

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 325*
Committee Substitute Favorable 4/15/19

Short Title: Update Svc & Care Plan Req's/ACH Residents.

(Public)

Sponsors:

Referred to:

March 12, 2019

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING ADULT CARE HOMES TO USE SERVICE PLANS COMPLETED
3 AS THE RESULT OF A MEDICAID PERSONAL CARE SERVICES ASSESSMENT TO
4 FULFILL THE ACTIVITIES OF DAILY LIVING PORTION OF THE REQUIRED
5 SERVICE PLANS OR CARE PLANS FOR ADULT CARE HOME RESIDENTS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 131D-2.15 reads as rewritten:

8 "§ 131D-2.15. Resident assessments.

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

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

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



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

- 5 (1) Whether the appropriate assessment instrument was administered and
6 interpreted ~~correctly~~correctly.
7 (2) Whether the facility is capable of providing the necessary ~~services~~services.
8 (3) Whether the service plan or care plan conforms to the results of an
9 appropriately administered and interpreted ~~assessment~~assessment.
10 (4) Whether the service plans or care plans are being implemented fully and in
11 accordance with an appropriately administered and interpreted assessment.

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

20 **SECTION 2.** G.S. 90-288.14 reads as rewritten:

21 "**§ 90-288.14. Assisted living administrator certification.**

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

- 24 (1) Is at least 21 years old.
25 (2) Provides a satisfactory criminal background report from the State Repository
26 of Criminal Histories, which shall be provided by the State Bureau of
27 Investigation upon its receiving fingerprints from the applicant. If the
28 applicant has been a resident of this State for less than five years, the applicant
29 shall provide a satisfactory criminal background report from both the State
30 and National Repositories of Criminal Histories.
31 (2a) Does not have a substantiated finding of neglect, abuse, misappropriation of
32 property, diversion of drugs, or fraud listed on the Health Care Personnel
33 Registry established under G.S. 131E-256.
34 (3) ~~Successfully~~ Has a high school diploma and successfully completes the
35 equivalent of two years of coursework at an accredited college or ~~university~~
36 university, or has a minimum of 60 months of supervisory experience, or has
37 a combination of education and experience as approved by the Department.
38 For purposes of this section, "supervisory experience" means having full-time,
39 direct management responsibility, including some responsibility for hiring
40 and firing, over the equivalent of at least two full-time employees with direct
41 resident care responsibilities. Such supervisory experience shall have been in
42 a licensed adult care home or licensed nursing home within the seven years
43 preceding the date of application.
44 (4) Successfully completes a Department approved administrator-in-training
45 program of at least 120 hours of study in courses relating to assisted living
46 residences.
47 (5) Successfully completes a written examination administered by the
48 Department."

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