

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW 2015-52
SENATE BILL 291**

AN ACT TO EXTEND THE DURATION OF THE OVERNIGHT RESPITE PILOT PROGRAM AND TO PROVIDE A MORE COMPREHENSIVE EVALUATION OF THE PILOT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2011-104 reads as rewritten:

"SECTION 2.(a) The Department of Health and Human Services shall report on the status of the pilot once a year to the Program Evaluation Division. The Program Evaluation Division shall evaluate the provision of overnight respite services in an adult day care program through the experiences of this pilot. The evaluation shall include whether this pilot was successful as measured by the participants in receipt of overnight respite, the primary caregivers of participants, the adult day care programs participating in the pilot, and the Department of Health and Human Services. On or before October 1, 2014, the Program Evaluation Division shall provide a report to the General Assembly on the feasibility of continuing to provide overnight respite in an adult day care program.

"SECTION 2.(b) Following the 2014 report and in order to provide a more comprehensive evaluation of the pilot, the Department of Health and Human Services shall coordinate with the Program Evaluation Division regarding the collection of additional information. The Program Evaluation Division shall specify what information the Department needs to collect and the timeframe for reporting the information. Based on information collected through the Department, the Program Evaluation Division shall provide information on each of the items below which will assist in determining whether the provision of overnight respite in an adult day care setting is a worthwhile service.

- (1) The actual number of overnight respite participants per month.
- (2) The percentage of an adult day care entity's clients that need overnight respite; the percentage of clients that use overnight respite; the percentage of clients using the service more than once if they had a need arise; the percentage of clients using overnight respite that are not regular adult day care clients; and the average monthly bed utilization for overnight respite at each location.
- (3) Customer satisfaction levels for individuals who participate and their families.
- (4) Satisfaction levels of adult day care entities offering overnight respite services.
- (5) The viability of an adult day care offering overnight respite from a cost/benefit standpoint.
- (6) The need for overnight respite options in the State currently and the need forecast through 2025.
- (7) The degree to which overnight respite provided in an adult day care setting supports older and disabled adults who wish to live in the least restrictive and supportive setting possible.
- (8) The potential for saving public dollars due to delayed institutionalization when overnight respite is readily available.
- (9) Based on the pilot, a recommendation regarding whether the State should allow the provision of overnight respite in an adult day care setting beyond the pilot.



- (10) A recommendation regarding whether the current regulations are sufficient to ensure the safety and well-being of residents participating in overnight respite in an adult day care setting.
- (11) A recommendation regarding whether adult day care overnight respite should require certification or licensure.
- (12) If a recommendation is made to expand overnight respite in an adult day care setting, the feasibility of funding sources other than private pay, including the possibility of coverage for the service under Medicaid.

The Program Evaluation Division shall provide an interim report on the criteria specified in this section on or before December 1, 2015, and a final report on or before October 1, 2016, to the Joint Legislative Program Evaluation Oversight Committee and to the Joint Legislative Oversight Committee on Health and Human Services."

SECTION 2. Section 3 of S.L. 2011-104 reads as rewritten:

"SECTION 3. This act becomes effective when it becomes law; adult day care programs participating in the pilot shall be selected and have received an initial inspection by January 1, 2012; and this act is repealed ~~June 1, 2015.~~ June 30, 2017."

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of May, 2015.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 8:30 a.m. this 4th day of June, 2015