

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 204
Committee Substitute Favorable 4/29/91

Short Title: Social Services Rest Home Rules.

(Public)

Sponsors:

Referred to:

March 4, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE SOCIAL SERVICES COMMISSION TO ADOPT
3 RULES PERTAINING TO THE EDUCATION REQUIREMENTS FOR
4 DOMICILIARY HOMES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143B-153 reads as rewritten:

7 "§ 143B-153. Social Services Commission – creation, powers and duties.

8 There is hereby created the Social Services Commission of the Department of
9 Human Resources with the power and duty to adopt rules and regulations to be followed
10 in the conduct of the State's social service programs with the power and duty to adopt,
11 amend, and rescind rules and regulations under and not inconsistent with the laws of the
12 State necessary to carry out the provisions and purposes of this Article. Provided,
13 however, the Department of Human Resources shall have the power and duty to adopt
14 rules and regulations to be followed in the conduct of the State's medical assistance
15 program.

16 (1) The Social Services Commission is authorized and empowered to
17 adopt such rules and regulations that may be necessary and desirable
18 for the programs administered by the Department of Human Resources
19 as provided in Chapter 108A of the General Statutes of the State of
20 North Carolina.

21 (2) The Social Services Commission shall have the power and duty to
22 establish standards and adopt rules and regulations:

- 1 a. For the programs of public assistance established by federal
2 legislation and by Article 2 of Chapter 108A of the General
3 Statutes of the State of North Carolina with the exception of the
4 program of medical assistance established by G.S. 108A-25(b);
5 b. To achieve maximum cooperation with other agencies of the
6 State and with agencies of other states and of the federal
7 government in rendering services to strengthen and maintain
8 family life and to help recipients of public assistance obtain
9 self-support and self-care;
10 c. For the placement and supervision of dependent and delinquent
11 children and payment of necessary costs of foster home care for
12 needy and homeless children as provided by G.S. 108A-48; and
13 d. For the payment of grants-in-aid and other State funds to
14 private child-caring institutions. The payment and distribution
15 of grants-in-aid funds to private child-caring institutions shall
16 be regulated by the grant-in-aid (GIA) formula. This formula
17 and any modifications of this formula shall be approved by the
18 Advisory Budget Commission prior to its implementation.
- 19 (2a) The Social Services Commission shall have the power and duty to
20 establish standards and adopt rules and regulations:
21 a. For social services programs established by federal legislation
22 and by Article 3 of G.S. Chapter 108A;
23 b. For implementation of Title XX of the Social Security Act,
24 except for Title XX services provided solely through the
25 Division of Mental Health, ~~Mental Retardation-Developmental~~
26 Disabilities, and Substance Abuse Services, by promulgating
27 rules and regulations in the following areas:
28 1. Eligibility for all services established under a
29 Comprehensive Annual Services Plan, as required by
30 federal law;
31 2. Standards to implement all services established under the
32 Comprehensive Annual Services Plan;
33 3. Maximum rates of payment for provision of social
34 services;
35 4. Fees for services to be paid by recipients of social
36 services;
37 5. Designation of certain mandated services, from among
38 the services established by the Secretary below, which
39 shall be provided in each county of the State; and
40 6. Title XX services for the blind, after consultation with
41 the Commission for the Blind.
42 Provided, that the Secretary is authorized to promulgate all
43 other rules in at least the following areas:

- 1 1. Establishment, identification, and definition of all
2 services offered under the Comprehensive Annual
3 Services Plan;
- 4 2. Policies governing the allocation, budgeting, and
5 expenditures of funds administered by the Department;
- 6 3. Contracting for and purchasing services; and
- 7 4. Monitoring for effectiveness and compliance with State
8 and federal law and regulations.
- 9 (3) The Social Services Commission shall have the power and duty to
10 establish and adopt standards:
 - 11 a. For the inspection and licensing of maternity homes as provided
12 by G.S. 131D-1;
 - 13 b. For the inspection and licensing of domiciliary homes for aged
14 or disabled persons as provided by G.S. 131D-2(b) and for the
15 education requirements for the administrator, the supervisor-in-
16 charge, and the activities coordinator of these homes. The
17 standards for the education requirements for the administrator,
18 the supervisor-in-charge, and the activities coordinator shall be
19 reviewed by the Joint Legislative Commission on
20 Governmental Operations before they are adopted.
 - 21 c. For the inspection and licensing of child-care institutions as
22 provided by G.S. 131D-10.5;
 - 23 d. For the inspection and operation of jails or local confinement
24 facilities as provided by G.S. 153A-220 and Article 2 of
25 Chapter 131D of the General Statutes of the State of North
26 Carolina;
 - 27 e. Repealed by Session Laws 1981, c. 562, s. 7.
 - 28 f. For the regulation and licensing of charitable organizations,
29 professional fund-raising counsel and professional solicitors as
30 provided by Chapter 131D of the General Statutes of the State
31 of North Carolina.
- 32 (4) The Social Services Commission shall have the power and duty to
33 authorize investigations of social problems, with authority to subpoena
34 witnesses, administer oaths, and compel the production of necessary
35 documents.
- 36 (5) The Social Services Commission shall have the power and duty to
37 ratify reciprocal agreements with agencies in other states that are
38 responsible for the administration of public assistance and child
39 welfare programs to provide assistance and service to the residents and
40 nonresidents of the State.
- 41 (6) The Commission is authorized and empowered to adopt such rules and
42 regulations, not inconsistent with the laws of this State, as may be
43 required by the federal government of grants-in-aid for social services
44 purposes which may be made available for the State by the federal

1 government. This section is to be liberally construed in order that the
2 State and its citizens may benefit from such grants-in-aid.

3 (7) The Commission shall adopt rules and regulations consistent with the
4 provisions of this Chapter. All rules and regulations not inconsistent
5 with the provisions of this Chapter heretofore adopted by the Board of
6 Social Services shall remain in full force and effect unless and until
7 repealed or superseded by action of the Social Services Commission.
8 All rules and regulations adopted by the Commission shall be enforced
9 by the Department of Human Resources.

10 (8) The Commission may establish by regulation, except for Title XX
11 services provided solely through the Division of Mental Health, ~~Mental~~
12 ~~Retardation-Developmental Disabilities~~, and Substance Abuse Services,
13 rates or fees for:

- 14 a. A fee schedule for the payment of the costs of necessary day
15 care in licensed facilities and registered plans for minor children
16 of needy families.
- 17 b. A fee schedule for the payment by recipients for services which
18 are established in accordance with Title XX of the Social
19 Security Act and implementing regulations; and
- 20 c. The payment of an administrative fee not to exceed two
21 hundred dollars (\$200.00) to be paid by public or nonprofit
22 agencies which employ students under the Plan Assuring
23 College Education (PACE) program.
- 24 d. Child support enforcement services as defined by G.S. 110-
25 130.1."

26 Sec. 2. This act is effective upon ratification.