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(Public)

Sponsors:

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A BILL TO BE ENTITLED

AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO POSTPONE DEPLOYMENT OF THE NORTH CAROLINA FAMILIES ACCESSING SERVICES THROUGH TECHNOLOGY (NC FAST) SYSTEM AS RELATED TO CASE-MANAGEMENT FUNCTIONALITY FOR THE CHILD WELFARE SYSTEM AND AGING AND ADULT SERVICES' PROGRAMS, ENHANCING THE EARLY CHILDHOOD WORKFORCE, POTENTIAL DELAY FOR MEDICAID AND NC HEALTH CHOICE TRANSFORMATION, AUTHORIZING ADULT CARE HOMES TO USE SERVICE PLANS COMPLETED AS THE RESULT OF A MEDICAID PERSONAL CARE SERVICES ASSESSMENT TO FULFILL THE ACTIVITIES OF DAILY LIVING PORTION OF THE REQUIRED SERVICE PLANS OR CARE PLANS FOR ADULT CARE HOME RESIDENTS, AND AMENDING ASSISTED LIVING ADMINISTRATOR CERTIFICATION QUALIFICATIONS.

The General Assembly of North Carolina enacts:

PART I. POSTPONE DEPLOYMENT OF NC FAST CASE-MANAGEMENT FUNCTIONALITY FOR CHILD WELFARE SYSTEM/AGING AND ADULT SERVICES' PROGRAMS

SECTION 1.(a) The Department of Health and Human Services, Division of Social Services, shall postpone deployment of the North Carolina Families Accessing Services through Technology (NC FAST) system as it relates to case-management functionality for the child welfare system and aging and adult services' programs. The Division shall not deploy the child welfare case-management component of the NC FAST system statewide prior to May 1, 2020, but shall instead continue to develop and improve case-management functionality for the child welfare component of NC FAST only in those counties that participated in the initial pilot program prior to January 1, 2019.

SECTION 1.(b) All counties other than the counties that participated in the pilot program prior to January 1, 2019, may elect to utilize the Intake and Assessment functionality of the NC FAST system.

SECTION 1.(c) The Division shall move forward with developing and issuing requests for information (RFIs) to consider a vehicle for improving or replacing the child welfare



1 case-management component of NC FAST, but shall not issue any contracts without prior
2 approval from the General Assembly.

3 **SECTION 1.(d)** The Joint Legislative Program Evaluation Oversight Committee
4 shall revise the biennial 2019-2020 work plan for the Program Evaluation Division to include a
5 study of the case-management functionality of the child welfare component of NC FAST. The
6 Program Evaluation Division shall submit its evaluation to the Joint Legislative Program
7 Evaluation Oversight Committee and to the Joint Legislative Oversight Committee on Health
8 and Human Services no later than May 1, 2020.

10 **PART II. EARLY CHILDHOOD WORKFORCE**

11 **SECTION 2.(a)** G.S. 110-91(8) reads as rewritten:

12 "(8) Qualifications for Staff. – All child care center administrators shall be at least
13 21 years of age. All child care center administrators shall have the North
14 Carolina Early Childhood Administration Credential or its equivalent as
15 determined by the Department. All child care administrators performing
16 administrative duties as of the date this act becomes law and child care
17 administrators who assume administrative duties at any time after this act
18 becomes law and until September 1, 1998, shall obtain the required credential
19 by September 1, 2000. Child care administrators who assume administrative
20 duties after September 1, 1998, shall begin working toward the completion of
21 the North Carolina Early Childhood Administration Credential or its
22 equivalent within six months after assuming administrative duties and shall
23 complete the credential or its equivalent within two years after beginning work
24 to complete the credential. Each child care center shall be under the direction
25 or supervision of a person meeting these requirements. All staff counted
26 toward meeting the required staff-child ratio shall be at least 16 years of age,
27 provided that persons younger than 18 years of age work under the direct
28 supervision of a credentialed staff person who is at least 21 years of age. All
29 lead teachers in a child care center shall have at least ~~a North Carolina Early
30 Childhood Credential or its equivalent as determined by the Department. Lead
31 teachers shall be enrolled in the North Carolina Early Childhood Credential
32 coursework or its equivalent as determined by the Department within six
33 months after becoming employed as a lead teacher or within six months after
34 this act becomes law, whichever is later, and shall complete the credential or
35 its equivalent within 18 months after enrollment.~~five college courses earned
36 from a North Carolina Community College, including: Introduction to Early
37 Childhood Education; Child, Family, and Community; Health, Safety and
38 Nutrition; and either Infants, Toddlers, and Twos and Child Development I,
39 or Child Guidance and Child Development II; or either a North Carolina
40 Infant-Toddler Certificate or Preschool Certificate or equivalent as
41 determined by the Department, within 24 months of hire. Lead teachers
42 employed as of January 1, 2020, shall have until January 1, 2022, to complete
43 the specified courses or receive the Certificate or equivalent. Lead teachers
44 hired after January 1, 2020, shall have earned the North Carolina Early
45 Childhood Credential prior to hire and shall complete the additional specified
46 courses, or have the North Carolina Infant-Toddler Certificate or Preschool
47 Certificate, or equivalent as determined by the Department, within 24 months
48 of hire. Equivalencies shall include, but not be limited to, five college courses
49 in Early Childhood Education or Child Development from a regionally
50 accredited college or university, an Associate in Applied Sciences (A.A.S.)
51 degree or higher in Early Childhood Education or Child Development.

1 For child care centers licensed to care for 200 or more children, the
2 Department, in collaboration with the North Carolina Institute for Early
3 Childhood Professional Development, shall establish categories to recognize
4 the levels of education achieved by child care center administrators and
5 teachers who perform administrative functions. The Department shall use
6 these categories to establish appropriate staffing based on the size of the center
7 and the individual staff responsibilities.

8 Effective January 1, ~~1998, 2020,~~ an operator of a licensed family child
9 care home shall be at least 21 years old and have a ~~high school diploma or its~~
10 ~~equivalent.~~ North Carolina Early Childhood Credential before receiving a
11 license and shall complete the additional specified courses: Child, Family and
12 Community; Health, Safety and Nutrition; and either Infants, Toddlers, and
13 Twos and Child Development I, or Child Guidance and Child Development
14 II; or have the North Carolina Infant-Toddler Certificate or Preschool
15 Certificate, or equivalent as determined by the Department, within 24 months
16 of being licensed. Operators of a family child care home licensed before
17 January 1, 2020, shall have until January 1, 2022, to receive the Certificate or
18 its equivalent. Equivalencies shall include, but not be limited to, five college
19 courses in Early Childhood Education or Child Development from a
20 regionally accredited college or university, an Associate in Applied Sciences
21 (A.A.S.) degree or higher in Early Childhood Education or Child
22 Development. Operators of a family child care home licensed prior to January
23 1, 1998, shall be at least 18 years of age and literate. Literate is defined as
24 understanding licensing requirements and having the ability to communicate
25 with the family and relevant emergency personnel. Any operator of a licensed
26 family child care home shall be the person on-site providing child care.

27 The Commission shall adopt standards to establish appropriate
28 qualifications for all staff in child care centers. These standards shall reflect
29 training, experience, education and credentialing and shall be appropriate for
30 the size center and the level of individual staff responsibilities. It is the intent
31 of this provision to guarantee that all children in child care are cared for by
32 qualified people. Pursuant to G.S. 110-106, no requirements may interfere
33 with the teachings or doctrine of any established religious organization. The
34 staff qualification requirements of this subdivision do not apply to religious
35 sponsored child care facilities pursuant to G.S. 110-106."

36 **SECTION 2.(b)** To provide financial support for completion of the required courses
37 for lead teachers, T.E.A.C.H. Early Childhood scholarships are available and funded by the Child
38 Care Development Block grant.

39 **SECTION 3.(a)** Professional Standards and Competencies. – The Division of Child
40 Development and Early Education (Division) shall define the knowledge requirements for early
41 childhood educators by establishing expected competencies for lead teachers. These
42 competencies shall be based on the latest findings from the National Academy of Sciences report,
43 "Transforming the Workforce for Children from Birth through Age 8," and the newly revised
44 competencies from the National Association for the Education of Young Children (NAEYC).
45 Competencies shall be graduated and tied to the certificates and degrees offered within North
46 Carolina's community colleges and colleges and universities, specifically the Infant-Toddler and
47 Preschool Certificates and the associate and bachelor's degrees in Early Childhood Education.

48 **SECTION 3.(b)** The Division shall collaborate with the North Carolina Community
49 College System office to develop, or revise, a standardized process for early childhood educators
50 to demonstrate their ability to meet the competencies found in all courses included in either the
51 Infant-Toddler or Preschool Certificate. This process shall be available to support early childhood

1 educators who choose not to attend or return to college to earn the required Certificates or degrees
2 for lead teachers.

3 **SECTION 4.** On or after July 1, 2020, the Department of Health and Human
4 Services, Division of Child Development and Early Education (Division), shall develop and
5 implement a program to incentivize higher teacher education and compensation levels by
6 providing subsidy payment enhancements, in addition to established subsidy payments based on
7 star ratings, to child care programs that use a salary scale and only employ lead teachers who
8 have obtained a minimum of an associate degree in child development or a related field. The
9 incentive amount shall be differentiated based on the level of degree attained. The Division shall
10 submit a progress report on the development and implementation of the program required by this
11 section to the Joint Legislative Oversight Committee on Health and Human Services by March
12 1, 2020.

13 **SECTION 5.(a)** The Department of Health and Human Services, Division of Child
14 Development and Early Education (Division), shall conduct a feasibility and cost study for the
15 development of a pilot program modeled after the North Carolina prekindergarten (NC Pre-K)
16 program for classrooms for children birth through three years of age. The model shall focus on
17 criteria that, at a minimum, include each of the following:

- 18 (1) Teachers with degrees.
- 19 (2) The use of curriculum and formative assessments.
- 20 (3) Improved student-teacher ratios.
- 21 (4) Payment rates for child care programs commensurate with the increased
22 teacher education requirements.
- 23 (5) The training, program coordination, recruitment, outreach, and monitoring
24 necessary to implement the program.
- 25 (6) An ongoing evaluation program to measure educational outcomes similar to
26 the evaluation required for the NC Pre-K program.

27 **SECTION 5.(b)** The Division shall submit a report on the study required under
28 subsection (a) of this section to the 2020 Regular Session of the 2019 General Assembly by April
29 1, 2020.

30 **SECTION 6.** Early Childhood Workforce Report. – The Division of Child
31 Development and Early Education (Division) shall report on the status of the early childhood
32 workforce established pursuant to the provisions of this act every three years. This report
33 shall include information on the educational status and compensation of all lead teachers and
34 other teaching staff enrolled in licensed child care programs in North Carolina. The Division
35 shall submit the report required by this section to the Joint Legislative Oversight Committee on
36 Health and Human Services by January 1, 2021, and every three years thereafter.

37 38 **PART III. POTENTIAL DELAY OF MEDICAID AND NC HEALTH CHOICE** 39 **TRANSFORMATION**

40 **SECTION 7.** If House Bill 966, 2019 Regular Session, does not become law by July
41 15, 2019, then the Department of Health and Human Services shall delay, until at least March 1,
42 2020, the implementation of the Medicaid and NC Health Choice transformation required by S.L.
43 2015-245, as amended, and by the 1115 demonstration waiver.

44 45 **PART IV. AUTHORIZE ADULT CARE HOMES TO USE SERVICE PLANS** 46 **COMPLETED FOR MEDICAID PERSONAL CARE SERVICES ASSESSMENT FOR** 47 **ACTIVITIES OF DAILY LIVING PORTION OF SERVICE PLANS OR CARE PLANS** 48 **AND AMEND ASSISTED LIVING ADMINISTRATOR QUALIFICATIONS**

49 **SECTION 8.** G.S. 131D-2.15 reads as rewritten:

50 **"§ 131D-2.15. Resident assessments.**

1 (a) Initial Assessment. – The Department shall ensure that facilities conduct and
 2 complete an assessment of each resident within 72 hours of admitting the resident and annually
 3 ~~thereafter.~~ resident. In conducting the assessment, the facility shall use an assessment instrument
 4 ~~approved by the Secretary upon the advice of the Director of the Division of Aging and Adult~~
 5 ~~Services.~~ approved in accordance with rules adopted by the Medical Care Commission. The
 6 Department shall provide ongoing training for facility personnel in the use of the approved
 7 assessment instrument.

8 (a1) The Assessment to Develop Service Plans and Care Plans. – Within 30 days of
 9 admission, the facility shall use the conduct an assessment to develop appropriate and
 10 comprehensive service plans and care plans and to determine the level and type of facility staff
 11 that is needed to meet the needs of residents. The assessment shall determine a resident's level of
 12 functioning and shall include, but not be limited to, cognitive status and physical functioning in
 13 activities of daily living. Activities of daily living are personal functions essential for the health
 14 and well-being of the resident. The assessment shall not serve as the basis for medical care. The
 15 assessment shall indicate if the resident requires referral to the resident's physician or other
 16 appropriate licensed health care professional or community resource.

17 (a2) Medicaid State Plan Personal Care Services Assessment. – To fulfill the activities of
 18 daily living portion of any service plan or care plan required under subsection (a1) of this section,
 19 or any rules adopted under this Article, the facility may use a service plan that was completed
 20 within 35 days of the resident's admission to the facility and represents the result of an assessment
 21 to determine the resident's eligibility for personal care services under the Medicaid State Plan. If
 22 the facility uses a service plan for personal care services under the Medicaid State Plan developed
 23 within 35 days of resident admission, the facility shall be exempt from conducting an assessment
 24 of the resident's ability to perform activities of daily living within 30 days of resident admission.
 25 For purposes of this subsection, a resident must have received an assessment to develop
 26 appropriate and comprehensive service plans and care plans no later than 35 days after resident
 27 admission or subsection (a1) of this section applies.

28 (b) Review. – The Department, as part of its inspection and licensing of adult care homes,
 29 shall review assessments and related service plans and care plans for a selected number of
 30 residents. In conducting this review, the Department shall ~~determine;~~ determine all of the
 31 following:

- 32 (1) Whether the appropriate assessment instrument was administered and
 33 interpreted ~~correctly;~~ correctly.
- 34 (2) Whether the facility is capable of providing the necessary ~~services;~~ services.
- 35 (3) Whether the service plan or care plan conforms to the results of an
 36 appropriately administered and interpreted ~~assessment;~~ and assessment.
- 37 (4) Whether the service plans or care plans are being implemented fully and in
 38 accordance with an appropriately administered and interpreted assessment.

39 (c) Penalties. – If the Department finds that the facility is not carrying out its assessment
 40 responsibilities in accordance with this section, the Department shall notify the facility and
 41 require the facility to implement a corrective action plan. The Department shall also notify the
 42 resident of the results of its review of the assessment, service plans, and care plans developed for
 43 the resident. In addition to administrative penalties, the Secretary may suspend the admission of
 44 any new residents to the facility. The suspension shall be for the period determined by the
 45 Secretary and shall remain in effect until the Secretary is satisfied that conditions or
 46 circumstances merit removing the suspension."

47 **SECTION 9.** G.S. 90-288.14 reads as rewritten:

48 "**§ 90-288.14. Assisted living administrator certification.**

49 ~~An applicant shall be certified by the~~ The Department shall certify as an assisted living
 50 administrator ~~if the any applicant who~~ meets all of the following qualifications:

- 51 (1) Is at least 21 years old.

- 1 (2) Provides a satisfactory criminal background report from the State Repository
2 of Criminal Histories, which shall be provided by the State Bureau of
3 Investigation upon its receiving fingerprints from the applicant. If the
4 applicant has been a resident of this State for less than five years, the applicant
5 shall provide a satisfactory criminal background report from both the State
6 and National Repositories of Criminal Histories.
- 7 (2a) Does not have a substantiated finding of neglect, abuse, misappropriation of
8 property, diversion of drugs, or fraud listed on the Health Care Personnel
9 Registry established under G.S. 131E-256.
- 10 (3) ~~Successfully~~ Has a high school diploma or its equivalent and successfully
11 completes the equivalent of two years of coursework at an accredited college
12 or ~~university~~ university, or has a minimum of 60 months of supervisory
13 experience, or has a combination of education and experience as approved by
14 the Department. For purposes of this section, "supervisory experience" means
15 having full-time, direct management responsibility, including some
16 responsibility for hiring and firing, over the equivalent of at least two full-time
17 employees with direct resident care responsibilities. Such supervisory
18 experience shall have been in a licensed adult care home or licensed nursing
19 home within the seven years preceding the date of application.
- 20 (4) Successfully completes a Department approved administrator-in-training
21 program of at least 120 hours of study in courses relating to assisted living
22 residences.
- 23 (5) Successfully completes a written examination administered by the
24 Department."

25 **SECTION 10.** This act is effective when it becomes law.
26