

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 864
Second Edition Engrossed 5/9/95
House Committee Substitute Favorable 6/14/95

Short Title: Domiciliary Care Home Req./Rules.

(Public)

Sponsors:

Referred to:

April 26, 1995

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

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 131D-3 is repealed.

8 Sec. 2. G.S. 131D-4 is repealed.

9 Sec. 3. Article 1 of Chapter 131D is amended by adding the following new
10 sections to read:

11 "**§ 131D-4.1. Domiciliary care homes; legislative intent.**

12 The General Assembly finds and declares that the ability to exercise personal control
13 over one's life is fundamental to human dignity and quality of life and that dependence on
14 others for some assistance with daily life activities should not require surrendering
15 personal control of informed decision making or risk taking in all areas of one's life.

16 The General Assembly intends to ensure that domiciliary care homes provide services
17 that assist the residents in such a way as to assure quality of life and maximum flexibility
18 in meeting individual needs and preserving individual autonomy.

1 **"§ 131D-4.2. Domiciliary care homes; family care homes; annual cost reports;**
2 **exemptions; enforcement.**

3 (a) Domiciliary care homes, other than family care homes, licensed pursuant to
4 this Chapter, to Chapter 122C of the General Statutes, and to Chapter 131E of the
5 General Statutes shall submit annual audited reports of actual costs to the Department of
6 Human Resources, in accordance with rules adopted by the Department under G.S. 143B-
7 10.

8 (b) Family care homes shall submit annual cost reports to the Department of
9 Human Resources, in accordance with rules adopted by the Department under G.S. 143B-
10 10.

11 (c) Facilities that do not receive State/County Special Assistance or Medicaid
12 personal care are exempt from the reporting requirements of this section.

13 (d) The first audited cost report shall be for the period from January 1, 1995,
14 through September 30, 1995, and shall be due March 1, 1996. Thereafter, the annual
15 reporting period shall be October 1 through September 30, with the annual report due by
16 the following March 1.

17 (e) The Department may take either or both of the following actions to enforce
18 compliance by a facility with this section, or to punish noncompliance:

19 (1) Seek a court order to enforce compliance;

20 (2) Suspend or revoke the facility's license, subject to the provisions of
21 Chapter 150B of the General Statutes.

22 (f) The report documentation shall be used to adjust the domiciliary care home
23 rate annually, an adjustment that is in addition to the annual standard adjustment for
24 inflation as determined by the Office of State Budget and Management. The Department
25 of Human Resources shall adopt rules for the rate-setting methodology and audited cost
26 reports in accordance with G.S. 143B-10.

27 **"§ 131D-4.3. Domiciliary care home rules.**

28 (a) Pursuant to G.S. 143B-153, the Social Services Commission shall adopt rules
29 to ensure at a minimum, but shall not be limited to, the provision of the following by
30 domiciliary care homes:

31 (1) Client assessment and independent case management;

32 (2) A minimum of 75 hours of training for personal care aides performing
33 heavy care tasks and a minimum of 40 hours of training for all personal
34 care aides. The training for aides providing heavy care tasks shall be
35 comparable to State-approved Certified Nurse Aide I training. For those
36 aides meeting the 40-hour requirement, at least 20 hours shall be
37 classroom training to include at a minimum:

38 a. Basic nursing skills;

39 b. Personal care skills;

40 c. Cognitive, behavioral, and social care;

41 d. Basic restorative services; and

42 e. Residents' rights.

1 A minimum of 20 hours of training shall be provided for aides in family
2 care homes that do not have heavy care residents. Persons who either
3 pass a competency examination developed by the Department of Human
4 Resources, have been employed as personal care aides for a period of
5 time as established by the Department, or meet minimum requirements
6 of a combination of training, testing, and experience as established by
7 the Department shall be exempt from the training requirements of this
8 subdivision;

9 (3) Monitoring and supervision of residents; and

10 (4) Oversight and quality of care as stated in G.S. 131D-4.1.

11 (b) Rules to implement this section shall be adopted as emergency rules in
12 accordance with Chapter 150B of the General Statutes. These rules shall be in effect no
13 later than January 1, 1996.

14 (c) The Department may suspend or revoke a facility's license, subject to the
15 provisions of Chapter 150B, to enforce compliance by a facility with this section or to
16 punish noncompliance."

17 Sec. 4. G.S. 143B-153(3) reads as rewritten:

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

20 a. For the inspection and licensing of maternity homes as provided
21 by G.S. 131D-1;

22 b. For the inspection and licensing of domiciliary homes for aged or
23 disabled persons as provided by G.S. 131D-2(b) and for
24 personnel requirements of staff employed in domiciliary homes.
25 ~~Any proposed personnel requirements that would impose additional~~
26 ~~costs on owners of domiciliary homes shall be reviewed by the Joint~~
27 ~~Legislative Commission on Governmental Operations before they are~~
28 ~~adopted;~~ 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. 5. The Department shall make progress reports on the implementation of
40 this act by October 1, 1995, and March 1, 1996, to the North Carolina Study Commission
41 on Aging established pursuant to Article 21 of Chapter 120 of the General Statutes. Prior
42 to June 30, 1999, the Department shall evaluate the effects of this act and shall report to
43 the Joint Legislative Commission on Governmental Operations and the Study

1 Commission on Aging on the feasibility of continuing the requirements established in this
2 act.

3 Sec. 6. This act is effective upon ratification.