

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1628*

Short Title: Medical Care Commn./Rules.

(Public)

Sponsors: Representatives Warren; Barefoot, Bonner, Bridgeman, Earle, Goodwin, Horn, Insko, McLawhorn, Melton, Oldham, Saunders, Tolson, Tucker, and Yongue.

Referred to: Health.

May 18, 2000

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES
2 PERTAINING TO MEDICAL CARE COMMISSION AUTHORITY TO ADOPT
3 RULES REGULATING ADULT CARE HOMES AND SOCIAL SERVICES
4 COMMISSION AUTHORITY TO ADOPT RULES PERTAINING TO PUBLIC
5 ASSISTANCE PROGRAMS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 131D-4.3(a) reads as rewritten:

9 **"§ 131D-4.3. Adult care home rules.**

10 (a) Pursuant to G.S. ~~143B-153, the Social Services-143B-165,~~ the North Carolina
11 Medical Care Commission shall adopt rules to ensure at a minimum, but shall not be
12 limited to, the provision of the following by adult care homes:

- 13 (1) Client assessment and independent case management;
14 (2) A minimum of 75 hours of training for personal care aides performing
15 heavy care tasks and a minimum of 40 hours of training for all personal
16 care aides. The training for aides providing heavy care tasks shall be
17 comparable to State-approved Certified Nurse Aide I training. For those
18 aides meeting the 40-hour requirement, at least 20 hours shall be
19 classroom training to include at a minimum:

- 1 a. Basic nursing skills;
- 2 b. Personal care skills;
- 3 c. Cognitive, behavioral, and social care;
- 4 d. Basic restorative services; and
- 5 e. Residents' rights.

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

14 (3) Monitoring and supervision of residents;

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

16 (5) Adult care homes shall comply with all of the following staffing
17 requirements:

- 18 a. First shift (morning): 0.4 hours of aide duty for each resident
19 (licensed capacity or resident census), or 8.0 hours of aide duty
20 per each 20 residents (licensed capacity or resident census) plus
21 3.0 hours for all other residents, whichever is greater;
- 22 b. Second shift (afternoon): 0.4 hours of aide duty for each resident
23 (licensed capacity or resident census), or 8.0 hours of aide duty
24 per each 20 residents plus 3.0 hours for all other residents
25 (licensed capacity or resident census), whichever is greater;
- 26 c. Third shift (evening): 8.0 hours of aide duty per 30 or fewer
27 residents (licensed capacity or resident census).

28 In addition to these requirements, the facility shall provide staff to meet
29 the needs of the facility's heavy care residents equal to the amount of
30 time reimbursed by Medicaid. As used in this subdivision, the term
31 'heavy care resident' means an individual residing in an adult care home
32 who is defined 'heavy care' by Medicaid and for which the facility is
33 receiving enhanced Medicaid payments for such needs."

34 Section 2. G.S. 131D-21(17) reads as rewritten:

35 **"§ 131D-21. Declaration of residents' rights.**

36 Each facility shall treat its residents in accordance with the provisions of this Article.
37 Every resident shall have the following rights:

38 ...

- 39 "(17) To not be transferred or discharged from a facility except for medical
40 reasons, the residents' own or other residents' welfare, nonpayment for
41 the stay, or when the transfer is mandated under State or federal law.
42 The resident shall be given at least 30 days' advance notice to ensure
43 orderly transfer or discharge, except in the case of jeopardy to the health

1 or safety of the resident or others in the home. The resident has the right
2 to appeal a facility's attempt to transfer or discharge the resident
3 pursuant to rules adopted by the Secretary, and the resident shall be
4 allowed to remain in the facility until resolution of the appeal unless
5 otherwise provided by law. ~~The Secretary shall adopt rules pertaining to the~~
6 ~~transfer and discharge of residents that offer at least the same protections to~~
7 ~~residents as State and federal rules and regulations governing the transfer or~~
8 ~~discharge of residents from nursing homes."~~

9 Section 3. G.S. 143B-153(2) reads as rewritten:

10 ...

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

- 13 a. For the programs of public assistance established by federal
14 legislation and by Article 2 of Chapter 108A of the General
15 Statutes of the State of North Carolina with the exception of the
16 program of medical assistance established by G.S. 108A-25(b);
17 b. To achieve maximum cooperation with other agencies of the
18 State and with agencies of other states and of the federal
19 government in rendering services to strengthen and maintain
20 family life and to help recipients of public assistance obtain self-
21 support and self-care;
22 c. For the placement and supervision of dependent juveniles and of
23 delinquent juveniles who are placed in the custody of the Office
24 of Juvenile Justice, and payment of necessary costs of foster
25 home care for needy and homeless children as provided by G.S.
26 108A-48; ~~and~~
27 d. For the payment of State funds to private child-placing agencies
28 as defined in G.S. 131D-10.2(4) and residential child care
29 facilities as defined in G.S. 131D-10.2(13) for care and services
30 provided to children who are in the custody or placement
31 responsibility of a county department of social ~~services--services;~~
32 and
33 e. For client assessment and independent case management
34 pertaining to the programs of public assistance authorized under
35 paragraph a. of this subdivision."

36 Section 4. This act is effective when it becomes law.