### GENERAL ASSEMBLY OF NORTH CAROLINA

### **SESSION 1997**

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#### SENATE BILL 1492\*

Short Title: Adult Care Homes Staff Ratio/Funds.

Sponsors: Senators Kinnaird; Jenkins, Lucas, and Weinstein.

Referred to: Appropriations.

May 28, 1998

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### A BILL TO BE ENTITLED

## 2 AN ACT TO REQUIRE CERTAIN STAFFING RATIOS FOR ADULT CARE HOMES

### 3 AND TO APPROPRIATE FUNDS THEREFOR.

Whereas, the purpose of adult care homes is to provide residents assistance in attending to their personal care and safety; and

Whereas, the health and safety of residents in adult care homes is of paramount concern to the State; and

Whereas, the staff-to-resident ratios in adult care homes have a significant impact on the quality of care for the health and safety of residents; and

Whereas, the majority of penalty review cases in adult care homes involve staffing requirements; and

Whereas, on January 14, 1998, the Social Services Commission recommended that staffing ratios for adult care homes be increased to one staff person for each 15 residents for the first and second shifts, and one staff person for 30 or fewer residents for the third shift; and

Whereas, increasing the staffing ratios for the evening (third) shift to one staff person for 30 or fewer residents will not only improve quality of care but will also help ensure that sufficient staff are available to attend to the safety of all residents in the event of an emergency; and

(Public)

Whereas, the General Assembly recognizes that staffing represents a significant portion of the cost of operating adult care homes; Now, therefore,

1 The General Assembly of North Carolina enacts:

2 Section 1. There is appropriated from the General Fund to the Department of 3 Health and Human Services the sum of one million two hundred twenty-seven thousand 4 seven hundred seventy-three dollars (\$1,227,773) for the 1998-99 fiscal year to increase 5 the adult care home reimbursement rate effective January 1, 1999. These funds are 6 appropriated for the purpose of increasing third shift staffing ratios in certain adult care 7 homes to one staff person per 30 or fewer residents, as provided under Section 2 of this act, for the six-month period January 1-June 30, 1999. Funds appropriated under this 8 9 section represent fifty percent (50%) of the total amount necessary to increase staffing as 10 required under Section 2 of this act. The remaining fifty percent (50%) of the funds needed to increase staffing shall be provided by the county share as required by law. 11

- Section 2. Effective January 1, 1999, G.S. 131D-4.3 reads as rewritten:
- 13 "§ 131D-4.3. Adult care home rules.
- 14 (a) Pursuant to G.S. 143B-153, the Social Services Commission shall adopt rules 15 to ensure at a minimum, but shall not be limited to, the provision of the following by 16 adult care homes:
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- (1) Client assessment and independent case management;
- 18 (2) A minimum of 75 hours of training for personal care aides performing 19 heavy care tasks and a minimum of 40 hours of training for all personal 20 care aides. The training for aides providing heavy care tasks shall be 21 comparable to State-approved Certified Nurse Aide I training. For those 22 aides meeting the 40-hour requirement, at least 20 hours shall be 23 classroom training to include at a minimum:
  - a. Basic nursing skills;
    - b. Personal care skills;
    - c. Cognitive, behavioral, and social care;
  - d. Basic restorative services; and
    - e. Residents' rights.
- 29 A minimum of 20 hours of training shall be provided for aides in family care homes that do not have heavy care residents. Persons who either 30 pass a competency examination developed by the Department of Health 31 and Human Services, have been employed as personal care aides for a 32 33 period of time as established by the Department, or meet minimum requirements of a combination of training, testing, and experience as 34 established by the Department shall be exempt from the training 35 requirements of this subdivision; 36
- 37 (3) Monitoring and supervision of residents; and
- 38 (4) Oversight and quality of care as stated in G.S. 131D-4.1.
- 39(5)Adult care homes shall comply with all of the following staffing40requirements:

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1	<u>a.</u>	First shift (morning): 8.0 hours of aide duty per each 20 residents
2		(licensed capacity or resident census).
3		Second shift (afternoon): 8.0 hours of aide duty per each 20
4		residents (licensed capacity or resident census).
5	<u>C.</u>	Third shift (evening): 8.0 hours of aide duty per 30 or fewer
6		residents (licensed capacity or resident census).
7	(b) Rules to imp	element this section shall be adopted as emergency rules in
8	accordance with Chapter	r 150B of the General Statutes. These rules shall be in effect no later
9	than January 1, 1996.	
10	(c) The Departm	ent may suspend or revoke a facility's license, subject to the
11	provisions of Chapter 150B, to enforce compliance by a facility with this section or to	
12	punish noncompliance."	
13	Section 3. Section 3.	ction 11.70(d) of S.L. 1997-443 reads as rewritten:
14	"(d) Effective July	1, 1998, the maximum monthly rate for residents in adult care
15	home facilities shall be	nine hundred fifteen dollars (\$915.00) per month per resident.
16	Effective January 1, 199	99, the maximum monthly rate for residents in adult care home
17	facilities shall be nine hu	undred twenty-nine dollars (\$929.00) per month per resident."
18	Section 4. Th	is act becomes effective July 1, 1998.