

Frequently Asked Questions

F The Division of Health Service Regulation (DHSR) Acute and Home Care Licensure and Certification Section offers introductory answers to frequently asked questions (FAQs) about Home Care. Links throughout the answers will guide you to further information on our website or from other sources. Should you have questions, please call our office at 919-855-4620.

A Please note: Agencies enrolled in NC Medicaid programs or in Medicare programs must also be familiar with any additional requirements of these programs. These FAQs address requirements under the NC Home Care Licensure Rules.

General Information

1. What is a home care agency?

Q *Home care agency means a private or public organization that provides home care services in a place of temporary or permanent residence used as an individual's home.*

2. What are home care services?

Q *Home care services include nursing care; physical, occupational, or speech therapy; medical social services; in-home aide services; infusion nursing services; clinical respiratory services; in-home companion, sitter, and respite care; and homemaker services as outlined in G.S. 131E-136 (3).*

3. What is a home health agency?

Home Health means a licensed home care agency which is certified to receive Medicare and Medicaid reimbursement for providing nursing care, therapy, medical social services, and home health aide services (see §131E-136(4)).

4. What does it mean to be a Medicare certified agency?

A Medicare certified agency is a licensed home care agency which has been approved to receive Medicare reimbursement for providing nursing care, therapy, medical social services, and home health aide services. These agencies are called "home health agencies."

5. What is the difference between Medicare certified and non-certified?

A Medicare certified home health agency can receive Medicare reimbursement for home health services provided to individuals. A non-certified home care

agency is a state licensed only home care agency that cannot receive Medicare reimbursement for services.

6. How can I become a medicare certified home health agency?

To become a medicare certified home health agency, a Certificate of Need (CON) must be obtained. Contact [DHSR CON Section](#) for more information.

7. What is the difference between DHSR (Division of Health Service Regulation) and DHB (Division of Health Benefits)?

DHSR is the state agency which licenses home care agencies and ensures agencies are providing services in accordance with the home care rules and regulations. DHB, also known as DMA (Division of Medical Assistance), manages the Medicaid and Health Choice programs.

8. Do I need a home care license to provide home care services to individuals?

Yes, "No person or governmental unit shall operate a home care agency without a license." [GS 131E-138](#).

9. What do I need to do to establish a Home Care Agency?

See the Requirements for Establishing a Home Care Agency at the following link: <https://info.ncdhhs.gov/dhsr/ahc/flohc.htm>

10. What do I need to do to establish a Home Health Agency?

See the Requirements for Establishing a Home Health Agency at the following link: <https://info.ncdhhs.gov/dhsr/ahc/flohh.htm>

11. What do I need to do to establish a Hospice Agency?

See the Requirements for Establishing a Hospice Agency at the following link: <https://info.ncdhhs.gov/dhsr/ahc/flohos.htm>

12. What are the license fees for a home care agency?

The license fee for an initial application is \$510.00. The license fee for a change of ownership is \$510.00. The annual license renewal fee is \$510.00. All fees are non-refundable.

13. How long does the initial licensure process take?

The length of the Initial Licensure process varies depending on multiple factors such as whether the application is complete, whether additional information needs

to be submitted, current surveyor workload and availability of resources necessary to complete the review. Therefore, it is not possible to establish specific time frames.

14. What are policies and procedures?

A policy is a principle or a predetermined course of action to guide decision making. A procedure describes a method to carry out a policy and often includes a series of steps.

15. Why do I have to submit policies and procedures for the Initial Licensure Process?

The policies and procedures submitted by the agency represent a sampling of the policies and procedures necessary to direct all administrative, personnel, and client care operations of the agency as required by 10A NCAC 13J. The policies and procedures reflect an assurance of compliance.

16. Why do I have to submit personnel records for the Initial Licensure Process?

Personnel records are required to show proof of staff to provide the services your agency will provide. Personnel records should contain evidence of all applicable items required by 10A NCAC 13J .1003 (f)

17. Will my supporting documentation, policies and procedures, and personnel records submitted during the initial licensure process be returned to me?

No, the documents that are submitted to the office are discarded and will not be returned after the licensure process is complete.

18. Where can I find the Statutes and Rules for Home Care Agencies?

The statutes and rules for home care agencies can be found at the following link:
<https://info.ncdhhs.gov/dhsr/ahc/homecare.html>

19. Do I need to complete special training to obtain a home care license?

Yes, if you cannot demonstrate to DHSR that you have owned or operated a home care agency a license cannot be issued until you have received training approved by DHSR as set out in the NC Rules Governing the Licensure of Home Care Agencies 10A NCAC 13J .0903(a) Application For and Issuance of License.

20. Where can I go to complete the DHSR approved training course for home care licensure?

Home care training information can be obtained via the DHSR website [Home Care Provider Training](#)

21. How do I add a service to my existing home care license?

Any agency adding a new service category as outlined in G.S. 131E-136 (3)(a) through (f) shall notify the Department in writing at least 30 days prior to the provision of that service to any clients. To add a service to your license, send a written request identifying the service you would like to add to DHSR Acute and Home Care Licensure and Certification Section Attn: Additional Service Request 2712 Mail Service Center Raleigh NC 27699. Email notifications are accepted at DHSR.homecare@dhhs.nc.gov Your request will be reviewed, and you will be contacted by home care staff for further instructions regarding documents which need to be submitted. You will be asked to show evidence of the appropriate personnel and all the policies and procedures necessary to comply with the rules and regulations specific to the service provided. The checklists for each service can be found at <https://info.ncdhhs.gov/dhsr/ahc/flohc.htm>

22. How do I expand my geographic service area?

If an agency plans to expand its geographic service area, they must notify DHSR 30 days in advance. You may send a written letter requesting approval to expand to another county. Include the counties or county that you are requesting to add. The letter should be mailed to DHSR Acute and Home Care Licensure and Certification Section 2712 Mail Service Center Raleigh NC 27699. Email requests are accepted at DHSR.homecare@dhhs.nc.gov Please note if your Agency or Agencies are licensed to provide In-Home Aide Services you may provide In-Home Aide Services in counties which are contiguous with the county where the agency is located or within 90 minutes driving time from the site where the agency is located.

23. Does the 90-minute rule apply to all services?

No, this geographic service restriction only applies to In-Home Aide Services to assure supervision of services provided by In-Home Aides.

24. When does my license expire?

All home care licenses expire at midnight on December 31st.

25. When do I have to renew my home care license?

You must renew your home care license prior to the expiration date.

26. What if I fail to renew my license before the expiration date?

The completed renewal application and the license renewal fee must be received no later than December 31 to ensure your license is renewed with an effective date of January 1. License renewal applications received after January 1st shall be effective the date received.

27. What if I do not complete my license renewal on or before the date the license expires?

If you do not renew your home care license prior to the expiration date, you will be operating without a license and subject to referral to Division of Health Benefits (aka DMA) or other funding sources. Failure to renew your home care license may also affect your ability to be an enrolled Provider with DHB.

Change of Ownership (CHoW)

28. What is a change of ownership?

A change of ownership or CHOW refers to “a planned change in ownership, corporate structure, merger, or acquisition.” The agency must be in compliance with all applicable statutes and rules before initiating a CHOW.

29. I want to sell my home care agency, what do I need to do?

Follow the steps for CHOW at [Change of Ownership for Home Care Agency](#).

30. Can a CHOW be processed if my agency license has expired?

No, a CHOW can only be processed for agencies with a valid license.

31. Can a CHOW be processed if my agency has been closed by the Department?

No, a CHOW can only be processed on agencies with a valid license.

Adverse Action

32. What is an Adverse Action?

The Department may suspend, revoke, annul, withdraw, recall, cancel, or amend a license when there has been a substantial failure to comply with the provisions

of the Home Care Rules and General Statutes. An Adverse Action is a decision and an action taken by the Department against a home care license as explained and described in 10A NCAC 13J .0907.

33. What is an inspection?

An inspection is a site visit conducted by representatives of the Department. The purpose of the inspection is to evaluate the agency's compliance with North Carolina Administrative Code (NCAC) 13J Rules Governing the Licensure of Home Care Agencies and ensure that home care services provided to NC residents meet minimum health and safety standards and basic level of quality.

34. How often does a home care agency receive an inspection?

Every 3 years

35. Will the Department notify the agency in advance before an inspection?

No, all inspections and complaint investigations are unannounced.

Administration

36. What is the role of the Agency Director?

The Agency Director is the person who has administrative responsibility for the operation of the agency.

37. What are the qualifications for the Agency Director?

The Agency Director must meet at least one of the following qualifications:

a health care practitioner as defined in [G.S. 90-640\(a\)](#) ;

an individual who has at least two years of supervisory or management experience in home care or any other provider licensed pursuant to [G.S. 131E](#) or [G.S. 122C](#) or

an individual who holds a bachelor's degree in health, business or public administration science and has at least one year of supervisory or management experience in home care or other licensed health care program.

For agencies licensed to provide Companion, Sitter, and Respite services only. The Agency Director shall be a high school graduate, or be certified under the GED program, and shall meet one or more of the following:

a health care practitioner as defined [G.S. 90-640\(a\)](#);

have one year experience in home care, companion, sitter, or respite services, or any other provider licensed pursuant to [G.S. 131E](#) or [G.S. 122C](#).

38. I have a new Agency Director. Do I need to notify DHSR?

Yes, if the position of Agency Director becomes vacant, DHSR must be notified within 5 working days in writing of the vacancy along with the name of the replacement. The new Agency Director must meet the qualifications as specified in the rule. Mail a written notification to DHSR Acute and Home Care Licensure and Certification Section 2712 Mail Service Center Raleigh NC 27699. The notification should include the effective date of the change, and all documents needed to support the proposed candidate meets the qualifications (i.e. resume, licenses, credentials). Once the Agency Director is approved, a notification letter will be mailed to the Agency. Email notifications are accepted at DHSR.homecare@dhhs.nc.gov.

39. How do I notify DHSR of a change with my site or mailing address?

You may submit a written notice of address change to DHSR Acute and Home Care Licensure and Certification Section 2712 Mail Service Center Raleigh NC 27699. Email notifications are accepted at DHSR.homecare@dhhs.nc.gov.

40. If I have notified DHB (DMA) and NC Tracks about adding counties, and a change in address do I also need to notify DHSR?

Yes, DHB (DMA), NC Tracks and DHSR are separate entities. You must notify DHB (DMA), NC Tracks and DHSR of additional counties and a change in address.

41. Can I open a home care agency in another county?

Yes, an agency may have more than one premise. Each premise will be issued a separate license. Follow the steps at [Requirements for Adding an Additional Home Care Site](#).

42. What changes do I need to report to DHSR?

If the ownership, address, or agency director changes at any time, you must notify our office in writing prior to the effective date of the change.

Services

- 43. Since Independent Assessment Entity (IAE) nurses are doing assessments for Medicaid Beneficiaries for in-home aide services, is the agency required to have a nurse?**

Yes, A home care agency must have a RN available for supervision and consultation during the hours that in-home aide services are provided.

- 44. Since the Independent Assessment Entity (IAE) nurses are completing assessments for Medicaid Beneficiaries, does the Home Care agency nurse have to conduct a home visit to develop the plan of care (POC)?**

Yes, the Home Care agency RN must conduct a home visit to make observations, collect data and develop the POC.

- 45. What is the Role of the RN in a home care agency?**

The RN assesses the client, develops the plan of care, validates the competency of In-Home Caregivers (other RN's, LPN, In-Home Aides, Nurse Aides), supervises the In-Home Caregivers, and coordinates the delivery of services.

- 46. What does it mean that the RN must be “continuously available” during the hours in-home aide services are provided?**

The RN Supervisor must be available to the in-home aides and clients during the hours in-home aide services are provided and available to go on-site when necessary.

- 47. Can an LPN do the assessments and supervisory visits for in-home aide services?**

The LPN may not perform assessments or conduct supervisory visits for in-home aide services.

- 48. Can the Medicaid PCS Service Plan be used as the Plan of Care?**

No, see DHB Clinical Coverage Policy 3L. The Service Plan is not a Plan of Care and may not be substituted as a Plan of Care.

- 49. What documentation does DHSR expect to see if there is a change in the client's Plan of Care (PoC)?**

The Plan of Care (PoC) should be developed to best meet the needs of the client. The agency should have policy and procedures which address how

changes in the PoC are handled. There should be evidence that the client or responsible party was informed in advance of any change to the POC.

50. What are the levels of assistance for the Activities of Daily Living?

The levels of assistance for Activities of Daily Living are Limited, Extensive, and Total (total dependence) as defined in 10A NCAC 13J .0901 (7)(18).

51. When should the Plan of Care be signed by the client or responsible party?

The Plan of Care should be signed before services are initiated.

52. What is an in-home aide?

An in-home aide is an individual who provides the following:

- *helps with prescribed exercises which the client and in-home aides have been taught by a health care practitioner licensed pursuant to [G.S. 90](#);*
- *provides or assist with personal care (i.e., bathing, care of mouth, skin and hair); assist with ambulation;*
- *assist client with self-administration of medications which are ordered by a physician or other person authorized by state law to prescribe;*
- *performs incidental household services which are essential to the client's care at home; and*
- *records and reports changes in the client's condition, family situation or needs to an appropriate health care practitioner. (see 10A NCAC 13J. .1107(c) In-Home Aide Services) In-home aides are sometimes referred to as PCAs (personal care assistants), NA I or NA II (nurse aides), or UAP (unlicensed assistive personnel).*

53. Can an in-home aide administer medications?

No, In-home aides may not administer medications. They may assist the client with self-administration of medications. The North Carolina Board of Nursing lists tasks for NA I and IIs and has a criterion for responsibilities of the nurse regarding delegation to NA I & IIs, and unlicensed assistive personnel. Refer to the NCBON Decision Tree for Delegation to UAP available at www.ncbon.com

Personnel

54. How many in-service hours are my agency required to provide for employees?

The agency In-Service Education policy should specify the number of in-service hours employees are required to complete. The agency must maintain records on in-service education and attendance.

55. Can I hire an individual with a substantiated finding on the Health Care Personnel Registry (HCPR)?

No, see 10A NCAC 13J .1003 (c) and contact [HCPR](#) at 919-855-3968 for additional questions or concerns.

56. Does the agency have to obtain State criminal background checks?

According to G.S. 131E – 265, “...Within five business days of making the conditional offer of employment, a home care agency shall submit a request to the Department of Public Safety under G.S 143B-939 to conduct a State or National criminal history record check required by this section or shall submit a request to a private entity to conduct a State criminal history record check required by this section...”

57. How are In-Home Caregiver competencies verified?

The competencies of In-Home Caregivers must be verified by a demonstration. Demonstration means the action or process of showing the proof of competency by performing the task or activity being assigned.

Reporting

58. What does the agency have to report to the Health Care Personnel Registry (HCPR)?

A home care agency is defined as a “health care facility” according to G.S. 131E-256 (2)(b) and must report:

- *Neglect or abuse of a resident in a health care facility or a person to whom home care services as defined by G.S. 131E – 136 or hospices services as defined by G.S. 131E-201 are being provided.*
- *Misappropriation of the property of a resident in a health care facility including places where home care services or hospice services are being provided.*
- *Misappropriation of the property of a health care facility.*
- *Diversion of drugs belonging to a health care facility.*

- *Diversion of drugs belonging to a patient or client of the health care facility.*
- *Fraud against a health care facility.*
- *Fraud against a patient or client for whom the employee is providing services.*
- *Injury of unknown origin.*

59. Where can I find the procedure for reporting to the HCPR?

The procedure a health care facility must follow to report to HCPR can be found at the following link: <https://info.ncdhhs.gov/dhsr/hcpr/flohcinvt.html>