

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 864

Short Title: Adult Care Home Req./Rules/AB.

(Public)

Sponsors: Senators Cochrane, Parnell, Speed, and Carpenter.

Referred to: Children and Human Resources

April 26, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE ADULT CARE HOMES TO SUBMIT ANNUAL AUDITED
2 REPORTS OF ACTUAL COSTS AND TO REQUIRE THE DEPARTMENT OF
3 HUMAN RESOURCES TO ADOPT RULES TO ENSURE QUALITY OF CARE IN
4 ADULT CARE HOMES.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. (a) G.S. 131D-3 and G.S. 131D-4 are repealed.

8 (b) Article 1 of Chapter 131D is amended by inserting a new section to read:

9 "**§ 131D-4.1. Adult care homes; annual audited reports of actual costs.**

10 Adult care homes licensed pursuant to this Chapter, to Chapter 122C of the General
11 Statutes, and to Chapter 131E of the General Statutes shall submit annual audited reports
12 of actual costs to the Department of Human Resources, in accordance with rules adopted
13 by the Department. Facilities that do not receive State/County Special Assistance or
14 Medicaid personal care are exempt from the reporting requirements of this section.

15 Effective March 1, 1996, the first audited cost report for the period from January 1,
16 1995, through September 30, 1995, shall be due. Thereafter, the annual reporting period
17 shall be October 1 through September 30, with the annual report due by the following
18 March 1.

1 The report documentation shall be used to adjust the adult care home rate annually, an
2 adjustment that is in addition to the annual standard adjustment for inflation as
3 determined by the Office of State Budget and Management.

4 **"§ 131D-4.2. Adult care home rules.**

5 The Department of Human Resources shall adopt rules for the rate-setting
6 methodology and audited cost reports in accordance with G.S. 143B-10. Rules for
7 standard set of services, client assessment, monitoring, enforcement, staff training,
8 standard case management, and other rules necessary to ensure that quality care is
9 provided all residents in adult care homes shall be adopted in accordance with G.S. 143B-
10 153. All implementing rules shall be adopted as emergency rules in accordance with
11 Chapter 150B of the General Statutes. These rules shall be in effect no later than January
12 1, 1996. Rules adopted for domiciliary care facilities prior to this date that are not in
13 conflict with rules adopted for adult care homes and that are not amended or repealed,
14 remain in effect for adult care homes."

15 Sec. 2. G.S. 143B-153(3) reads as rewritten:

16 "(3) The Social Services Commission shall have the power and duty to
17 establish and adopt standards:

- 18 a. For the inspection and licensing of maternity homes as provided
19 by G.S. 131D-1;
- 20 b. For the inspection and licensing of ~~domiciliary~~ adult care homes
21 for aged or disabled persons as provided by G.S. 131D-2(b) and
22 for personnel requirements of staff employed in ~~domiciliary~~ adult
23 care homes. Any proposed personnel requirements that would
24 impose additional costs on owners of ~~domiciliary~~ adult care
25 homes shall be reviewed by the Joint Legislative Commission on
26 Governmental Operations before they are ~~adopted~~; adopted and
27 for the eligibility criteria for persons currently and prospectively
28 residing in adult care homes;
- 29 c. For the inspection and licensing of child-care institutions as
30 provided by G.S. 131D-10.5;
- 31 d. For the inspection and operation of jails or local confinement
32 facilities as provided by G.S. 153A-220 and Article 2 of Chapter
33 131D of the General Statutes of the State of North Carolina;
- 34 e. Repealed by Session Laws 1981, c. 562, s. 7.
- 35 f. For the regulation and licensing of charitable organizations,
36 professional fund-raising counsel and professional solicitors as
37 provided by Chapter 131D of the General Statutes of the State of
38 North Carolina."

39 Sec. 3. Prior to June 30, 1999, the Department shall evaluate the effects of this
40 act and shall report to the Joint Legislative Commission on Governmental Operations on
41 the feasibility of continuing the requirements established in this act.

42 Sec. 4. This act is effective upon ratification.