

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1711*

Short Title: Adult Care Homes/Disapp. Rule/Staffing.

(Public)

Sponsors: Representatives Earle, Luebke, (Cosponsors); Adams, Alexander, Bowie, Boyd-McIntyre, Braswell, Clary, Dedmon, Easterling, Goodwin, Hackney, Hightower, Insko, Jarrell, Jeffus, Kinney, McAllister, Michaux, Miller, Miner, Moore, Mosley, Rogers, Wainwright, Watson, C. Wilson, Wright, and Yongue.

Referred to: Appropriations.

June 1, 1998

A BILL TO BE ENTITLED

1 AN ACT TO DISAPPROVE A RULE PERTAINING TO RATE-SETTING METHODS
2 FOR ADULT CARE HOMES, TO REQUIRE STAFFING RATIOS FOR CERTAIN
3 ADULT CARE HOMES, AND TO APPROPRIATE FUNDS FOR CERTAIN
4 STAFFING REQUIREMENTS.
5

6 Whereas, the purpose of adult care homes is to provide residents assistance in
7 attending to their personal care and safety; and

8 Whereas, the General Assembly establishes the rates for adult care homes that
9 serve State/County Special Assistance residents and recognizes that the rates should
10 reasonably and fairly reflect costs to provide services; and

11 Whereas, rates are based on cost report data reflecting the most recent 12-
12 month period; and

13 Whereas, the per diem cost developed from cost report data used for
14 establishing the indirect cost rate was established by administrative rule at the 60th
15 percentile ranking but should be established at no higher than the 50th percentile ranking
16 to more closely reflect actual cost and ensure more efficient use of State funds; and

1 Whereas, the health and safety of residents in adult care homes are of
2 paramount concern to the State; and

3 Whereas, the staff-to-resident ratios in adult care homes have a significant
4 impact on the quality of care for the health and safety of residents; and

5 Whereas, the majority of penalty review cases in adult care homes involve
6 staffing requirements; and

7 Whereas, on January 14, 1998, the Social Services Commission recommended
8 that staffing ratios for adult care homes be increased to one staff person for each 15
9 residents for the first and second shifts, and one staff person for 30 or fewer residents for
10 the third shift; and

11 Whereas, increasing staff ratios for the first and second shifts will help ensure a
12 higher quality of personal care for residents, and increasing staff ratios for the third shift
13 will not only improve quality of care but will also help ensure that sufficient staff are
14 available for assisting all residents in the event of an emergency; and

15 Whereas, the General Assembly recognizes that staffing represents a
16 significant portion of the cost of operating adult care homes; Now, therefore,
17 The General Assembly of North Carolina enacts:

18 Section 1. Pursuant to G.S. 150B-21.3(b), 10 NCAC 01B.0501, Rate-Setting
19 Methods for Facilities That Serve State/County Special Assistance Residents, as amended
20 by the Social Services Commission, and approved by the Rules Review Commission on
21 January 15, 1998, is disapproved.

22 Section 2. (a) There is appropriated from the General Fund to the Department
23 of Health and Human Services, the sum of four million six hundred forty-one thousand
24 eight hundred forty-eight dollars (\$4,641,848) for the 1998-99 fiscal year to increase the
25 adult care home reimbursement rate effective January 1, 1999. These funds are
26 appropriated for the purpose of increasing the first and second shift staffing ratios at adult
27 care homes from one staff person for each 20 residents to one staff person for each 15
28 residents for each shift, and for increasing the third shift staffing ratios at adult care
29 homes from one staff person per 50 or fewer residents to one staff person per 30 or fewer
30 residents, as required under Section 3 of this act, for the six-month period January 1-June
31 30, 1999.

32 (b) Funds appropriated under subsection (a) of this section represent fifty
33 percent (50%) of the amount necessary to increase staffing as required under Section 3 of
34 this act. The remaining fifty percent (50%) of the funds needed to increase staffing shall
35 be provided by the county share as required by law.

36 Section 3. Effective January 1, 1999, G.S. 131D-4.3(a) reads as rewritten:

37 **"§ 131D-4.3. Adult care home rules.**

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

- 41 (1) Client assessment and independent case management;
- 42 (2) A minimum of 75 hours of training for personal care aides performing
43 heavy care tasks and a minimum of 40 hours of training for all personal

1 care aides. The training for aides providing heavy care tasks shall be
2 comparable to State-approved Certified Nurse Aide I training. For those
3 aides meeting the 40-hour requirement, at least 20 hours shall be
4 classroom training to include at a minimum:

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

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

18 (3) Monitoring and supervision of residents; ~~and~~

19 (4) Oversight and quality of care as stated in ~~G.S. 131D-4.1.~~ G.S. 131D-4.1;
20 and

21 (5) Adult care homes shall comply with all of the following staffing
22 requirements:

- 23 a. First shift (morning): 8.0 hours of aide duty per each 15 residents
24 (licensed capacity or resident census).
- 25 b. Second shift (afternoon): 8.0 hours of aide duty per each 15
26 residents (licensed capacity or resident census).
- 27 c. Third shift (evening): 8.0 hours of aide duty per 30 or fewer
28 residents (licensed capacity or resident census).

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

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

35 Section 4. Section 11.70(d) of S.L. 1997-443 reads as rewritten:

36 "(d) Effective July 1, 1998, the maximum monthly rate for residents in adult care
37 home facilities shall be nine hundred fifteen dollars (\$915.00) per month per resident.
38 Effective January 1, 1999, the maximum monthly rate for residents in adult care home
39 facilities shall be nine hundred seventy-eight dollars (\$978.00) per month per resident."

40 Section 5. This act becomes effective July 1, 1998.