

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 864
Second Edition Engrossed 5/9/95

Short Title: Adult Care Home Req./Rules/AB.

(Public)

Sponsors: Senators Cochrane, Parnell, Speed, and Carpenter.

Referred to: Children and Human Resources

April 26, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE ADULT CARE HOMES TO SUBMIT ANNUAL AUDITED
2 REPORTS OF ACTUAL COSTS AND TO REQUIRE THE DEPARTMENT OF
3 HUMAN RESOURCES TO ADOPT RULES TO ENSURE QUALITY OF CARE IN
4 ADULT CARE HOMES.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. (a) G.S. 131D-3 and G.S. 131D-4 are repealed.

8 (b) Article 1 of Chapter 131D is amended by inserting a new section to read:

9 "**§ 131D-4.1. Adult care homes; annual audited reports of actual costs.**

10 Adult care homes, other than family care homes, licensed pursuant to this Chapter, to
11 Chapter 122C of the General Statutes, and to Chapter 131E of the General Statutes shall
12 submit annual audited reports of actual costs to the Department of Human Resources, in
13 accordance with rules adopted by the Department. Facilities that do not receive
14 State/County Special Assistance or Medicaid personal care are exempt from the reporting
15 requirements of this section. Family care homes shall submit annual cost reports to the
16 Department of Human Resources, in accordance with rules adopted by the Department.

17 Effective March 1, 1996, the first audited cost report for the period from January 1,
18 1995, through September 30, 1995, shall be due. Thereafter, the annual reporting period

1 shall be October 1 through September 30, with the annual report due by the following
2 March 1.

3 The report documentation shall be used to adjust the adult care home rate annually, an
4 adjustment that is in addition to the annual standard adjustment for inflation as
5 determined by the Office of State Budget and Management.

6 **"§ 131D-4.2. Adult care home rules.**

7 The Department of Human Resources shall adopt rules for the rate-setting
8 methodology and audited cost reports in accordance with G.S. 143B-10. Rules for
9 standard set of services, client assessment, monitoring, enforcement, staff training,
10 standard case management, and other rules necessary to ensure that quality care is
11 provided all residents in adult care homes shall be adopted in accordance with G.S. 143B-
12 153. All implementing rules shall be adopted as emergency rules in accordance with
13 Chapter 150B of the General Statutes. These rules shall be in effect no later than January
14 1, 1996. Rules adopted for domiciliary care facilities prior to this date that are not in
15 conflict with rules adopted for adult care homes and that are not amended or repealed,
16 remain in effect for adult care homes."

17 Sec. 2. G.S. 143B-153(3) reads as rewritten:

18 "(3) The Social Services Commission shall have the power and duty to
19 establish and adopt standards:

- 20 a. For the inspection and licensing of maternity homes as provided
21 by G.S. 131D-1;
- 22 b. For the inspection and licensing of ~~domiciliary~~ adult care homes
23 for aged or disabled persons as provided by G.S. 131D-2(b) and
24 for personnel requirements of staff employed in ~~domiciliary~~ adult
25 care homes. Any proposed personnel requirements that would
26 impose additional costs on owners of ~~domiciliary~~ adult care
27 homes shall be reviewed by the Joint Legislative Commission on
28 Governmental Operations before they are ~~adopted~~; adopted and
29 for the eligibility criteria for persons currently and prospectively
30 residing in adult care homes;
- 31 c. For the inspection and licensing of child-care institutions as
32 provided by G.S. 131D-10.5;
- 33 d. For the inspection and operation of jails or local confinement
34 facilities as provided by G.S. 153A-220 and Article 2 of Chapter
35 131D of the General Statutes of the State of North Carolina;
- 36 e. Repealed by Session Laws 1981, c. 562, s. 7.
- 37 f. For the regulation and licensing of charitable organizations,
38 professional fund-raising counsel and professional solicitors as
39 provided by Chapter 131D of the General Statutes of the State of
40 North Carolina."

41 Sec. 3. Prior to June 30, 1999, the Department shall evaluate the effects of this
42 act and shall report to the Joint Legislative Commission on Governmental Operations on
43 the feasibility of continuing the requirements established in this act.

1 Sec. 4. This act is effective upon ratification.