

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 894

Short Title: Clarify Adult Care Home Moratorium.

(Public)

Sponsors: Representative Clary.

Referred to: Health.

April 7, 2003

A BILL TO BE ENTITLED
AN ACT TO CLARIFY APPLICATION OF THE ADULT CARE HOME
MORATORIUM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11.69 of S.L. 1997-443, as amended by Section 12.16C(a) of S.L. 1998-212, as further amended by Section 1 of S.L. 1999-135 as amended by Section 11.9(a) of S.L. 2000-67, and as further amended by Section 3 of S.L. 2001-234, is amended by adding the following new subsection to read:

"(b3) Notwithstanding any other provision of law to the contrary, including any other provision of this section and any provision of S.L. 2001-234, any person who:

(1) Engaged in litigation with the State or a State agency to determine whether the person was subject to the moratorium enacted under this section, and

(2) Prior to June 21, 2001, entered into a settlement agreement with the State or a State agency resolving the litigation and the settlement agreement provided that the person had the right to develop or expand certain assisted living facilities,

may develop or expand the assisted living facilities as permitted by and in accordance with the settlement agreement. If the settlement agreement also identified other persons as having the right to develop or expand certain assisted living facilities, then, notwithstanding any other provision of law to the contrary, including any other provision of this section and any provision of S.L. 2001-234, the identified other persons may develop or expand the assisted living facilities as permitted by and in accordance with the settlement agreement. Any person authorized to develop or expand assisted living facilities as provided in this subsection shall, each year prior to or during the early stages of the State Medical Facilities Plan planning process, inform the Department of Health and Human Services of the person's development or expansion efforts for any county in which the Department has determined there is a bed need."

SECTION 2. This act is effective when it becomes law.