

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 941

Short Title: Protect Seniors' Healthcare Choice. (Public)

Sponsors: Representatives Avila, Lambeth, Bishop, and Carney (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Regulatory Reform, if favorable, Health.

April 20, 2015

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT A PILOT PROGRAM EXEMPTING FROM CERTIFICATE OF NEED REVIEW CONTINUING CARE RETIREMENT COMMUNITIES SEEKING TO ESTABLISH A HOME HEALTH AGENCY FOR INDIVIDUALS RECEIVING LODGING WITHIN THESE COMMUNITIES.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Health and Human Services (Department) shall conduct an 18-month pilot program, from the period commencing July 1, 2016, and ending December 31, 2017, to exempt from certificate of need requirements licensed continuing care retirement communities seeking to establish a home health agency. The Department shall select no more than 10 licensed CCRCs of different sizes and in different geographic regions of the State that meet all of the following criteria for participation in the pilot program:

- (1) Is a continuing care retirement community licensed under Article 64 of Chapter 58 of the General Statutes to provide home health services to one or more residents who have entered into a contract with the CCRC to receive continuing care services with lodging.
- (2) Is a Medicare-certified facility.
- (3) Is seeking to establish a home health agency.

SECTION 2. In order to qualify for an exemption from certificate of need requirements for the establishment of a home health agency under the pilot program, each selected CCRC shall demonstrate that the proposed home health services will be used exclusively to meet the needs of individuals with whom the facility has continuing care contracts and who have lived in the CCRC for a continuous period of at least 30 days. The Department may make exceptions to this 30 continuous days requirement if the requirement cannot be satisfied due to a medical condition of the resident requiring home health care that was not known to exist or was not imminent at the time the individual became a party to the continuing care contract.

SECTION 3.(a) Each CCRC selected to participate in the pilot program authorized by Section 1 of this act shall gather the following data for the duration of the pilot program and report this information to the Department by February 1, 2017:

- (1) The total number of residents who could have chosen a home health agency.
- (2) The total number of residents who chose an outside agency.
- (3) The total number of residents who chose a licensed CCRC.



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- 1 (4) The scope of the services offered by CCRCs that participated in the pilot
2 program.
3 (5) The cost implications of reduced readmissions.
4 (6) Any other information the Department deems relevant for consideration.
5 **SECTION 3.(b)** By May 1, 2017, the Department shall submit a report to the Joint
6 Legislative Oversight Committee on Health and Human Services and the Fiscal Research
7 Division on the pilot program that encapsulates the information provided to the Department
8 from the CCRCs pursuant to subsection (a) of this section, along with any other information the
9 Department deems relevant for consideration.
10 **SECTION 4.** This act is effective when it becomes law.