

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 944

Short Title: Extend Adult Care Home Bed Moratorium.

(Public)

Sponsors: Representatives Cansler; and Morris.

Referred to: Select Committee on Health Care Delivery.

April 8, 1999

A BILL TO BE ENTITLED

1 AN ACT TO EXTEND THE MORATORIUM ON APPROVAL OF ADDITIONAL
2 ADULT CARE HOME BEDS TO SEPTEMBER 30, 2000.

3 The General Assembly of North Carolina enacts:

4 Section 1. Section 11.69(b) of S.L. 1997-443, as amended by Section
5 12.16C(a) of S.L. 1998-212, reads as rewritten:

6 "(b) Effective until ~~August 26, 1999~~, September 30, 2000, the Department of Health
7 and Human Services shall not approve the addition of any adult care home beds for any
8 type home or facility in the State, except as follows:

9 (1) Plans submitted for approval prior to May 18, 1997, may continue to be
10 processed for approval;

11 (2) Plans submitted for approval subsequent to May 18, 1997, may be
12 processed for approval if the individual or organization submitting the
13 plan demonstrates to the Department that on or before August 25, 1997,
14 the individual or organization purchased real property, entered into a
15 contract to purchase or obtain an option to purchase real property,
16 entered into a binding real property lease arrangement, or has otherwise
17 made a binding financial commitment for the purpose of establishing or
18 expanding an adult care home facility. An owner of real property who
19 entered into a contract prior to August 25, 1997, for the sale of an
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1 existing building together with land zoned for the development of not
2 more than 50 adult care home beds with a proposed purchaser who
3 failed to consummate the transaction may, after August 25, 1997, sell
4 the property to another purchaser and the Department may process and
5 approve plans submitted by the purchaser for the development of not
6 more than 50 adult care home beds. It shall be the responsibility of the
7 applicant to establish, to the satisfaction of the Department, that any of
8 these conditions have been met;

9 (3) Adult care home beds in facilities for the developmentally disabled with
10 six beds or less which are or would be licensed under G.S. 131D or G.S.
11 122C may continue to be approved;

12 (4) If the Department determines that the vacancy rate of available adult
13 care home beds in a county is fifteen percent (15%) or less of the total
14 number of available beds in the county as of August 26, 1997, and no
15 new beds have been approved or licensed in the county or plans
16 submitted for approval in accordance with subdivision (1) or (2) of this
17 section which would raise the vacancy rate above fifteen percent (15%)
18 in the county, then the Department may accept and approve the addition
19 of beds in that county; or

20 (5) If a county board of commissioners determines that a substantial need
21 exists for the addition of adult care home beds in that county, the board
22 of commissioners may request that a specified number of additional
23 beds be licensed for development in their county. In making their
24 determination, the board of commissioners shall give consideration to
25 meeting the needs of Special Assistance clients. The Department may
26 approve licensure of the additional beds from the first facility that files
27 for licensure and subsequently meets the licensure requirements."

28 Section 2. This act is effective when it becomes law.