

1 voluntary workplace culture program by the Institute for the Future of Aging Services,
2 the program office for the national Better Jobs Better Care initiative funded by the
3 Robert Wood Johnson Foundation, and The Atlantic Philanthropies; Now, therefore,
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 5 of Chapter 131E of the General Statutes is amended
6 by adding a new Part to read:

7 "Part 6. North Carolina New Organizational Vision Award (NC NOVA) Special
8 Licensure Designation.

9 **"§ 131E-154.12. Title; purpose.**

10 (a) This Part shall be known as the "North Carolina New Organizational Vision
11 Award (NC NOVA) Special Licensure Designation."

12 (b) The purpose of this Part is to establish special licensure designation
13 requirements for nursing homes and home care agencies licensed pursuant to this
14 Chapter and adult care homes licensed pursuant to Article 1 of Chapter 131D of the
15 General Statutes. Application for the Special Licensure Designation is voluntary.

16 **"§ 131E-154.13. Definitions.**

17 The following definitions apply in this Part, unless otherwise specified:

18 (1) Independent Review Organization. – The organization responsible for
19 the application, review, and determination process for NC NOVA
20 designation.

21 (2) North Carolina New Organizational Vision Award (NC NOVA). – A
22 special licensure designation for home care agencies and nursing
23 homes licensed pursuant to this Chapter, and adult care homes licensed
24 pursuant to Article 1 of Chapter 131D of the General Statutes, that
25 have been determined through written and on-site review by an
26 independent review organization to have met a comprehensive set of
27 workplace related interventions intended to improve the recruitment
28 and retention, quality, and job satisfaction of direct care staff and the
29 care provided to long-term care clients and residents.

30 (3) NC NOVA Partner Team. – The entity responsible for developing the
31 criteria and protocols for the NC NOVA special licensure designation.
32 The Partner Team is inclusive of representatives from the following
33 organizations: Association for Home and Hospice Care of North
34 Carolina, Direct Care Workers Association of North Carolina, Duke
35 University Gerontological Nursing Program, Friends of Residents in
36 Long Term Care, North Carolina Assisted Living Association, North
37 Carolina Association of Long Term Care Facilities, North Carolina
38 Association of Non-Profit Homes for the Aging, North Carolina
39 Department of Health and Human Services, North Carolina
40 Foundation for Advanced Health Programs, North Carolina Health
41 Care Facilities Association, The Carolinas Center for Medical
42 Excellence, and the University of North Carolina at Chapel Hill –
43 Institute on Aging.

1 (4) NC NOVA Provider Information Manual. – The document developed
2 by the NC NOVA Partner Team that specifies the scope of criteria for
3 NC NOVA designation as well as information and procedures
4 pertaining to the application, review, determination, and termination
5 process.

6 **"§ 131E-154.14. NC NOVA program established.**

7 (a) The Department of Health and Human Services shall establish the NC NOVA
8 program.

9 (b) The Department shall adopt rules to implement the NC NOVA program in
10 accordance with the criteria and protocols established by the NC NOVA Partner Team
11 and detailed in the NC NOVA Provider Information Manual.

12 (c) Any information submitted by applicants or obtained by the independent
13 review organization related to NC NOVA, as well as annual turnover data voluntarily
14 submitted by home care agencies, adult care homes, and nursing facilities for the
15 purposes of assessing statewide turnover trends, shall not be considered a public record
16 under G.S. 132-1.

17 (d) Any licensed home care agency, adult care home, or nursing home that is
18 determined not to have met the criteria for NC NOVA designation may reapply at
19 intervals specified by the NC NOVA Partner Team and detailed in the NC NOVA
20 Provider Information Manual.

21 (e) The Department of Health and Human Services, Division of Facility Services,
22 shall issue a NC NOVA special licensure designation document to any licensed home
23 care agency, adult care home, or nursing home that is determined by the independent
24 review organization to have met the criteria for NC NOVA designation. The special
25 licensure designation document shall be in addition to the operating license issued by
26 the Division.

27 (f) The Division of Facility Services shall issue the NC NOVA special licensure
28 document to successful applicants within 30 days of notification by the independent
29 review organization.

30 (g) The NC NOVA special licensure designation shall be in effect for a two-year
31 period unless the provider has a change in ownership.

32 (1) Upon a change in ownership, if the new owner wishes to continue the
33 NC NOVA designation, the new owner must communicate the desire
34 in writing to the independent review organization within 30 days of the
35 effective date of the change of ownership and proceed with an
36 expedited review in accordance with procedures detailed by the NC
37 NOVA Partner Team and included in the NC NOVA Provider
38 Information Manual.

39 a. If the new owner continues to meet the NC NOVA criteria,
40 based upon the expedited review, the special licensure
41 designation will remain in effect for the remainder of the
42 two-year period.

43 b. If the new owner fails to meet NC NOVA criteria, the special
44 designation document shall be immediately returned to the

1 Division of Facility Services. The new owner may reapply for
2 NC NOVA designation under subsection (e) of this section.

3 (2) Within 30 days of the effective date of the change of ownership, if the
4 new owner fails to notify the independent review organization in
5 writing of the desire to retain the special licensure designation by
6 undergoing an expedited review, the designation will become null and
7 void, and the special designation document must be immediately
8 returned to the Division of Facility Services."

9 **SECTION 2.(a)** In order to ensure continuity during the initial statewide
10 implementation phase of NC NOVA, The Carolinas Center for Medical Excellence shall
11 be designated as the independent review organization for NC NOVA through December
12 31, 2010. Beginning in 2009, the Division of Facility Services, with approval from the
13 NC NOVA Partner Team, shall implement a competitive bid process to determine an
14 independent review organization for a minimum of five years beginning in 2011.

15 **SECTION 2.(b)** During the period of the effective date of this act, through
16 December 31, 2010, in the event The Carolinas Center for Medical Excellence
17 determines it cannot continue conducting independent reviews, The Carolinas Center
18 for Medical Excellence shall provide the Partner Team with a 12-month written notice
19 of such intent in order to ensure sufficient transition time to select another independent
20 review entity without any disruption of the NC NOVA program.

21 **SECTION 3.** This act becomes effective January 1, 2007.