

# REPORT TO THE NORTH CAROLINA STUDY COMMISSION ON AGING ON THE IMPLEMENTATION OF THE RATED CERTIFICATE SYSTEM FOR ADULT CARE HOMES

North Carolina Department of Health and Human Services Division of Health Service Regulation

**October 1, 2009** 

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# North Carolina Department of Health and Human Services Division of Health Service Regulation

# **Response to Legislative Request**

The General Assembly enacted as part of Senate Bill 56, S.L. 2007-544 the following provision:

"§ 131D-10. Adult care home rated certificates.

**SECTION 3.(g)** The Department of Health and Human Services, Division of Health Service Regulation, shall report on the implementation of the rated certificate system. The Department shall make an interim report to the North Carolina Study Commission on Aging not later than October 1, 2009, and a final report to the Commission not later than October 1, 2010.

In response to the above directive, the Department implemented the Star Rated Certificate program on January 1, 2009, for adult care homes and family care homes in North Carolina.

The Division of Health Service Regulation regulates two types of adult care facilities, depending on their size. Adult care homes accommodate seven or more residents, and family care homes two to six residents. Under either of these types, licensees can choose to license to serve only those with a diagnosis of dementia or the elderly, which by statute is defined as those serving individuals 55 years or older. Additionally, adult care homes can choose to license all or part of their facility as a special care unit to serve those with Alzheimer's Disease or other dementia. Both adult care homes and family care homes undergo the same inspection processes and both participate in the Star Rated Certificate program.

# **Background & Development**

The North Carolina Star Rated Certificate Program was established to provide consumers with meaningful, easily accessible information about the care and services provided in the state's adult care home and family care home facilities. Senate Bill 56, S.L. 2007-544 Section 3.(a) put in place requirements for the North Carolina Medical Care Commission to adopt rules for the issuance of rated certificates to adult care homes. Section 3.(b) of the law contained minimal requirements and other parameters on which the rated certificates would be based. In response, after discussion and input from stakeholders in the provider and advocacy communities, the rules for the rated certificate program for adult care homes and family care homes were adopted by the Medical Care Commission on February 8, 2008. The rules for the rating system were passed by the NC General Assembly on July 3, 2008. The rules governing the rated certificate program for adult care homes are 10A NCAC 13F .1601-.1005, and for family care homes are 10A NCAC 13G .1601-.1605. The rules for the star rating program are based on fundamental rule areas that are inspected on an annual basis by DHSR. The following rules and statutes comprise the standards that contribute to rated certificates:

- Resident's Rights, G.S. 131D-21
- Physical Plant Requirements, 10A NCAC 13F.0300, 13G .0300
- Admission and Discharge, 10A NCAC 13F .0700, 13G .0700
- Resident Assessment and Care Plan, 10A NCAC 13F .0800, 13G .0800
- Resident Care and Services, 10A NCAC 13F .0900, 13G .0900
- Medication Administration Policies and Procedures, 10A NCAC 13F. 1000, 13G. 1000
- Special Care Units for Alzheimer and Related Disorders, 10A NCAC 13F .1300
- Special Care Units for Mental Health Disorders, 10A NCAC 13F .1400
- Use of Physical Restraints and Alternatives, 10A NCAC 13F .1500, 13G .1300

In preparation for the implementation of the new program, two additional staff members were added to the Adult Care Licensure Section. They are responsible for implementing and maintaining the new program, including printing and mailing rating certificates to providers. Also, the database currently used by the Division to maintain licensing information was enhanced to allow for calculation and tracking of star ratings, as well as generation of the rating certificate and worksheet. In addition, star rating information that explains how the program works and allows consumers to view facility ratings was added to the Adult Care Licensure website. Facility ratings and star rating program information can be viewed at the following website: <a href="http://www.ncdhhs.gov/dhsr/acls/star/search.asp">http://www.ncdhhs.gov/dhsr/acls/star/search.asp</a>.

The North Carolina Star Rated Certificate program was implemented across the state on January 1, 2009, and is administered by the Division of Health Service Regulation, Adult Care Licensure Section.

# How the North Carolina Star Rated Certificate Program Works

# The Inspection Process

North Carolina's adult care home and family care home facilities are inspected annually by the Division of Health Service Regulation (DHSR), Adult Care Licensure Section. The goal of inspections is to assess the facility's compliance with applicable laws and regulations affecting the quality of care provided. Follow-up inspections to the annual survey are conducted if a facility has demonstrated significant non-compliance during the annual inspection. The Adult Care Licensure Section, along with the County Departments of Social Services, also conducts complaint investigations as needed. All inspections are unannounced.

During annual inspections, the focus of the survey is on various rule areas that are vital to ensuring the health, safety and welfare of the residents. These are known as the "Fundamental Rule Areas," and are addressed later in this section. Although the focus of the survey begins with the fundamental rule areas, any rule area can be cited if non-compliance is identified. If non-compliance with state rules and regulations for adult care homes and family care homes is identified during an inspection, the survey team must determine the level of the facility's non-compliance. There are 4 levels of non-compliance: Type A Violations, Type B Violations, Uncorrected Type B Violations, and Citations.

#### *Type A Violations*

A facility is cited for a Type A violation when its failure to follow the regulations, standards or requirements governing its licensure results in death or serious physical harm, or results in substantial risk that death or serious physical harm will occur. Civil monetary penalties are imposed for Type A violations.

# Examples of a Type A violation include the following:

- A confused resident who is not properly supervised, wanders away from the facility and as a result, his or her safety is endangered or the resident suffers serious physical harm; or
- A wrong medication, given to a resident by facility staff, has the strong potential of adversely affecting the resident or the resident suffers serious physical harm.

# Type B Violations

A facility is cited for a Type B violation when its failure to follow the regulations, standards or requirements governing its licensure presents a direct relationship to the health, safety, or welfare of any resident, but which does not result in substantial risk that death or serious harm will occur. If a facility fails to correct a Type B violation by a specified timeframe, it is called an "Uncorrected (or Unabated) Type B Violation," and a civil monetary penalty is imposed.

# Examples of a Type B violation include the following:

- Several residents have orders to receive over the counter pain medications every morning, but on one morning staff forget to give the residents the medication. The residents suffer no ill consequence from the missed doses and subsequent doses are given as ordered.
- The facility failed to provide an approved handicap wheelchair accessible ramp of correct size and construction for its wheelchair-bound residents. Instead the facility used a piece of plywood balanced on top of a landscape timber, and residents were forced to back up their wheelchairs and drop from the timber, bouncing on to the door sill. Entry to the facility required several attempts by the residents. No handrail was present.

# Citations (or 'Standard Deficiencies')

A facility receives a citation when it fails to comply with licensure rules. A citation will be issued if the survey team determines there is sufficient scope (there are a number of residents potentially or actually affected by the non-compliance) and severity (the effect on resident outcomes).

#### Examples of a citation include the following:

- The facility fails to provide a program of activities designed to meet the needs of the residents. Resident activities included smoking and watching television and being picked-up by a local church for services.
- The facility failed to assure dietary supplements were given to a resident as ordered by the resident's licensed prescribing practitioner.

#### The Star Rated Certificate Program

As of January 1, 2009, each facility began with a base score of 100 points. Based on the facility's compliance or non-compliance with rule areas during inspections, the facility earns merit or

demerit points which are added or subtracted from the 100 base points. Within 45 days of the survey report (called a "Statement of Deficiencies") being mailed, a rating certificate (showing a numeric score and number of stars earned) and the worksheet used to calculate the rating score is sent to the facility. A new certificate and worksheet is generated after each annual inspection, after subsequent inspections, and each time the rating score changes for administrative licensure actions. Facilities are required to post the most recent certificate and worksheet at the facility in a location visible to the public. Also, star ratings and rating worksheets are posted on the DHSR Adult Care Licensure website monthly. The website contains the facility's current rating as well as any past ratings to allow consumers to view the facility's compliance history. http://www.ncdhhs.gov/dhsr/acls/star/search.asp.

Star Ratings are based on the results of:

- 1. DHSR annual inspections
- 2. DHSR follow-up surveys
- 3. DHSR Construction surveys (Type A and Type B violations cited)
- 4. Administrative Licensure Actions issued by DHSR
- 5. Recommendations of Type A and uncorrected Type B violations from the County Department of Social Services (DSS) as agreed to by DHSR.

#### Star Rating Scale

The Star Rated Certificate program is based on a point scale and ranges from zero to four stars. The scale used to determine a facility's star rating is as follows:

4 stars = 100 or greater points on two consecutive annual surveys



(3 stars) = 90.0-99.9 points, or for any facility whose score is 100 or greater on one annual inspection points

(2 stars) = 80.0-89.9 points

(1 star) = 70.0-79.9 points

(ZERO STAR) (0 stars) = 69.9 points or lower

It is important to note that a facility must obtain 100 points or greater on two consecutive annual surveys in order to earn a four star rating.

# **Demerit Points**

Demerit points are points subtracted from the base score for citations and violations cited. Citations and Type B violations cited by DHSR under the fundamental rule areas will count against a facility's rating score. If a citation or Type B violation is not from a fundamental rule area, it will not count against the facility's rating. Type A and Uncorrected Type B violations from any rule area cited by DHSR or DSS will count against the rating score. Demerit point values are as follows:

- Citations: Deduct 2.0 points each
- Type A violations (in any rule area): Deduct 10.0 points each
- Type B violations: Deduct 3.5 points each
- Uncorrected Type B violation (in any rule area): Deduct 3.5 points each

Administrative licensure action issued by DHSR also results in demerit points being deducted from the rating score as follows:

- Suspension of Admissions issued by DHSR: Deduct 10 points
- Notice of Revocation of License issued by DHSR: Deduct 31 points

(\*Note: Suspension of Admissions issued by DHSR for a facility's failure to submit an annual cost report does not result in the deduction of points.)

#### **Merit Points**

Merit points are points added to a facility's score for correction of citations and violations upon follow-up inspection. Merit point values are as follows:

- Corrected citation: Add 1.25 points each
- Corrected Type A violation (in any rule area): Add 2.5 points each
- Corrected Type B violation: Add 1.25 points each
- Uncorrected Type B violation corrected (in any rule area): Add 1.25 points each

Administrative licensure actions rescinded by DHSR also results in merit points being added to the rating score as follows:

Removal of Suspension of Admissions issued by DHSR: Add 5.0 points

Also, when a facility corrects the citation for which a Type A violation was identified, the facility not only receives 2.5 merit points upon correction, but also can receive an additional 2.5 merit points following the next annual inspection if no further Type A violations are identified.

# Additional Merit Point Opportunities

There are four opportunities for a facility to earn extra merit points at each annual inspection. The extra merit points are given to recognize when a facility has taken additional measures to go above and beyond what is minimally required by state rules to ensure the health, safety, welfare, and quality of life of their residents. Facilities will not lose points by not putting these measures in place. The four extra merit point opportunities are:

# 1. Emergency Power Backup

Facilities who have made arrangements for emergency power backup (i.e. have a generator permanently installed on-site or have a current contract with an emergency power backup provider) and maintain the system in working order receive extra merit points at each annual inspection. Verification of the emergency power backup system or contract is conducted by the DHSR Construction Section.

Facilities receive extra merit points for emergency power backup based on whether it is "new" or "existing." Merit points are issued at each annual inspection as follows:

- If the facility's generator was installed (or contract is dated) before July 3, 2008, it is considered "existing" and 1.0 merit points are added to the rating score.
- If the facility's generator was installed (or contract is dated) after July 3, 2008, it is considered "new" and 2.0 merit points are added to the rating score.

# 2. Automatic Sprinkler System

Facilities who have installed an automatic sprinkler system in the facility and maintain the system in working order receive extra merit points at each annual inspection. Verification of the automatic sprinkler system and maintenance of the system is conducted by the DHSR Construction Section.

Facilities receive extra merit points for an automatic sprinkler system based on whether the system is "new" or "existing." Merit points are issued at each annual inspection as follows:

- If the facility's automatic sprinkler system was installed before July 3, 2008, it is considered "existing" and 2.0 merit points are added to the rating score.
- If the facility's automatic sprinkler system was installed after July 3, 2008, it is considered "new" and 3.0 merit points are added to the rating score.

#### 3. NC NOVA Designation

The North Carolina New Organizational Vision Award, or NC NOVA, is a voluntary special license awarded to adult care homes, home care agencies and nursing facilities that meet rigorous workplace standards for their direct care workers.

Successful applicants receive a special state license over and above their operating license, designating them as NC NOVA providers committed to the idea that better jobs mean better care. NC NOVA recognizes long-term care employers that take extra steps to support their workers on the job. NC NOVA licensure tells families this provider has met higher workforce standards

designed to keep a well-trained, effective, and satisfied team of quality caregivers. Any licensed provider in good standing may apply for NC NOVA licensure. NC NOVA licensure is issued for two years.

When a facility has achieved NC NOVA special licensure designation, 2.5 additional merit points are added to the rating score upon each annual inspection that the designation remains in effect.

4. Participation in a Quality Improvement Program Approved by DHHS Facilities who participate in a Quality Improvement (QI) program that has been approved by DHHS are issued 2.5 extra merit points. QI Program approval is conducted on-site by the DHSR survey team during a facility's annual inspection. Facilities may develop their own quality improvement program, participate in a program organized by their corporation, or may participate in a program already approved by DHHS such as those offered by the Division of Aging and Adult Services.

# **Additional Star Rating Information**

- Rating certificates are issued based on results of annual inspections by DHSR beginning January 1, 2009. Facilities do not receive a rating until after their annual inspection.
- A facility with a "0" or "1" star rating with no Type A or B violations after their annual inspection can request a follow-up survey from DHSR that would occur at least 60 days after their annual survey.
- Points deducted for Type A violations resulting in a penalty affect the facility's star rating score for 24 months from the date the violation was identified. Points deducted for uncorrected Type B violations resulting in a penalty affect the facility's rating score for 12 months from the date the violation was identified.
- Initial licensure surveys do not generate a rating. No star ratings are issued until a facility has had an annual survey.
- Change of Ownership: The Star Rating earned by a facility remains in effect through a change of ownership until the facility's next annual inspection has occurred.
- Facilities may contest the rated certificate by requesting a contested case hearing with the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 919-431-3000. The rated certificate and any subsequent certificates remain in effect during any contested case hearing process.

# **Findings and Recommendations**

The North Carolina Star Rated Certificate Program for adult care homes and family care homes was implemented on January 1, 2009. As of August 25, 2009, 708 star ratings have been issued to facilities based on annual, follow-up and complaint inspections and administrative licensure actions issued by DHSR since January 1, 2009. All ratings and rating worksheets are posted on the Adult Care Licensure Section website and available to consumers. The website is <a href="http://www.ncdhhs.gov/dhsr/acls/star/search.asp">http://www.ncdhhs.gov/dhsr/acls/star/search.asp</a>.

From January 1, 2009 through August 25, 2009, <u>624</u> star ratings have been issued based on annual inspections conducted by DHSR. Table 1.1 shows the number of stars issued to all facilities, as well as by type of facility (i.e. adult care home and family care home) based on annual inspections.

Table 1.1 Star Ratings Issued 1/1/09-8/25/09 (Annual Inspections only)

Number of Stars Issued		# Total Ratings	% of Total Ratings	# ACH Ratings	% ACH Ratings	# FCH Ratings	% FCH Ratings
2 min	4 Stars	0	0.00%	0	0.00%	0	0.00%
WWW	3 Stars	585	93.75%	342	93.19%	243	94.55%
AA	2 Stars	23	3.69%	14	3.81%	9	4%
<b>A</b>	1 Star	6	0.96%	5	1.36%	1	0.39%
ZERO STAR	ZERO Stars	10	1.60%	6	1.63%	4	1.56%

As mentioned previously, facilities must earn 100 point or greater scores on two consecutive annual inspections in order to receive 4 Stars. Therefore, there are no 4 Stars awarded in the first year of the program. However, of the 585 facilities who earned 3 Stars, 389 facilities (62.34% of total rated facilities) scored 100 points or greater, making them eligible for 4 Stars next year if they score 100 points or greater on their next annual inspection. According to the current ratings issued as of August 25, 2009, 59% of adult care homes could be eligible for 4 Stars and 68% of family care homes could be eligible.

Of the 624 ratings issued based on annual inspections, 295 ratings (47.28%) included extra merit points for the additional merit point opportunities:

- Emergency Power Backup System,
- Automatic Sprinkler System,
- NC NOVA Licensure Designation, and
- Participation in a Quality Improvement Program Approved by DHHS.

Table 1.2 shows the total number of facilities awarded additional points toward their rating score at their annual inspection for achieving the extra merit point opportunities, also according to type of facility (i.e. adult care home or family care home).

Table 1.2 Merit Points Issued for Extra Merit Point Opportunities 1/1/09-8/25/09 (Annual Inspections Only)

		% of				
Merit Point Opportunity	# Total Ratings	Total Ratings	# ACH Ratings	% ACH Ratings	# FCH Ratings	% FCH Ratings
Emergency Power Backup System	135	21.63%	123	33.51%	12	4.67%
Automatic Sprinkler System	163	26.12%	158	43.05%	5	1.95%
NC NOVA Licensure Designation	1	>1%	1	>1%	0	0%
Participation in an Approved QI Program	211	33.81%	178	48.50%	33	12.84%

The extra merit point opportunities have enabled several facilities to be eligible for a 4 Star rating next year. Data shows that 70 facilities (11.22%) who received demerit points for citations or violations of non-compliance with rules achieved a score of 100 points or greater only after the addition of the extra merit points listed above.

Overall, the North Carolina Star Rated Certificate Program for adult care homes and family care homes has been a success. Feedback from consumers has been very positive and most report they find the ratings to be easily accessible and helpful when making decisions regarding long term care options for themselves or a loved one. The provider community has also reported positive feedback on the program as it continues to roll out across the state.

At this time, further implementation of the program into its second year is needed in order to make any recommendations for changes in the star rating program. In the future, the Division anticipates establishing a stakeholders group to explore possible enhancement of the program as well as any areas for improvement.

# **ATTACHMENT A**

# "§ 131D-10. Adult care home rated certificates.

- (a) Rules adopted by the North Carolina Medical Care Commission for issuance of certificates to adult care homes shall contain a rating based, at a minimum, on the following:
  - (1) Inspections and substantiated complaint investigations conducted by the Department to determine compliance with licensing statutes and rules.

    Specific areas to be reviewed include:
    - a. Admission and discharge procedures.
    - b. Medication management.
    - c. Physical plant.
    - d. Resident care and services, including food services, resident activities programs, and safety measures.
    - e. Residents' rights.
    - <u>f.</u> Sanitation grade.
    - g. Special Care Units.
    - h. Use of physical restraints and alternatives.
- (b) The initial ratings awarded to a facility pursuant to the rules adopted under this section shall be based on inspections, penalties imposed, and investigations of substantiated complaints that revealed noncompliance with statutes and rules, that occurred on or after the act becomes law.
- (c) Type A penalties shall affect the rating for 24 months from the date the penalty is assessed. Type B penalties shall affect the rating for 12 months from the date the penalty is assessed.
- (d) Adult care homes shall display the rating certificate in a location visible to the public. Certificates shall include the Web site address for the Department of Health and Human Services, Division of Health Service Regulation, which can be accessed for specific information regarding the basis of the facility rating. For access by the public on request, adult care homes shall also maintain on-site a copy of information provided by the Department of Health and Human Services, Division of Health Service Regulation, regarding the basis of the facility rating. In addition to information on the basis of the rating, the Department of Health and Human Services, Division of Health Service Regulation, shall make information available via its Web site and in the materials available on-site at the facility regarding quality improvement efforts undertaken by the facility including:
  - (1) Participation in any quality improvement programs approved by the Department.
  - (2) The facility's attainment of the North Carolina New Organizational Vision Award special licensure designation authorized in Article 5, Chapter 131E of the General Statutes."

**SECTION 3.(c)** The Department of Health and Human Services shall provide a copy of emergency, temporary, and permanent rules adopted pursuant to this section to the North Carolina Study Commission on Aging at the same time the Department submits the adopted rules to the Rules Review Commission for its review under Chapter 150B of the General Statutes.

**SECTION 3.(d)** The Department of Health and Human Services, Divisions of Health Service Regulation, Aging and Adult Services, and Medical Assistance shall study the structure and cost of a system to reward adult care homes which receive high ratings. The Department shall report findings and recommendations on this study to the North Carolina Study Commission on Aging not later than March 1, 2008.

**SECTION 3.(e)** It is the intent of the General Assembly to provide funding for technical assistance to adult care homes for the 2008-2009 fiscal year.

**SECTION 3.(f)** The Department of Health and Human Services, Division of Health Service Regulation and Division of Aging and Adult Services, shall study expanding the rated certificate system to other facilities and services licensed and certified by the Department. The Department shall report to the North Carolina Study Commission on Aging on the expansion of the rating system by October 1, 2009.

**SECTION 3.(g)** The Department of Health and Human Services, Division of Health Service Regulation, shall report on the implementation of the rated certificate system. The Department shall make an interim report to the North Carolina Study Commission on Aging not later than October 1, 2009, and a final report to the Commission not later than October 1, 2010.

**SECTION 4.** Section 1 of this act becomes effective October 1, 2007. Section 2 becomes effective January 1, 2008. Certificates authorized under Section 3 shall be issued beginning January 1, 2009. The remainder of this act is effective when it becomes law.

# **ATTACHMENT B**

# SECTION .1600 – RATED CERTIFICATES (ADULT CARE HOMES 7+ BEDS)

# 10A NCAC 13F .1601 SCOPE

- (a) This Section applies to all licensed adult care homes for seven or more residents that have been in operation for more than one year.
- (b) As used in this Section a "rated certificate" means a certificate issued to an adult care home on or after January 1, 2009 and based on the factors contained in G.S. 131D-10.

History Note:

Authority G.S. 131D-4.5; 131D-10;

Eff. July 3, 2008.

#### 10A NCAC 13F .1602 ISSUANCE OF RATED CERTIFICATES

- (a) A rated certificate shall be issued to a facility by the Division of Health Service Regulation within 45 days completion of a new rating calculation pursuant to Rule .1604 of this Subchapter.
- (b) If the ownership of the facility changes, the rated certificate in effect at the time of the change of ownership shall remain in effect until the next annual survey or until a new certificate is issued pursuant to Rule .1604(b) of this Subchapter.
- (c) The certificate and any worksheet the Division used to calculate the rated certificate shall be displayed in a location visible to the public.
- (d) The facility may contest the rated certificate by requesting a contested case hearing pursuant to G.S. 150B. The rated certificate and any subsequent certificates remain in effect during any contested case hearing process.

History Note:

Authority G.S. 131D-4.5; 131D-10;

Eff. July 3, 2008.

# 10A NCAC 13F .1603 STATUTORY AND RULE REQUIREMENTS AFFECTING RATED CERTIFICATES

The following Statutes and Rules comprise the standards that contribute to rated certificates:

- (1) G.S. 131D-21 Resident's Rights;
- (2) 10A NCAC 13F .0300 Physical Plant Requirements;
- (3) 10A NCAC 13F .0700 Admission and Discharge Requirements;
- (4) 10A NCAC 13F .0800 Resident Assessment and Care Plan;
- (5) 10A NCAC 13F .0900 Resident Care and Services;
- (6) 10A NCAC 13F .1000 Medication Management;
- (7) 10A NCAC 13F .1300 Special Care Units for Alzheimer's and Related Disorders;

- (8) 10A NCAC 13F .1400 Special Care Units for Mental Health Disorders; and
- (9) 10A NCAC 13F .1500 Use of Physical Restraints and Alternatives.

History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008.

#### 10A NCAC 13F .1604 RATING CALCULATION

- (a) Ratings shall be based on:
  - (1) Inspections completed pursuant to G.S. 131D-2(b)(1a)a;
  - (2) Statutory and Rule requirements listed in Rule .1603 of this Section;
  - (3) Type A or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
  - (4) Other items listed in Subparagraphs (c)(1) and (c)(2) of this Rule.
- (b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule .1602(a) of this Section.
- (c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:
  - (1) Merit Points
    - (A) If the facility corrects citations of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, which are not related to the identification of a Type A violation or an uncorrected Type B violation, the facility shall receive 1.25 merit points for each corrected deficiency;
    - (B) If the facility receives citations on its annual inspection with no Type A or Type B violations and the rating from the annual inspection is one or zero stars the facility may request Division of Health Service Regulation to conduct a follow-up inspection not less than 60 days after the date of the annual inspection. A follow-up inspection shall be completed depending upon the availability of Division of Health Service Regulation staff. As determined by the follow-up review, the facility shall receive 1.25 merit points for each corrected deficiency;
    - (C) If the facility corrects the citation for which a Type A violation was identified, the facility shall receive 2.5 merit points and shall receive an additional 2.5 merit points following the next annual inspection if no further Type A violations are identified;
    - (D) If the facility corrects a previously uncorrected Type B violation, the facility shall receive 1.25 merit points;
    - (E) If the facility's admissions have been suspended, the facility shall receive 5 merit points if the suspension is removed;

- (F) If the facility participates in any quality improvement program pursuant to G.S. 131D-10, the facility shall receive 2.5 merit points;
- (G) If the facility receives NC NOVA special licensure designation, the facility shall receive 2.5 merit points;
- (H) On or after the effective date of this Rule, if the facility permanently installs a generator or has a contract with a generator provider to provide emergency power for essential functions of the facility, the facility shall receive 2 merit points. For purposes of this Section, essential functions mean those functions necessary to maintain the health or safety of residents during power outages greater than 6 hours. If the facility has an existing permanently installed generator or an existing contract with a generator provider, the facility shall receive 1 merit point for maintaining the generator in working order or continuing the contract with a generator provider; and
- (I) On or after the effective date of this Rule, if the facility installs automatic sprinklers in compliance with the North Carolina Building Code, the facility shall receive 3 merit points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit points for subsequent ratings for maintaining the automatic sprinklers in good working order.

# (2) Demerit Points

- (A) For each citation of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;
- (B) For each citation of a Type A violation, the facility shall receive a demerit of 10 points;
- (C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected as the result of a follow-up inspection, the facility shall receive an additional demerit of 3.5 points;
- (D) If the facility's admissions are suspended, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to G.S. 131D-4.2, the facility shall not receive any demerit points; and
- (E) If the facility receives a notice of revocation against its license, the facility shall receive demerit of 31 points.
- (d) Facilities shall be given a rating of zero to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:
  - (1) Four stars shall be assigned to any facility whose score is 100 points or greater on two consecutive annual inspections;
  - (2) Three stars shall be assigned for scores of 90 to 99.9 points, or for any facility whose score is 100 points or greater on one annual inspection;
  - (3) Two stars shall be assigned for scores of 80 to 89.9 points;
  - (4) One star shall be assigned for scores of 70 to 79.9 points; and

(5) Zero stars shall be assigned for scores of 69.9 points or lower.

History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008.

#### 10A NCAC 13F .1605 CONTENTS OF RATED CERTIFICATE

- (a) The certificate shall contain a rating determined pursuant to Rule .1604 of this Subchapter.
- (b) The certificate or accompanying worksheet from which the score is derived shall contain a breakdown of the point merits and demerits by the factors listed in Rules .1603 and .1604(c) of this Subchapter in a manner that the public can determine how the rating was assigned and the factors that contributed to the rating.
- (c) The certificate shall be printed on the same type of paper that is used to print the facility's license.
- (d) The Division of Health Service Regulation shall issue the certificate pursuant to Rule .1602 of this Subchapter.

History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008.

# **ATTACHMENT C**

# SECTION .1600 – RATED CERTIFICATES (FAMILY CARE HOMES 2-6 BEDS)

### 10A NCAC 13G .1601 SCOPE

- (a) This Section applies to all licensed family care homes for two to six residents that have been in operation for more than one year.
- (b) As used in this Section a "rated certificate" means a certificate issued to a family care home on or after January 1, 2009 and based on the factors contained in G.S. 131D-10.

History Note:

Authority G.S. 131D-4.5; 131D-10;

Eff. July 3, 2008.

#### 10A NCAC 13G .1602 ISSUANCE OF RATED CERTIFICATES

- (a) A rated certificate shall be issued to a facility by the Division of Health Service Regulation within 45 days completion of a new rating calculation pursuant to Rule .1604 of this Subchapter.
- (b) If the ownership of the facility changes, the rated certificate in effect at the time of the change of ownership shall remain in effect until the next annual survey or until a new certificate is issued pursuant to Rule .1604(b) of this Subchapter.
- (c) The certificate and any worksheet the Division used to calculate the rated certificate shall be displayed in a location visible to the public.
- (d) The facility may contest the rated certificate by requesting a contested case hearing pursuant to G.S. 150B. The rated certificate and any subsequent certificates remain in effect during any contested case hearing process.

History Note:

Authority G.S. 131D-4.5; 131D-10;

Eff. July 3, 2008.

# 10A NCAC 13G .1603 STATUTORY AND RULE REQUIREMENTS AFFECTING RATED CERTIFICATES

The following Statutes and Rules comprise the standards that contribute to rated certificates:

- (1) G.S. 131D-21 Resident's Rights;
- (2) 10A NCAC 13G .0300 The Building;
- (3) 10A NCAC 13G .0700 Admission and Discharge Requirements;
- (4) 10A NCAC 13G .0800 Resident Assessment and Care Plan;
- (5) 10A NCAC 13G .0900 Resident Care and Services;
- (6) 10A NCAC 13G .1000 Medications; and
- (7) 10A NCAC 13G .1300 Use of Physical Restraints and Alternatives.

History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008.

# 10A NCAC 13G .1604 RATING CALCULATION

- (a) Ratings shall be based on:
  - (1) Inspections completed pursuant to G.S. 131D-2(b)(1a)a;
  - (2) Statutory and Rule requirements listed in Rule .1603 of this Section;
  - (3) Type A or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
  - (4) Other items listed in Subparagraphs (c)(1) and (c)(2) of this Rule.
- (b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule .1602(a) of this Section.
- (c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:
  - (1) Merit Points
    - (A) If the facility corrects citations of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, which are not related to the identification of a Type A violation or an uncorrected Type B violation, the facility shall receive 1.25 merit points for each corrected deficiency;
    - (B) If the facility receives citations on its annual inspection with no Type A or Type B violations and the rating from the annual inspection is one or zero stars, the facility may request Division of Health Service Regulation to conduct a follow-up inspection not less than 60 days after the date of the annual inspection. A follow-up inspection shall be completed depending upon the availability of Division of Health Service Regulation staff. As determined by the follow-up review, the facility shall receive 1.25 merit points for each corrected deficiency;
    - (C) If the facility corrects the citation for which a Type A violation was identified, the facility shall receive 2.5 merit points and shall receive an additional 2.5 merit points following the next annual inspection if no further Type A violations are identified;
    - (D) If the facility corrects a previously uncorrected Type B violation, the facility shall receive 1.25 merit points;
    - (E) If the facility's admissions have been suspended, the facility shall receive 5 merit points if the suspension is removed;
    - (F) If the facility participates in any quality improvement program pursuant to G.S. 131D-10, the facility shall receive 2.5 merit points;

- (G) If the facility receives NC NOVA special licensure designation, the facility shall receive 2.5 merit points;
- (H) On or after the effective date of this Rule, if the facility permanently installs a generator or has a contract with a generator provider to provide emergency power for essential functions of the facility, the facility shall receive 2 merit points. For purposes of this Section, essential functions mean those functions necessary to maintain the health or safety of residents during power outages greater than 6 hours. If the facility has an existing permanently installed generator or an existing contract with a generator provider, the facility shall receive 1 merit point for maintaining the generator in working order or continuing the contract with a generator provider; and
- (I) On or after the effective date of this Rule, if the facility installs automatic sprinklers in compliance with the North Carolina Building Code, the facility shall receive 3 merit points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit points for subsequent ratings for maintaining the automatic sprinklers in good working order.

# (2) Demerit Points

- (A) For each citation of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;
- (B) For each citation of a Type A violation, the facility shall receive a demerit of 10 points;
- (C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected as the result of a follow-up inspection, the facility shall receive an additional demerit of 3.5 points;
- (D) If the facility's admissions are suspended, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to G.S. 131D-4.2, the facility shall not receive any demerit points; and
- (E) If the facility receives a notice of revocation against its license, the facility shall receive demerit of 31 points.
- (d) Facilities shall be given a rating of zero to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:
  - (1) Four stars shall be assigned to any facility whose score is 100 points or greater on two consecutive annual inspections;
  - (2) Three stars shall be assigned for scores of 90 to 99.9 points, or for any facility whose score is 100 points or greater on one annual inspection;
  - (3) Two stars shall be assigned for scores of 80 to 89.9 points;
  - (4) One star shall be assigned for scores of 70 to 79.9 points; and
  - (5) Zero stars shall be assigned for scores of 69.9 points or lower.

History Note: Authority G.S. 131D-4.5; 131D-10;

# 10A NCAC 13G .1605 CONTENTS OF RATED CERTIFICATE

- (a) The certificate shall contain a rating determined pursuant to Rule .1604 of this Subchapter.
- (b) The certificate or accompanying worksheet from which the score is derived shall contain a breakdown of the point merits and demerits by the factors listed in Rules .1603 and .1604(c) of this Subchapter in a manner that the public can determine how the rating was assigned and the factors that contributed to the rating.
- (c) The certificate shall be printed on the same type of paper that is used to print the facility's license.
- (d) The Division of Health Service Regulation shall issue the certificate pursuant to Rule .1602 of this Subchapter.

History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008.

# **ATTACHMENT D**

DHHS - Division of Health Service Regulation

Adult Care Home Rating Worksheet

Procedure: DHSR will complete the rating worksheet upon conclusion of the facility's annual impection. Conclusion of the impection is defined as when DHSR staff has returned to the office and the statement of deficiencies is mailed to the facility. If issues affecting the rating change between annual inspections, a new certificate will be mailed to the facility.

More information about the Star Stating Program and impections of adult care homes can be found at the DHSR website: http://www.ncdhlu.gov/dhs/

Anonsi	Inspection	Date: 05/13/2009	,					
Merit Points Earned	Demerit Points Issned	Statute	or Rale - Cai	pelosà		Measurement Evalu	ated	
137/4					For each citation of noncompliance with the rules related to physical plant, the facility will receive a demark of 2 points.  (citation(s) x 2.0=			
		13F/G.0700 - Adr Requirements	COTION OF A TENTED THE OF STREET P.			For each citation of noncompliance with the rules related to admixtion and discharge, the facility will receive a demest of 2 points. (citation(s):x 2.0=		
		13F/G.0800 - Resident Assessment & Care		For each citation of nonco plan, the facility will recei		ted to resident assessment & care (citation(s):x 2.0=		
		13F/G.0900 - Res	ident Cure A	Services	For each citation of nonco the facility will receive a		ted to resident care & services, (citation(s): x 2.0=	
		13F/G.1000 - Ma	dication Man	agement	For each citation of nonco	•	ted to medication management, (citation(s):x 2.0=	
		137.1300 - Special Alcheimer's & Re (ACH ONLY)				empliance with the rules role unders, the facility will receiv	ted to special care units for	
		13F.1400 - Specis Health Disorders				mpliance with the rules rela to facility will receive a dem	•	
		13F/G.1500 - Use Alternatives	of Physical I	Restraints &		mplimes with the rules rela ill receive a denourit of 2 poi	ted to physical restraints and nts. (citation(s):x 2.0=	
	W-12	G.S.131D-21 - Ra	sidents' Righ	ıh	For each citation of nonce facility will receive a dem		elated to residents' sights, the (citation(s):x 2.0=	
		13F/G.0215 - Typ	e A Violaño		For each citation of nonco will receive a demorit of I		Type A violation, the facility (citation(s):x 10.0=	
		13F/G.0215 - Tyj	re B Violation	1	For each citation of nonce will receive a demonit of I		Type B violation, the facility (citation(s):x 3.5=	
		13F/G.0215 - Typ	re B Violetion	ı. Uncorrected	For each Type B violation points.		lity will receive a demarit of 3.5 solutions uncorrected:x 3.5=	
		13F/G.0214 Susp	en:âon of Adi	missions	If the facility's admissions	are exspended, the facility t	will receive a demosrit of 10 point	
		13F/G.0212 Notice Issued	n of Revocat	ion of License	If a notice of revocation o points.	f license is issued, the facilit	ty will receive a dement of 31	
		13F/G.1603 - Cits corrected or Typ					inn correction with rules related to ruill receive a merit of 1.23 point (citation(s):x 1.25=	
		13F/G.0215 - Typ / No farther Type	A Violation	s identified	the facility will receive a	month of 2.5 points.	y resulted in a Type A violation, (citation(s):x 2.5=	
		13F/G.0215 - Um Violation correct		pa B	For each uncorrected Typ of 1.25 points.		d, the facility will receive a meri violations corrected:x 1.25=	
		Removal of Susp		missions		sion of Admissions remove	d, the facility will receive a men	
2.50		G.S.131D-10(d); Quality Improve			If the facility participates will receive a meet of 2.5		ograms approved by DHHS, it	
2.50		G.S.131E - NC N	OVA design:	tion swarded		-	es, it will receive a meetit of 2.5 p. after 07/03/2008) emergency po	
1.00		Emergency pewe		(Existing)	arrangements and I point	for equiting emergency pow		
2.00		Antennaic sprini		(Existing)	sprinklers and 2 points fo	existing sprinklers.	are served to ( ) and any any amountained	
Total Merit Points	Total Demesit Paints	Points (	lare Points - 1	ATING SCORE Fould Demarits = Resting Score	Four Stars = Three Stars =	NG SCORE REY 100 points or greater 90.9 - 99.9 points	This facility is rate	
8.00	0.00	160.00	108	1.00		80.0 - 89.9 points 70.00 - 79.9 points 69.9 and lower	* Facilities must obtain t	
	•	The Coventry Moore / HAl			FID: 96		consecutive 100 point a greater annual nerveys earn a Four Star Rating	

# ATTACHMENT E

State of North Carolina

Department of Health and Human Services

Division of Health Service Regulation

Adult Care Rating Certificate



Rating Score: 108.00

The Coventry
License #: HAL-063-016
105 Gossman Drive
Southern Pines, NC 28387-

Fisse Prints 4- manterdaments - Beeng Seere 100:00 base points - 0.01 dements - 8.02 mentes - 108:03

Star Rating Keep Four Stars

Four Stars
There Stars
Two Stars
One Stor

100 bomis or greater 90.0 - 25.0 bolists 80.0 - 25. greater 70.0 - 75.9 greater 60.0 and heryon

\* Fuelfittes som objekt som consecutive IGO och er ground grand symple in som a Four-Star Robing.

Date of Inspection: May 15, 2009 - Armed Inspection Date issued: May 20, 2009.

Commore industrian about Stat Rating Program and inspection results, please go to the IHDSR with address: http://www.nacdhbs.gov/dbsr/

Anthorized by:

Secretary, N.C. Department of Health and Human Services



Director, Division of Health Service Regulation

# **ATTACHMENT F**

# DHHS - Division of Health Service Regulation

DHHS - DIVISION OF Health Service Regulation

Adult Care Home Rating Worksheet

Procedure: DHSR will complete the rating worksheet upon conclusion of the facility's annual impection. Conclusion of the impection is defined as when DHSR staff has returned to the office and the statement of deficiencies is mailed to the facility. If issues affecting the rating change between annual impections, a new certificate will be mailed to the facility.

More information about the Star Rating Program and impections of adult were homes can be found at the DHSR website: http://www.ncdhlu.gov/dhur/

Research for Rating Programs and impections of adult were homes can be found at the DHSR website: http://www.ncdhlu.gov/dhur/

Annal	Inspection	Data: 02/05/200	Type A Violation	Date: 02/05/2009	Suspension of Admissio	Date: 02/20/2009		
Merit Demerit Points Points Earned Issued		Points Statute or Rule - Category		Measurement Evaluated				
		13F/G.0300 - Physical Plant Requirements		For each citation of noncompliance with the rules related to physical plant, the facility will receive a demarit of 2 points. (citation(s) $x \ 2.0 =$ For each citation of noncompliance with the rules related to admission and discharge, the facility will receive a demarit of 2 points. (citation(s): $x \ 2.0 =$				
		13F/G.0700 - Adı Requirements	nission & Discharge					
		13Y/G.0800 - Res Plan	ident Arresiment & Care	For each citation of noncomp plan, the facility will receive	a demant of 2 points.	(citation(s): z 2.0=_		
	2.00	13F/G.0900 - Re:	ident Care & Services	For each citation of noncompliance with the rules related to resident care & services, the facility will receive a demost of 2 points.  (citation(i): 1 x 2.0 = 2.				
			dication Management	For each citation of noncomp the facility will receive a dem	acit of 2 points.	(citation(s):x 2.0=_		
		13F.1300 - Specia Alcheimer's & R (ACH ONLY)		For each citation of noncomp Althornus's & related disord	es, the facility will receive a	demarit of 2 points. (citation(s):x 2.0=_		
	13F 1400 - Specia Health Disorder:	d Care Units for Mental (ACH ONLY)	For each citation of noncomp mental health disorders, the f		<del></del>			
		13F/G.1500 - Uze of Physical Restraints & Alternatives		For each citation of noncomp alternatives, the facility will a	eceive a demark of 2 points.	(citation(s):x 2.0=_		
		G.S.131D-21 - Ro	esidents' Rights	For each citation of noncomp facility will receive a demant For each citation of noncomp	of 2 points.	(citation(s): x 2.0=_		
	49.00	13F/G.0215 - Tyj	pe A Violation	will receive a demonit of 10 p  For each citation of noncomp	eiots.	(citation(s): 4 x 10.0 = 4		
	3.50	13F/G.0215 - Tyj	pe B Violation	will receive a demarit of 3.5; For each Type B violation th	polints.	(citation(s): $1 \times 3.5 = 3$		
	10.00		enion of Admissions	points.	(Type B violst	nons uncorrected:x3.5= receive a dement of 10 points		
	10.00		ce of Revocation of License	If a notice of revocation of is points.				
			stion of noncompliance & B Violation correction	For each citation of non-compliance or Type B Violation correction with rules related to 10A NCAC 13F .1603, which is corrected, the facility will receive a mark of 1.25 points (citation(s):x 1.25=_ For each citation, which is corrected, which previously resulted in a Type A violation, the facility will receive a mark of 2.5 points. (citation(s):x 2.5=_ For each uncorrected Type B violation that is corrected, the facility will receive a month of 1.25 points.  If the facility has a Suspension of Admissions removed, the facility will receive a month				
			pe A Violation corrected e A Violation: identified					
		13F/G,0215 - Un Violation correc	corrected Type B rd					
			ension of Admissions ?) - Participation in a	of 5 points.	n or Accountment semoved, as quality improvement progra			
	-	Quality Improve	ment Program OVA designation awarded	will receive a merit of 2.5 po If the facility has been award		will receive a ment of 2.5 po		
		Emergency pow		The facility will receive 2 ms	•	г 07/03/2008) сельгустсу роз		
Antousanic sprinklers			rit points for newly (On or si					
Total Merit Points	Total Demerit Points	Points	ACILITY RATING SCORE Base Points - Total Demerits - Total Merits = Rating Score	Four Stars = 10 Three Stars = 90	) points or greater 9 - 99.9 points	This facility is rate		
0.00	55.50	100.00	44.50	One Star = 70	0 - 59.9 points 00 - 79.9 points 9 and lower	* Pacilities must obtain th		
Faci	lity Name: License #:	Holman-Ham	pton Sunshine Family			consecutive 100 point or greater armial maveys to earn a Four Star Rating.		

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# **ATTACHMENT G**

State of Austh Caralina Department of Health and Human Services
Division of Health Service Regulation

Adult Care Rating Cortificate

ZEROStars

Rating Score: 44.50

Holman-Hampton Sunshine Family Care Homes Inc# 3

License #: FCL-079-064
149 Glendale Drive

Date of Inspection: Fobrancy 05, 2009 - Angula Dissocion Date Issued: Fobrancy 24, 2009

For more information about Star Rating Program and mappetion results, please go to the DHSR web address: http://www.nedhhs.gov/dhsr/

Raimiy Sunamara>

Liajo Robini Zinal Dumorika Zinas samori

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Star Galling Kry

From Stary Floory Stark Two Stark One Star

-100.00 proofs

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Authorized by:

Secretary, N.C. Department of Health and Human Services

Director, Division of Health Service Regulation