtain and maintain a license and thereby operate as a business within the state. Any proposed changes in these rules and regulations must be reviewed and adopted by the Commission. (G.S. 131D-2 and 143D-153).

2. Department of Health and Human Services

Within the Department, the Division of Facility Services through the Group Care Branch is responsible for the licensure of adult care homes. Other divisions and agencies have roles in regulations and oversight of the homes and the residents but only Facility Services has the responsibility of licensing.

a. Division of Facility Services

The Division of Facility Services is responsible for the following:

- 1) Developing proposed rules for consideration by the Medical Care Commission. When this is done, the Division involves other appropriate Divisions within the Department (Social Services, Mental Health/Substance Abuse Services, Health Services, and Aging), county departments of social services, adult care home administrators, and appropriate others as

needed. The Division of Facility Services is responsible for printing and disseminating the rules to appropriate individuals and agencies.

- 2) Making interpretations of the adult care home licensure rules and the Adult Care Home Residents' Bill of Rights.
- 3) Issuing, denying, or revoking licenses for adult care homes and initiating other acts regarding homes' licensure and operation to assure compliance with the rules (i.e., summary suspension, suspension of admission, provision of fines, etc.).
- 4) Enforcing licensure rules through the application of negative actions and through collaborative effort with county departments of social services, including the joint inspection of adult care home facilities as appropriate.
- 5) Enforcing Adult Care Home Residents' Bill of Rights through the application of negative actions such as administrative penalties and revocation of license.
- 6) Providing consultation and technical assistance to county departments of social services and to adult care home administrators about the licensure rules and procedures, architecture and construction building codes, and sanitation regulations.
- 7) Reviewing initial and renewal application materials prior to licensure/relicensure of adult care homes. Inspecting what is commonly called adult care homes, family care homes, and DDA group homes prior to licensure.
- 8) Providing consultation and technical assistance to county departments of social services about methods for assisting adult care home administrators to comply with the licensure rules and regulations.
- 9) Maintaining an up-to-date list of licensed adult care homes.

- 10) Assessing facilities which house aged or disabled persons to determine if subject to licensure.
- 11) Investigating complaints in conjunction with the county departments of social services.
- 12) Providing or arranging for training to county departments of social services in the area of licensing and monitoring of adult care homes.
- 13) Conducting an annual survey all adult care homes with a licensed capacity of 7 or more beds.

b. Social Services

The Division of Social Services is responsible for:

Obtaining, compiling, and disseminating annually a list of adult care homes which have signed and are complying with the Civil Rights Act Agreement. The Division is also responsible for providing technical assistance to county departments of social services on civil rights related to adult foster care.

c. Mental Health, Mental Retardation and Substance Abuse Services

The Division of Mental Health, Mental Retardation and Substance Abuse Services is responsible for:

Encouraging personnel in private non-profit and governmentally operated group homes for Developmentally Disabled Adults to understand and comply with the Bill of Rights.

d. Long Term Care Ombudsman Program Division of Aging, Regional Ombudsman Program, and Adult Care Home Community Advisory Committees

The Division of Aging is responsible for the following:

- 1) Appointing an individual to serve as the State Long Term Care Ombudsman (SLTCO).

- 2) Cooperating with the Division of Facility Services and the county departments of social services in the investigation and resolution of complaints made by or for residents of adult care homes.
- 3) Reviewing and commenting on the development and implementation of Federal, State and local laws, regulations and policies that relate to adult care homes in the state.
- 4) Providing information to the Divisions of Social Services, Facility Services, and Mental Health, Mental Retardation, and Substance Abuse Services, and to the county departments of social services about the problems of residents of adult care homes.
- 5) Certifying a person to serve as Regional Ombudsman in each of the multi-county planning and service areas in the state. The Division is also responsible for providing these regional ombudsmen with information, guidelines, training and consultation.
- 6) Appointing persons to serve on the adult care home community advisory committees when local boards of county commissioners do not set full committee membership.
- 7) Providing information, guidelines, training and consultation to the adult care home community advisory committees, in conjunction with the regional ombudsmen.

The Regional Ombudsman is responsible for the following:

- 1) Assisting in the organization of the adult care home community advisory committees.
- 2) Providing training, technical assistance and administrative support to the adult care home community advisory committee.

- 3) Monitoring the activities of the adult care home community advisory committees to verify that each is performing its proper role.
- 4) Investigating and helping to resolve complaints made on behalf of adult care home residents.
- 5) Providing non-confidential information to community agencies and organizations, citizens groups, and the general public about long-term care issues impacting residents of adult care homes.
- 6) Maintaining records and preparing reports, including a compilation and analysis of complaint information.
- 7) Maintaining a list of committee members and the date of expiration of their terms, and filing this information with the State Long Term Care Ombudsman. New appointments and the designated terms of office should be filed within 30 days after their appointment.

The adult care home community advisory committee is responsible for the following:

- 1) Apprising itself of the general conditions of adult care homes, to include conducting at least one quarterly visit to all local adult care homes and at least one annual visit to all local family care homes and group homes for developmentally disabled Adults.
- 2) Promoting community involvement with adult care homes and their residents to enhance the quality of life for the residents.
- 3) Promoting education and awareness of the operation of adult care homes and the needs of the aging and the disabled persons residing in these homes, to include reporting its appraisal of adult care homes to the local board of county commissioners, the county department of social services and the Division of Aging.
- 4) Establishing linkages with the adult care home administrators and the county department of social services for the purpose of

maintaining the intent of the Adult Care Home Residents' Bill of Rights.

- 5) Assisting persons who have grievances with the adult care home and facilitating the resolution of grievances at the local level.
- 6) Notifying the local county department of social services of all substantiated violations of the Adult Care Home Residents' Bill of Rights.
- 7) Submitting quarterly and annual reports and complaint investigation reports to the Regional Ombudsman.

3. County Department of Social Services

The department of social services in each county having adult care homes is responsible for the following:

- a. Promoting development of group homes based on needs assessment in county.
- b. Providing consultation and technical assistance to adult care home administrators for initial licensure requirements, maintenance of licensure rules, and renewal of licenses.
- c. Reviewing and assuring completion of licensure application material. The county department is responsible for submitting this material to the Division of Facility Services along with recommendations for licensure action.
- d. Monitoring and documenting adult care homes' compliance with licensure rules and providing assistance to the administrator when deficiencies exist and corrective action is needed, with the involvement of the Division of Facility Services as appropriate.
- e. Performing an annual evaluation of the operation of each adult care home and submitting an evaluation report along with other licensure renewal materials including recommendations for licensure action to the Division of Facility Services.
- f. Providing ongoing consultation and technical assistance to enhance the quality of care and services in adult care homes.

- g. Investigating complaints in adult care homes about general conditions or violations of rules; reports of neglect, abuse, or exploitation of a specific resident in an adult care home or reports of violations of the Residents' Bill of Rights.
- h. Assuring completion of civil rights compliance material and submitting this to the Division of Social Services; providing consultation and technical assistance to adult care home administrators concerning civil rights compliance; and investigating complaints about civil rights discrimination related to adult foster care, with the involvement of the Division of Social Services as appropriate.
- i. Investigating unlicensed facilities which house aged and disabled persons to determine if subject to licensure, with the involvement of the Division of Facility Services as appropriate.
- j. Designating at least one adult homes specialist and assuring that each specialist is adequately trained in all relevant aspects of adult foster care.
- k. In most counties the department of social services provides a case manager to work in partnership with the adult care home, the heavy care resident, the resident's family or other responsible parties to assure that the resident's personal care needs are being met. The case manager does this by verifying that the resident meets the criteria for being a heavy care resident, reviewing care plans and assessments to assure the resident's needs are adequately addressed, locating and assisting to coordinate service providers from outside the adult care home when needed, and monitoring the overall provision of care.
In some counties the area mental health program may provide this service. (See appendix for clarification on heavy care residents and enhanced care coverage).

4. Administrators of Adult care homes

The administrator of each home is responsible for the following:

- a. Furnishing a copy of the Residents' Bill of Rights (Section 131C-52 of the law, General Statutes 131D-21) to each resident upon admission to the home, to each resident currently residing in the home, to a representative payee, guardian, or power of attorney of a resident and, if requested, to the resident's responsible family member.

- b. Posting a copy of the Residents' Bill of Rights conspicuously in a public place in the home.
- c. Including the name, address, and telephone number of each of the following on the copies of Residents' Bill of Rights given to the resident, guardian, or other responsible person and on the copy posted in the home.
 - 1) Department of social services in the county in which the home is located;
 - 2) North Carolina Division of Facility Services, 701 Barbour Drive, Raleigh, North Carolina 27603, 1-800-662-7030;
 - 3) State Long Term Care Ombudsman, Division of Aging, 693 Palmer Drive, Raleigh, North Carolina 27603, 1-800-662-7030;
 - 4) Regional Ombudsman in the region in which the home is located.

Note: The telephone number shown for both the Division of Facility Services and Division of Aging is the toll free CARELINE number. It is to be posted for both state agencies so that residents or others can call toll-free. After reaching the CARELINE operator, either agency may be requested by the caller.

- d. Retaining a receipt for each copy of the Residents' Bill of Rights furnished to the resident, guardian, or other responsible person. Each receipt must be signed by the person to whom the copy is given.
- e. Including the Residents' Bill of Rights (G. S.131D-21) in the admission policies of the home.
- f. Training staff on the Residents' Bill of Rights and helping residents understand and exercise these rights.
- g. Encouraging and assisting residents to exercise their rights.
- h. Cooperating with the representatives of the Department of Health and Human Services, including the county department of social services, for the purposes of enforcement of this law.

- i. Cooperating with the established community advisory committee.
- j. Providing notice as described below when a home is issued a provisional license or notice of revocation of license.

An Adult care home may be issued a provisional license when there are one or more deficiencies in meeting the licensure rules that warrant such action. When a provisional license is issued by the Division of Facility Services, a letter is sent to the administrator stating the fact that such a license is being issued, identifying the reasons it is being issued, and the length of time it will be in effect.

When a provisional license is issued, the administrator must notify each resident and his or her guardian or responsible family member that the home has a provisional licensure and must tell them the reasons the provisional license was issued, as identified by the Division of Facility Services.

The administrator must do this by posting the provisional license in place of the full license and a copy of the letter from the Division of Facility Services identifying the reasons for the provisional license in a public place in the home and informing the residents about the letter. The administrator will also send a letter containing this same information to the legal guardian of any resident who has been adjudicated incompetent or to the family member who signed the receipt for the copy of the Residents' Bill of Rights.

5. Staff of Adult care homes

The staff is responsible for:

- a. Providing quality care and services to the residents.
- b. Completing the requisite minimum training proscribed by rules and regulations administered through the Division of Facility Services.
(See appendix for a copy of the rules setting forth the specific training requirements.)
- c. All unlicensed staff must submit to a criminal background check. All offers of employment to prospective employees are conditioned upon the applicant's successful completion and consent to a criminal history record check

6 County Commissioners

Boards of County Commissioners are responsible for:

- a. Appointing Adult care home Community Advisory Committees in each county having at least one licensed Adult care home.
- b. Removing committee members out of compliance with G. S. 1312-31 from the lawfully appointed Community Advisory Committee.
- c. Filling vacancies on the community advisory committee.

(Note: If the Board of County Commissioners fails to appoint community advisory committees or to fill vacancies in a timely manner, such appointment must be made by the Assistant Secretary for Aging in the Department of Health and Human Services.)

7. Residents, Family Members, Guardians

The residents of an Adult care home, their family members, and any guardians are responsible for the following:

- a. Signing a receipt stating they have received a copy of the Residents' Bill of Rights.
- b. Exercising their rights.
- c. Following facility policies within the scope of the regulations and residents' rights.