

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 1095
SENATE BILL 1559

AN ACT TO PROVIDE FOR THE URGENT NEEDS OF OLDER ADULTS, TO BEGIN BUILDING AN IN-HOME AND COMMUNITY-BASED SYSTEM OF SERVICES FOR OLDER ADULTS, AND TO APPROPRIATE THE NECESSARY FUNDS.

Whereas, by the year 2000, there will be nearly one million North Carolinians 65 years of age and older; and

Whereas, the group of older adults needing the most assistance, those of 85 years of age and older, is increasing at a rate twice as fast as the group 65 years of age and older; and

Whereas, the State of North Carolina spends about five times more on institutional care for the elderly than on community-based care, even though four of every five frail elderly persons live at home, dependent upon family members, church groups, and other informal caregivers; and

Whereas, more than 130 older adults, caregivers, providers, and advocates testified at four public hearings held by the North Carolina Study Commission on Aging across the State in February and March 1988, and stressed the urgency of the need for more in-home services, for adequate transportation services, and for more support for family members and other caregivers; and

Whereas, North Carolina currently does not have a well coordinated full-service system of in-home and community-based services for the elderly, whether subsidized or fee-supported, nor has the State developed a management system for a full-fledged service system for older adults; and

Whereas, the legislation addressed in this proposal, developed as a package, is designed to lead to a more coordinated and more visionary system of in-home and community-based care for older adults, while also meeting urgent needs, as explained fully in the Report of the North Carolina Study Commission on Aging to the 1987 General Assembly, 1988 Session; Now, therefore,

The General Assembly of North Carolina enacts:

PART I.—EMERGENCY NEEDS
—TRANSPORTATION.

Section 1. (a) Article 2B of Chapter 136 is amended by adding a new section to read:

"§ 136-44.27. North Carolina Elderly and Handicapped Transportation Assistance Program. – (a) There is established the Elderly and Handicapped Transportation

Assistance Program that shall provide State financed elderly and handicapped transportation services for counties within the State. The Department of Transportation is designated as the agency of the State responsible for administering State funds appropriated to purchase elderly and handicapped transportation services for counties within the State. The Department shall develop appropriate procedures regarding the distribution and use of these funds and shall adopt rules to implement these procedures. No funds appropriated pursuant to this act may be used to cover State administration costs.

(b) For the purposes of this section, an elderly person is defined as one who has reached the age of 60 or more years, and a handicapped person is defined as one who has a physical or mental impairment that substantially limits one or more major life activities, an individual who has a record of such impairment, or an individual who is regarded as having such an impairment. Certification of eligibility shall be the responsibility of the county.

(c) All funds distributed by the Department under this section are intended to purchase additional transportation services, not to replace funds now being used by local governments for that purpose. These funds are not to be used towards the purchase of transportation vehicles or equipment. To this end, only those counties maintaining elderly and handicapped transportation services at a level consistent with those in place on January 1, 1987, shall be eligible for additional transportation assistance funds.

(d) The Public Transportation Division of the Department of Transportation shall distribute these funds to the counties according to the following formula: fifty percent (50%) divided equally among all counties; twenty-two and one-half percent (22 1/2%) based upon the number of elderly residents per county as a percentage of the State's elderly population; twenty-two and one-half percent (22 1/2%) based upon the number of handicapped residents per county as a percentage of the State's handicapped population; and, the remaining five percent (5%) based upon a population density factor that recognizes the higher transportation costs in sparsely populated counties.

(e) Funds distributed by the Department under this section shall be used by counties in a manner consistent with transportation development plans which have been approved by the Department and the Board of County Commissioners. To receive funds apportioned for a given fiscal year, a county shall have an approved transportation development plan. Funds that are not obligated in a given fiscal year due to the lack of such a plan will be distributed to the eligible counties based upon the distribution formula prescribed by subsection (d) of this section."

(b) This section shall become effective only upon the transfer pursuant to G.S. 105-164.44A to the Department of Transportation of the sum of two million dollars (\$2,000,000) for fiscal year 1988-89, to provide funds for the North Carolina Elderly and Handicapped Transportation Assistance Program established by this section.

—IN-HOME AGING SERVICES

Sec. 2. Of the funds appropriated from the General Fund to the Division of Aging, Department of Human Resources in Chapter 886 of the 1987 Session Laws, for the 1988-89 fiscal year the sum of seven hundred twenty thousand dollars (\$720,000)

shall be used to provide funds for much needed, additional in-home aide services that enable the frail elderly to remain in their homes and avoid institutionalization.

The Division shall administer the in-home aide services and activities funded by this section. The Division of Aging shall choose in-home service providers on the basis of a competitive bid process and shall include the following criteria: documented capacity to provide care, adequacy of quality assurance, training, supervision, abuse prevention, complaint mechanisms, and costs. All funds allocated by the Division pursuant to this section shall be allocated by October 1, 1988.

—SENIOR CENTERS/CAPITAL IMPROVEMENTS

Sec. 3. The sum of three hundred sixty thousand dollars (\$360,000) for the 1988-89 fiscal year shall be used by the Department of Human Resources, Division of Aging for capital improvements to the existing senior centers. The Division of Aging shall expend the funds received under this section to rehabilitate existing senior centers. The funds received shall be allocated by June 30, 1989.

PART II—COMMUNITY-BASED SERVICES/INITIATIVES FOR THE FUTURE

—CAREGIVER SUPPORT

Sec. 4. (a) Of the funds appropriated from the General Fund to the Division of Aging, Department of Human Resources in Chapter 886 of the 1987 Session Laws, the sum of one million eight thousand dollars (\$1,008,000) for the 1988-89 fiscal year shall be used for services that support family caregivers of elderly persons with functional disabilities, whether physical or mental, who want to stay in their homes rather than be institutionalized but who need assistance with the activities of daily living in order to be able to remain at home. The services that may be purchased from funds received under this section include:

- (1) Respite care services, under the rules adopted by the Department of Human Resources on behalf of the Division of Aging;
- (2) Respite care and adult day care services, under the rules adopted pursuant to Title III-B of the Older Americans Act;
- (3) Stipends for senior companions, modeled after the federal Senior Companion program;
- (4) Other related services that meet needs not now adequately addressed by the services described in subdivisions (1) through (3) of this subsection.

(b) The Division of Aging shall expend funds for these services according to the population of persons 70 years or more in each region. The Division of Aging shall use a minimum of ninety-five percent (95%) of the funds it receives under this section for the services described in subdivisions (1) through (4) of subsection (a) of this section and may only use a maximum of five percent (5%) for technical assistance as described in subsection (c) of this section. Funds allocated by the Division pursuant to this section shall be allocated by October 1, 1988.

(c) The Division of Aging may contract for technical assistance. The technical assistance shall include training assistance, coordination of various service delivery and funding sources, and ideas for innovative ways to build a lasting system of services for family caregivers.

—SENIOR CENTER OUTREACH

Sec. 5. The sum of four hundred three thousand eight hundred dollars (\$403,800) for the 1988-89 fiscal year shall be used by the Department of Human Resources, Division of Aging, to allow existing senior centers to attempt a statewide outreach of services. All of these funds shall be allocated by October 1, 1988. No senior center may receive more than ten thousand dollars (\$10,000) pursuant to this section.

All funds received under this section shall test "satellite" services provided by existing senior centers to unserved or underserved areas or to provide start-up funds for new senior centers. If the Division of Aging decides to use funds received under this section for starting up a new senior center, the County Commissioners shall first:

- (1) Formally endorse the need for such a center;
- (2) Formally agree on the sponsoring agency for the center; and
- (3) Make a formal commitment to use local funds to support the ongoing operation of the center.

—PROGRAM DEVELOPMENT

Sec. 6. The sum of three hundred eighty-four thousand dollars (\$384,000) for the 1988-89 fiscal year, shall be used by the Department of Human Resources, Division of Aging, to develop local strategic planning capacity. This planning shall include determining what services for older adults are lacking in each region, stimulating new services to fill these gaps, and improving administrative coordination. All allocations shall be distributed by October 1, 1988.

—SENIOR GAMES

Sec. 6.1. The sum of sixty thousand dollars (\$60,000) for the 1988-89 fiscal year, shall be used by the Department of Human Resources, Division of Aging, for a grant-in-aid to the North Carolina Senior Games, Inc., for the North Carolina Senior Games Program.

—AREA AGENCIES ON AGING SUPPORT

Sec. 7. The sum of one hundred forty-two thousand two hundred dollars (\$142,200) for the 1988-89 fiscal year shall be allocated by the Department of Human Resources, Division of Aging, to help with the additional local costs incurred by the work required by Sections 2 through 6 of this act. All allocations shall be distributed by October 1, 1988.

—INFORMATION AND REFERRAL, CASE MANAGEMENT PILOT PROJECTS

Sec. 8. The sum of six hundred thousand dollars (\$600,000) for the 1988-89 fiscal year shall be used by the Department of Human Resources, Division of Aging to establish seven pilot programs to test how different kinds of information and referral systems can lead to a full case-management system for services to the elderly. The pilots shall be established so as to address urban and rural issues, region-specific issues, and various head agency considerations. The funds for these programs shall be allocated to the following seven counties: Craven, Buncombe, Cumberland, Robeson, Surry, Guilford, and Mecklenburg. Each county shall contract with an entity located within that county to establish and operate the pilot program authorized by this section.

PART III—OTHER ACTIONS

—BLACK MOUNTAIN CENTER ALZHEIMER'S FACILITY

Sec. 9. The sum of eight hundred fifty-two thousand dollars (\$852,000) for the 1988-89 fiscal year for capital improvements to the Black Mountain Center shall be used by the Department of Human Resources to renovate the Center to provide for an Alzheimer's facility. This amount shall supplement previous appropriations totaling one million nine hundred seventy-eight thousand dollars (\$1,978,000) making a total of two million eight hundred thirty thousand dollars (\$2,830,000) available to renovate this facility.

—DIVISION OF AGING EVALUATION/REPORT

Sec. 10. Pursuant to its continuing mandate in G.S. 143B-181.1 et seq., continually to "review policies affecting the well being of older adults," which review is to include an "evaluation of programs," the Division of Aging shall review the programs and services established and funded in Sections 2, 3, 4, 5, and 6 of this act. The review and evaluation of the programs and services established and funded in Section 4, CAREGIVER SUPPORT, of this act, shall include a recommendation as to how fragmentation in the field of programs and services for caregivers might be minimized. Specifically, the Division shall recommend what role the Divisions of Aging, of Social Services, and of Medical Assistance, should continue to have in funding and administering State and federal funds related to family caregiver assistance. The review and evaluation of Section 5, SENIOR CENTER OUTREACH, shall include specific recommendations as to whether a senior center should be built in every county and as to whether State standards should be established for senior centers. The review and evaluation of Section 6, PROGRAM DEVELOPMENT, shall include a determination whether the General Assembly should mandate that each county designate a focal point or lead agency for services for older adults.

The Division shall present a written report, including its review, evaluation, and specific implementation recommendations, by March 1, 1989, to the President of the Senate, the Speaker of the House of Representatives, the Fiscal Research Division of the Legislative Services Offices, and to the North Carolina Study Commission on Aging.

—INDEPENDENT EVALUATION

Sec. 11. The sum of fifty thousand dollars (\$50,000) for the 1988-89 fiscal year for the North Carolina Study Commission on Aging shall be used by the Legislative Services Commission to contract with one or more policy analysts, who shall have experience with evaluating community-based, long-term care projects for older adults in other states and at the federal level. The independent analysts shall evaluate how well the initiatives funded in this act will lead to a more coordinated and more visionary system of community-based and related services for older adults.

The evaluation shall begin on September 1, 1988, and shall report the results of the evaluation, including any recommendations, to the North Carolina Study Commission on Aging.

Sec. 12. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Sec. 13. None of the programs or projects established by Sections 3, 5, 6, 7, 8, 9 and 11 of this act shall be put into effect unless there are funds specifically appropriated for them.

Sec. 14. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 11th day of July, 1988.