

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 167*

Short Title: Rate Setting/Adult Day Care. (Public)

Sponsors: Senators Dannelly; Albertson, Bingham, Forrester, Garwood, Harris,
Lucas, Martin of Guilford, Metcalf, Purcell, and Shaw of Cumberland.

Referred to: Insurance and Consumer Protection.

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW COUNTIES TO ESTABLISH THE RATES FOR
REIMBURSEMENT FOR ADULT DAY SERVICES FROM THE HOME AND
COMMUNITY CARE BLOCK GRANT FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-181.1(a)(11) reads as rewritten:

"(11) To administer a Home and Community Care Block Grant for older adults, effective July 1, 1992. The Home and Community Care Block Grant shall be comprised of applicable Older Americans Act funds, Social Services Block Grant funding in support of the Respite Care Program (G.S. 143B-181.10), State funds for home and community care services administered by the Division of Aging, portions of the State In-Home and Adult Day Care funds (Chapter 1048, 1981 Session Laws) administered by the Division of Social Services which support services to older adults, and other funds appropriated by the General Assembly as part of the Home and Community Care Block Grant. Notwithstanding G.S. 143B-153 or any other State law to the contrary, counties may establish rates for the reimbursement for adult day services from Home and Community Care Block Grant funds. Funding currently administered by the Division of Social Services to be included in the block grant will be based on the expenditures for older adults at a point in time to be mutually determined by the Divisions of Social Services and Aging. The total amount of Older Americans Act funds to be included in the Home and Community Care Block Grant and the matching rates for the block grant shall be established by the Department of Health and Human Services, Division of Aging. Allocations made to counties in support of older adults shall not be

1 less than resources made available for the period July 1, 1990, through
2 June 30, 1991, contingent upon availability of current State and federal
3 funding; and".

4 **SECTION 2.** G.S. 143B-153(2a) reads as rewritten:

5 "(2a) The Social Services Commission shall have the power and duty to
6 establish standards and adopt rules and regulations:

7 a. For social services programs established by federal legislation
8 and by Article 3 of Chapter 108A of the General Statutes;

9 b. For implementation of Title XX of the Social Security Act,
10 except for Title XX services provided solely through the
11 Division of Mental Health, Developmental Disabilities, and
12 Substance Abuse Services, by promulgating rules and
13 regulations in the following areas:

14 1. Eligibility for all services established under a
15 Comprehensive Annual Services Plan, as required by
16 federal law;

17 2. Standards to implement all services established under the
18 Comprehensive Annual Services Plan;

19 3. Except as otherwise provided in G.S. 143B-181.1,
20 Maximum-maximum rates of payment for provision of
21 social services;

22 4. Fees for services to be paid by recipients of social
23 services;

24 5. Designation of certain mandated services, from among
25 the services established by the Secretary below, which
26 shall be provided in each county of the State; and

27 6. Title XX services for the blind, after consultation with
28 the Commission for the Blind.

29 Provided, that the Secretary is authorized to promulgate all
30 other rules in at least the following areas:

31 1. Establishment, identification, and definition of all
32 services offered under the Comprehensive Annual
33 Services Plan;

34 2. Policies governing the allocation, budgeting, and
35 expenditures of funds administered by the Department;

36 3. Contracting for and purchasing services; and

37 4. Monitoring for effectiveness and compliance with
38 State and federal law and regulations."

39 **SECTION 3.** This act becomes effective July 1, 2001.