

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 864
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Short Title: Domiciliary Care Home Req./Rules.

(Public)

Sponsors:

Referred to:

April 26, 1995

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

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 131D-3 is repealed.

8 Sec. 2. G.S. 131D-4 is repealed.

9 Sec. 3. Article 1 of Chapter 131D is amended by adding the following new
10 sections to read:

11 **"§ 131D-4.1. Domiciliary care homes; legislative intent.**

12 The General Assembly finds and declares that the ability to exercise personal control
13 over one's life is fundamental to human dignity and quality of life and that dependence on
14 others for some assistance with daily life activities should not require surrendering
15 personal control of informed decision making or risk taking in all areas of one's life.

1 The General Assembly intends to ensure that domiciliary care homes provide services
2 that assist the residents in such a way as to assure quality of life and maximum flexibility
3 in meeting individual needs and preserving individual autonomy.

4 **"§ 131D-4.2. Domiciliary care homes; family care homes; annual cost reports;**
5 **exemptions; enforcement.**

6 (a) Except for family care homes, domiciliary care homes with a licensed capacity
7 of seven to twenty beds, which are licensed pursuant to this Chapter, to Chapter 122C of
8 the General Statutes, and to Chapter 131E of the General Statutes, shall submit audited
9 reports of actual costs to the Department at least every two years in accordance with rules
10 adopted by the Department under G.S. 143B-10. For years in which an audited report of
11 actual costs is not required, an annual cost report shall be submitted to the Department in
12 accordance with rules adopted by the Department under G.S. 143B-10.

13 (b) Except for family care homes, domiciliary care homes with a licensed capacity
14 of twenty-one beds or more, which are licensed pursuant to this Chapter, to Chapter 122C
15 of the General Statutes, and to Chapter 131E of the General Statutes, shall submit annual
16 audited reports of actual costs to the Department of Human Resources, in accordance
17 with rules adopted by the Department under G.S. 143B-10.

18 (c) Family care homes shall submit annual cost reports to the Department of
19 Human Resources, in accordance with rules adopted by the Department under G.S. 143B-
20 10.

21 (d) Facilities that do not receive State/County Special Assistance or Medicaid
22 personal care are exempt from the reporting requirements of this section.

23 (e) The first audited cost report shall be for the period from January 1, 1995,
24 through September 30, 1995, and shall be due March 1, 1996. Thereafter, the annual
25 reporting period shall be October 1 through September 30, with the annual report due by
26 the following March 1.

27 (f) The Department shall have the authority to conduct audits and review audits
28 submitted pursuant to subsections (a), (b), and (c) above.

29 (g) The Department may take either or both of the following actions to enforce
30 compliance by a facility with this section, or to punish noncompliance:

31 (1) Seek a court order to enforce compliance;

32 (2) Suspend or revoke the facility's license, subject to the provisions of
33 Chapter 150B of the General Statutes.

34 (h) The report documentation shall be used to adjust the domiciliary care home
35 rate annually, an adjustment that is in addition to the annual standard adjustment for
36 inflation as determined by the Office of State Budget and Management. The Department
37 of Human Resources shall adopt rules for the rate-setting methodology and audited cost
38 reports in accordance with G.S. 143B-10.

39 **"§ 131D-4.3. Domiciliary care home rules.**

40 (a) Pursuant to G.S. 143B-153, the Social Services Commission shall adopt rules
41 to ensure at a minimum, but shall not be limited to, the provision of the following by
42 domiciliary care homes:

43 (1) Client assessment and independent case management;

1 (2) A minimum of 75 hours of training for personal care aides performing
2 heavy care tasks and a minimum of 40 hours of training for all personal
3 care aides. The training for aides providing heavy care tasks shall be
4 comparable to State-approved Certified Nurse Aide I training. For those
5 aides meeting the 40-hour requirement, at least 20 hours shall be
6 classroom training to include at a minimum:

- 7 a. Basic nursing skills;
8 b. Personal care skills;
9 c. Cognitive, behavioral, and social care;
10 d. Basic restorative services; and
11 e. Residents' rights.

12 A minimum of 20 hours of training shall be provided for aides in family
13 care homes that do not have heavy care residents. Persons who either
14 pass a competency examination developed by the Department of Human
15 Resources, have been employed as personal care aides for a period of
16 time as established by the Department, or meet minimum requirements
17 of a combination of training, testing, and experience as established by
18 the Department shall be exempt from the training requirements of this
19 subdivision;

20 (3) Monitoring and supervision of residents; and

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

22 (b) Rules to implement this section shall be adopted as emergency rules in
23 accordance with Chapter 150B of the General Statutes. These rules shall be in effect no
24 later than January 1, 1996.

25 (c) The Department may suspend or revoke a facility's license, subject to the
26 provisions of Chapter 150B, to enforce compliance by a facility with this section or to
27 punish noncompliance."

28 Sec. 4. G.S. 143B-153(3) reads as rewritten:

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

- 31 a. For the inspection and licensing of maternity homes as provided
32 by G.S. 131D-1;
33 b. For the inspection and licensing of domiciliary homes for aged or
34 disabled persons as provided by G.S. 131D-2(b) and for
35 personnel requirements of staff employed in domiciliary ~~homes.~~
36 ~~Any proposed personnel requirements that would impose additional~~
37 ~~costs on owners of domiciliary homes shall be reviewed by the Joint~~
38 ~~Legislative Commission on Governmental Operations before they are~~
39 ~~adopted; homes;~~
40 c. For the inspection and licensing of child-care institutions as
41 provided by G.S. 131D-10.5;

- 1 d. For the inspection and operation of jails or local confinement
2 facilities as provided by G.S. 153A-220 and Article 2 of Chapter
3 131D of the General Statutes of the State of North Carolina;
4 e. Repealed by Session Laws 1981, c. 562, s. 7.
5 f. For the regulation and licensing of charitable organizations,
6 professional fund-raising counsel and professional solicitors as
7 provided by Chapter 131D of the General Statutes of the State of
8 North Carolina."

9 Sec. 5. The Department shall make progress reports on the implementation of
10 this act by October 1, 1995, and March 1, 1996, to the North Carolina Study Commission
11 on Aging established pursuant to Article 21 of Chapter 120 of the General Statutes. Prior
12 to June 30, 1999, the Department shall evaluate the effects of this act and shall report to
13 the Joint Legislative Commission on Governmental Operations and the Study
14 Commission on Aging on the feasibility of continuing the requirements established in this
15 act.

16 Sec. 6. This act is effective upon ratification.