

# **Fiscal Note**

## **NC Division of Aging and Adult Services**

**Agency Proposing Rules:** DHHS, Division of Aging and Adult Services (DAAS)

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**Statutory Authority for Rule Adoption:**

G.S 150B-21.3A (Periodic Review); G.S. 143B-153 (Social Services Commission)

<b><u>Fiscal Impact:</u></b>	Local Government	None
	State Government	None
	Federal Government	None
	Private Sector Entities	Yes, Minimal impact
	Substantial Economic Impact	No

**Introduction/Background for Rule Changes:**

Per NC G.S. 150B-21.3A., *Periodic review and expiration of existing rules*, all APA rules are to be reviewed at least every ten (10) years; all potentially interested parties are to be notified of the periodic review; and the rules under periodic review are to be posted for public comment for sixty (60) days.

As directed by the North Carolina Department of Health and Human Services (NC DHHS), the Division of Aging and Adult Services (DAAS), reviewed Chapter 06 of the 10A NCAC APA rules in 2016. In accordance with NC G.S. 150B-21.3A., DAAS informed all potentially interested parties that Chapter 06 of the 10A NCAC APA rules were under periodic review and Chapter 06 of the 10A NCAC APA rules were posted for public comment for the required 60-day period. DAAS' service networks were asked to share this notice of periodic rule review and the opportunity for public comment about these rules with their respective service providers.

In 2016, under the authority of the Secretary of NC Department of Health and Human Services, DAAS' Director, Suzanne Merrill, initiated the re-adoption process subject to approval by the Social Services Commission. The rules are to be re-adopted by the Social Services Commission no later than June 30, 2019.

This fiscal note is in response to the comments received during the public comment period for the periodic review of Chapter 06 of the 10A NCAC APA rules, and is necessary to proceed to calendar for rule adoption/approval by Social Service Commission.

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**Requested Rule Change With Fiscal Impact (with Edits):**

## SECTION .0300 - FACILITY REQUIREMENTS FOR CENTERS AND HOMES

### 10A NCAC 06S .0301 REQUIREMENTS

(a) General requirements governing facilities, construction, equipment and furnishings for adult day care as set forth in 10A NCAC 06R .0400 shall apply to adult day health.

(b) Additional facility requirements are as follows:

- (1) Facility space shall be of sufficient dimension and size to allow for required program group activities. Notwithstanding the space requirements of 10A NCAC 06R .0401:
  - (A) day health centers and day health homes shall provide at least 60 square feet of indoor space excluding hallways, offices and restrooms for each participant;
  - (B) combination programs shall provide at least 50 square feet of indoor space excluding hallways, offices and restrooms for each participant; and
  - (C) day health programs or combination programs which share space with other programs or activities in a multi-use facility shall have a nucleus area separate from other activities in the rest of the building and shall have a fire-resistant rated separation according to the North Carolina Building Code. The nucleus area must provide at least 40 square feet of indoor space per participant excluding hallways, offices and restrooms, and a minimum of 20 square feet per participant must be provided in other space in the facility designated for use by the day health program. When the other space is being used at the same time by individuals participating in other services provided in the multi-use facility, the 20 square feet per participant is in addition to any minimum square footage requirement for other use of such space. Shared facility space outside the nucleus area which may be used by the day health program and counted in meeting the 20 square feet per participant requirement includes craft, therapy and other activity areas. Dining space may be included if also used for activities. Offices, restrooms, hallways, kitchens and shared treatment rooms shall not be counted in meeting the 20 square feet per participant requirement. Participation shall be open only to persons enrolled in the program and to visitors on a planned basis. Involvement of day health participants in other activities in the building shall be on planned basis, as a part of the day health program plan, and supervised by a day health staff member.
- (2) Facilities shall have a minimum of one male and one female accessible toilet in accordance with the North Carolina Accessibility Code. One toilet shall be available for each 12 adults, including staff and participants who utilize the facility. One hand lavatory shall be provided for each two toilets.
- (3) The facility shall have a minimum of one private office for staff use with equipment and furnishings for administrative purposes and for conferences with individual participants and families.
- (4) The facility shall include a treatment room which is enclosed and private from the rest of the facility. The treatment room shall meet the requirements of the North Carolina State Building Code. The

treatment room shall have a sink or have a door-way that connects it to a room containing a sink. The room shall contain a treatment table or bed with a waterproof mattress cover that will serve as a treatment table, storage cabinet for first aid and medical supplies and equipment, table or desk and two chairs. The storage cabinet shall be kept locked.

- (5) The treatment room shall provide a means of insuring the privacy of the person on the treatment table.
- (6) The treatment room shall have the following medical supplies and equipment:
  - (A) first aid supplies consisting of absorbent compress, adhesive bandages, adhesive tape, antiseptic, burn treatment, medical exam gloves, sterile pads and triangular bandage;
  - (B) fever thermometer;
  - (C) blood pressure cuff;
  - (D) stethoscope;
  - (E) medical scales, or scales that can be calibrated;
  - (F) emesis ~~basin~~ pail or bag;
  - (G) toilet hat
  - ~~(G)~~(H) bed pan;
  - ~~(H)~~(I) urinal; and
  - ~~(I)~~(J) wash basin.

*History Note: Authority G.S. 131D-6; 143B-153;  
Eff. September 1, 1990;  
Amended Eff. July 1, 2007.  
Readopted Eff. \_\_\_\_\_*

### **Summary of Rule Change with Fiscal Impact:**

Change in requirement for emesis basin to a requirement for an emesis receptacle (either a pail or a bag). The emesis receptacles are primarily used to contain vomit when individuals become nauseous. The emesis basin is being replaced with the emesis receptacle as emesis basins are often not large enough or used friendly to contain vomit. Pails and bags are preferred by adult day facilities as they often require less space, are more effective for containment, are more user friendly. While emesis pails are the same cost as flatter basins, the purchase of emesis bags could be marginally cheaper than basins. A cost estimate from Vitality Medical puts the per unit cost of emesis bags at \$0.70 each when purchased in lots of 25, whereas emesis basins were \$0.79 each when purchased in lots of 50. There are 65 Adult Day programs within North Carolina, with this requirement and assuming facilities will maintain an inventory of 50, potential savings could be \$292.50 if emesis bags are purchased (65 facilities \*\$0.09 per unit \* estimated 50 units inventory).

There is also an additional requirement for facilities to maintain a supply of toilet hats. Toilet hats are disposable collectors that sit in between the toilet basin and toilet seat to collect

urine/fecal or other waste specimens that may need to be collected for medical review. A cost estimate from Vitality Medical puts the per unit cost of toilet hats at \$0.48 each. There are 65 Adult Day programs within North Carolina, with is requirement and assuming facilities will maintain an inventory of 50, potential additional costs could be \$1,560 (65 facilities \*\$0.48 per unit \* estimated 50 units inventory).

**Fiscal Impact of Rule:**

Local Government	None
State Government	None
Federal Government	None
Private Sector Entities	\$1,268 - \$1,560
Substantial Economic Impact	No

**Table 1 Summary of Anticipated Fiscal Impact:**

<b>Entity/Party</b>	<b>SFY 2019-20</b>	<b>SFY 2020-21</b>	<b>SFY 2021-22</b>
Local Government	\$0	\$0	\$0
State Government	\$0	\$0	\$0
Federal Government	\$0	\$0	\$0
Adult Day Facilities	\$1,268 - \$1,560*	\$0	\$0
<b>Total</b>	<b>\$1,268 - \$1,560</b>	<b>\$0</b>	<b>\$0</b>

\*See notes for rules 10A NCAC 06S .0301

**Risk Analysis:** Not required as fiscal impact is not to have a substantial effect on parties.

**Alternatives Evaluated:** Not required as fiscal impact is not to have a substantial effect on parties.