

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

4

HOUSE BILL 204
Committee Substitute Favorable 4/29/91
Third Edition Engrossed 5/2/91
Senate Human Resources Committee Substitute Adopted 5/30/91

Short Title: Social Services Rest Home Rules.

(Public)

Sponsors:

Referred to:

March 4, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE SOCIAL SERVICES COMMISSION TO ADOPT
RULES PERTAINING TO THE EDUCATION REQUIREMENTS FOR
DOMICILIARY HOMES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-153 reads as rewritten:

"§ 143B-153. Social Services Commission – creation, powers and duties.

There is hereby created the Social Services Commission of the Department of Human Resources with the power and duty to adopt rules and regulations to be followed in the conduct of the State's social service programs with the power and duty to adopt, amend, and rescind rules and regulations under and not inconsistent with the laws of the State necessary to carry out the provisions and purposes of this Article. Provided, however, the Department of Human Resources shall have the power and duty to adopt rules and regulations to be followed in the conduct of the State's medical assistance program.

- (1) The Social Services Commission is authorized and empowered to adopt such rules and regulations that may be necessary and desirable for the programs administered by the Department of Human Resources as provided in Chapter 108A of the General Statutes of the State of North Carolina.

- 1 (2) The Social Services Commission shall have the power and duty to
2 establish standards and adopt rules and regulations:
- 3 a. For the programs of public assistance established by federal
4 legislation and by Article 2 of Chapter 108A of the General
5 Statutes of the State of North Carolina with the exception of the
6 program of medical assistance established by G.S. 108A-25(b);
- 7 b. To achieve maximum cooperation with other agencies of the
8 State and with agencies of other states and of the federal
9 government in rendering services to strengthen and maintain
10 family life and to help recipients of public assistance obtain
11 self-support and self-care;
- 12 c. For the placement and supervision of dependent and delinquent
13 children and payment of necessary costs of foster home care for
14 needy and homeless children as provided by G.S. 108A-48; and
- 15 d. For the payment of grants-in-aid and other State funds to
16 private child-caring institutions. The payment and distribution
17 of grants-in-aid funds to private child-caring institutions shall
18 be regulated by the grant-in-aid (GIA) formula. This formula
19 and any modifications of this formula shall be approved by the
20 Advisory Budget Commission prior to its implementation.
- 21 (2a) The Social Services Commission shall have the power and duty to
22 establish standards and adopt rules and regulations:
- 23 a. For social services programs established by federal legislation
24 and by Article 3 of G.S. Chapter 108A;
- 25 b. For implementation of Title XX of the Social Security Act,
26 except for Title XX services provided solely through the
27 Division of Mental Health, ~~Mental Retardation~~ Developmental
28 Disabilities, and Substance Abuse Services, by promulgating
29 rules and regulations in the following areas:
- 30 1. Eligibility for all services established under a
31 Comprehensive Annual Services Plan, as required by
32 federal law;
- 33 2. Standards to implement all services established under the
34 Comprehensive Annual Services Plan;
- 35 3. Maximum rates of payment for provision of social
36 services;
- 37 4. Fees for services to be paid by recipients of social
38 services;
- 39 5. Designation of certain mandated services, from among
40 the services established by the Secretary below, which
41 shall be provided in each county of the State; and
- 42 6. Title XX services for the blind, after consultation with
43 the Commission for the Blind.

- 1 Provided, that the Secretary is authorized to promulgate all
2 other rules in at least the following areas:
- 3 1. Establishment, identification, and definition of all
4 services offered under the Comprehensive Annual
5 Services Plan;
 - 6 2. Policies governing the allocation, budgeting, and
7 expenditures of funds administered by the Department;
 - 8 3. Contracting for and purchasing services; and
 - 9 4. Monitoring for effectiveness and compliance with State
10 and federal law and regulations.
- 11 (3) The Social Services Commission shall have the power and duty to
12 establish and adopt standards:
- 13 a. For the inspection and licensing of maternity homes as provided
14 by G.S. 131D-1;
 - 15 b. For the inspection and licensing of domiciliary homes for aged
16 or disabled persons as provided by ~~G.S. 131D-2(b)~~. G.S. 131D-
17 2(b) and for personnel requirements of staff employed in
18 domiciliary homes. Any proposed personnel requirements that
19 would impose additional costs on owners of domiciliary homes
20 shall be reviewed by the Joint Legislative Commission on
21 Governmental Operations before they are adopted.
 - 22 c. For the inspection and licensing of child-care institutions as
23 provided by G.S. 131D-10.5;
 - 24 d. For the inspection and operation of jails or local confinement
25 facilities as provided by G.S. 153A-220 and Article 2 of
26 Chapter 131D of the General Statutes of the State of North
27 Carolina;
 - 28 e. Repealed by Session Laws 1981, c. 562, s. 7.
 - 29 f. For the regulation and licensing of charitable organizations,
30 professional fund-raising counsel and professional solicitors as
31 provided by Chapter 131D of the General Statutes of the State
32 of North Carolina.
- 33 (4) The Social Services Commission shall have the power and duty to
34 authorize investigations of social problems, with authority to subpoena
35 witnesses, administer oaths, and compel the production of necessary
36 documents.
- 37 (5) The Social Services Commission shall have the power and duty to
38 ratify reciprocal agreements with agencies in other states that are
39 responsible for the administration of public assistance and child
40 welfare programs to provide assistance and service to the residents and
41 nonresidents of the State.
- 42 (6) The Commission is authorized and empowered to adopt such rules and
43 regulations, not inconsistent with the laws of this State, as may be
44 required by the federal government of grants-in-aid for social services

1 purposes which may be made available for the State by the federal
2 government. This section is to be liberally construed in order that the
3 State and its citizens may benefit from such grants-in-aid.

4 (7) The Commission shall adopt rules and regulations consistent with the
5 provisions of this Chapter. All rules and regulations not inconsistent
6 with the provisions of this Chapter heretofore adopted by the Board of
7 Social Services shall remain in full force and effect unless and until
8 repealed or superseded by action of the Social Services Commission.
9 All rules and regulations adopted by the Commission shall be enforced
10 by the Department of Human Resources.

11 (8) The Commission may establish by regulation, except for Title XX
12 services provided solely through the Division of Mental Health, ~~Mental~~
13 ~~Retardation-Developmental Disabilities~~, and Substance Abuse Services,
14 rates or fees for:

15 a. A fee schedule for the payment of the costs of necessary day
16 care in licensed facilities and registered plans for minor children
17 of needy families.

18 b. A fee schedule for the payment by recipients for services which
19 are established in accordance with Title XX of the Social
20 Security Act and implementing regulations; and

21 c. The payment of an administrative fee not to exceed two
22 hundred dollars (\$200.00) to be paid by public or nonprofit
23 agencies which employ students under the Plan Assuring
24 College Education (PACE) program.

25 d. Child support enforcement services as defined by G.S. 110-
26 130.1."

27 Sec. 2. This act is effective upon ratification.