

ADULT CARE HOME AND NURSING HOME COMMUNITY ADVISORY COMMITTEE
POLICIES AND PROCEDURES

SECTION I: SCOPE

A. Purpose

1. To establish a policy and procedures whereby the Orange County Board of Commissioners will establish the specific policies and procedures governing the Adult Care Home and Nursing Home Community Advisory Committee ("Committee").

B. Authority

1. North Carolina General Statute § 153A-76 grants boards of county commissioners the authority to establish advisory boards.
2. North Carolina General Statute § 131D-31(c) grants authority to the board of county commissioners to establish a joint Adult Care Home and Nursing Home Community Advisory Committee, upon written approval by the Office of the State Long-Term Care Ombudsman. Written approval was received on September 20, 2023.
3. The Orange County Advisory Board Policy serves as the underlying policy document to which the Adult Care Home and Nursing Home Community Advisory Committee, in addition to this policy and procedure document, is subject.
4. In the event that there is a conflict between the Orange County Advisory Board Policy and this Policies and Procedures document this Policies and Procedures document shall control.

C. Charge

1. The charge of Committee shall be to carry out the purpose and function of the Adult Care Home Community Advisory Committee as provided in North Carolina General Statute §131D-31 and 131D-32, to carry out the purpose of the Nursing Home Advisory Committee, provided in North Carolina General Statute §131E-128, serving all the homes in the County, and working with each home in the best interest of the persons residing in each home.

D. Definitions

1. "Adult care home" is an assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care for two to six unrelated residents are commonly called family care homes. Adult care homes and family care homes are subject to licensure by the Division of Health Service Regulation.
2. "Family care home" means an adult care home having two to six residents. The structure of a family care home may be no more than two stories high and none of the aged or physically disabled persons being served there may

be housed in the upper story without provision for two direct exterior ground-level accesses to the upper story.

3. "Nursing home" means a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated, who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

SECTION II: GOALS AND OBJECTIVES

A. Goals

1. The Committee shall maintain the intent of the Adult Care Home Resident's Bill of Rights within the licensed adult care home in Orange County, as well as maintain the intent of the Nursing Home Resident's Bill of Rights within the nursing homes, including nursing homes operated by hospitals licensed under Chapter 131 E, Article 5 of the North Carolina General Statutes, in Orange County.
2. The Committee shall promote community involvement and cooperation with adult care homes and nursing homes to ensure quality care for older persons and disabled adults in Orange County.

B. Objectives

1. Adult Care Homes

- a. The Committee shall serve as the nucleus for increased community involvement with adult care homes and their residents.
- b. The Committee shall promote community education and awareness of the needs of aging and disabled persons who reside in adult care homes and shall work towards keeping the public informed about aspects of long-term care and the operation of adult care homes in Orange County.
- c. The Committee shall develop and recruit volunteer resources to enhance the quality of life for adult care home residents.
- d. The Committee shall establish links with the adult care home administrators and the department of social services for the purpose of maintaining the intent of the Adult Care Home Residents' Bill of Rights.
- e. The Committee shall apprise itself of the general conditions under which the persons are residing in the homes and shall work for the best interests of the persons in the homes. This may include assisting persons who have grievances with the home and facilitating the resolution of grievances at the local level. The identity of any complainant or resident involved in a complaint shall not be disclosed

except as permitted under the Older Americans Act of 1965, as amended, 42 U.S.C. § 3001 et seq. The Committee shall notify the enforcement agency of all verified violations of the Adult Care Home Residents' Bill of Rights.

- f. The Committee or subcommittee may communicate through the committee chair with the Department of Health and Human Services, the Orange County Department of Social Services, or any other agency in relation to the interest of any resident.
 - g. Visitation
 - i. The Committee shall quarterly visit the adult care homes with 10 or more beds it serves. For each official quarterly visit, a majority of the committee members shall be present.
 - ii. A minimum of three members of the committee shall make at least one visit annually to each other type of adult care home licensed in the county.
 - iii. In addition, each committee may visit the adult care homes it serves whenever it deems it necessary to carry out its duties.
 - iv. In counties with subcommittees, the subcommittee assigned to a home shall perform the duties of the committee under this subsection, and a majority of the subcommittee members must be present for any visit.
 - v. When visits are made to group homes for developmentally disabled adults, rules concerning confidentiality as adopted by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall apply.
 - vi. The individual members of the committee shall have the right between 10:00 a.m. and 8:00 p.m. to enter the facility the committee serves in order to carry out the members' responsibilities. Where a subcommittee or subcommittees have been established, this right of access shall be limited to members of the subcommittee which serves that home. A majority of the committee or subcommittee members shall be present to enter the facility at other hours.
 - vii. Before entering any adult care home, the committee or members of the committee shall identify themselves to the person present at the facility who is in charge of the facility at that time.
 - h. The Committee shall prepare reports as required by the Department of Health and Human Services containing an appraisal of the problems of adult care homes facilities as well as issues affecting long-term care in general. Copies of the report shall be sent to the Board of County Commissioners, Orange County Department of Social Services and the Division of Aging.
2. Nursing Homes
- a. The Committee shall apprise itself of the general conditions under which the persons are residing in nursing homes within Orange County and shall work for the best interests of the persons in those homes. This may include assisting persons who have grievances with the nursing home and facilitating the resolution of grievances at the local level.

- b. The Committee shall visit quarterly the nursing home it serves. For each official quarterly visit, a majority of the committee members shall be present. In addition, each committee may visit the nursing home it serves whenever it deems it necessary to carry out its duties. If there are four or more nursing homes in the County, a subcommittee may be assigned to a nursing home to perform the duties of the Committee; a majority of the subcommittee members must be present for any visit.
- c. Each member of the Committee shall have the right to enter anytime into the facility the Committee serves in order to carry out the members' responsibilities. If subcommittees have been established, this right of access shall be limited to homes served by those subcommittees to which the member has been appointed.
- d. The Committee or subcommittee may communicate through its chair with the Department of Health and Human Services or any other agency in relation to the interest of any patient. The identity of any complainant or resident involved in a complaint shall not be disclosed except as permitted under the Older Americans Act of 1965, as amended, 42 U.S.C. § 3001 et seq.
- e. Each home shall cooperate with the committee as it carries out its duties.
- f. Before entering into any nursing home, the Committee, subcommittee, or member shall identify itself to the person present at the facility who is in charge of the facility at that time.

SECTION III: MEMBERSHIP

A. Authority

- 1. North Carolina General Statute § 153A-76 grants boards of county commissioners the authority to establish advisory boards and to appoint members to and remove members from those advisory boards. In acting on this authority the Orange County Board of Commissioners hereby establishes certain general conditions to which applicants and members of advisory boards should conform.
- 2. North Carolina General Statute § 131D-31(c) provides the establishment, appointment of committees and the number of members on a committee.

B. Composition

- 1. The Committee shall have the following membership required of a nursing home community advisory committee:
 - g. If the County has one, two, or three nursing homes, the Committee shall have five members, or
 - h. If the County has four or more nursing homes, the Committee shall have one additional member for each nursing home in excess of three and may have up to five additional members at the discretion of the Board of County Commissioners.

- i. If the County has four or more Nursing homes, the Committee shall establish a subcommittee of no more than five members and no fewer than three members from the Committee for each Nursing home in the county.
 - ii. Each member must serve on at least one subcommittee.
- 2. The Committee must also have one additional member for each adult care home with 10 or more beds licensed in the county. In counties with no adult care homes with 10 or more beds, there shall be one additional member for every four other types of adult care homes in the county.
- 3. The Orange County Board of Commissioners shall solicit nominations from both nursing and adult care home administrators for the appointment of approximately (but no more than) one-third of the members.
- 4. In no case shall the number of members on the Committee exceed 25.
- 5. Each member must be a resident of Orange County.
- 6. No person or immediate family member of a person with a financial interest in a home served by the Committee, or employee or governing board member of a home served by the Committee, or immediate family member of a resident in a home served by the Committee may be a member of the Committee.
- 7. Members of the Committee shall serve without compensation but may be reimbursed for actual expenses incurred by them in the performance of their duties.
- 8. The names of the Committee members and the date of expiration of their terms shall be filed with the Division of Aging at the Department of Health and Human Services.
- 9. Ex- Officio Members
 - a. Any County Commissioner serving on the Committee shall serve as an ex officio member. Up to one (1) ex officio member may be appointed by the Orange County Board of Commissioners and shall serve one year or until they are reappointed or the appointment of their successors.
- 10. Officers
 - a. The Committee shall elect from its members a chair, to serve a one-year term.

C. Terms of Office

- 1. Each committee member shall serve an initial term of one year. Any person reappointed to a second or subsequent term shall serve a three-year term.

D. Vacancy

- 1. Any vacancy shall be filled by appointment of a person for a one-year term.
- 2. If this vacancy is for a position filled by an appointee nominated by the chief administrators of adult care homes or nursing homes within the County, then the County Commissioners shall fill the vacancy from persons nominated by a majority of the chief administrators. If the adult care home or nursing home administrators fail to make a nomination by registered mail within 45 days after written notification has been sent to them requesting a nomination, this appointment may be made without nominations.
- 3. If the County Commissioners fail to fill a vacancy, the vacancy may be filled by the Office of the State Long-Term Care Ombudsman no sooner than 45

days after the Commissioners have been notified of the appointment or vacancy.

SECTION IV. MEETINGS

A. Staffing

1. The Regional Ombudsman from the Central Pines Regional Council shall serve as the main contact for the Committee.
2. Orange County staff may serve as support to advisory boards upon the approval of the Orange County Manager.

B. Agendas

1. Items for agendas shall be approved by the Committee Chair and staff.

C. Reports

1. Any written communication made by a member of the Committee within the course and scope of the member's duties, as specified in G.S. 131D-32 or G.S. 131E-128, shall be privileged to the extent provided in this subsection. This privilege shall be a defense in a cause of action for libel if the member was acting in good faith and the statements and communications do not amount to intentional wrongdoing.

SECTION V. ORIENTATION

A. Attendance

1. Each member shall attend an orientation presented by the Department on Aging to familiarize the advisory board members with the operation of County government, the Department on Aging rules, and the operating procedures of the advisory board.
2. Each voting member will be encouraged to complete the orientation within two months of their appointment.

B. Training

1. The Division of Aging, Department of Health and Human Services, shall develop training materials, which shall be distributed to each committee member. Each committee member must receive training as specified by the Division of Aging prior to exercising any power under G.S. 131D-32 or G.S. 131E-128.

SECTION VI. INSURANCE

A. Liability

1. To the extent that the Committee or any member thereof is covered by liability insurance, that Committee or member shall be deemed to have waived the qualified immunity herein to the extent of indemnification by insurance.

SECTION VII. BY-LAWS

A. By-Laws

1. Any Bylaws adopted by the Adult Care Home and Nursing Home Community Advisory Committee are void and no further bylaws shall be adopted. Procedure shall be governed solely by this policy document and the General Advisory Board Policy Document.
2. Should the Adult Care Home and Nursing Home Community Advisory Committee determine modifications to this policy document are necessary the Committee may petition the Board of County Commissioners for such modifications.
3. Should the General Assembly amend sections of the North Carolina General Statutes Chapter 131D, Article III pertaining to the Adult Care Home Community Advisory Committee or Chapter 131E, Article VI, Part 2 pertaining to the Nursing Home Advisory Committee, such amendments shall be incorporated into these Adult Care Home and Nursing Home Community Advisory Committee Policies and Procedures with no additional action of the Board of County Commissioners.