

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 539\*

Short Title: Temp. Fin. Asst./SA Facilities. (Public)

Sponsors: Representatives Murphy, Dobson, Lambeth, and Adcock (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Health, if favorable, Appropriations, Health and Human Services, if favorable,  
Rules, Calendar, and Operations of the House

April 3, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN  
3 SERVICES, DIVISION OF SOCIAL SERVICES, TO PROVIDE TEMPORARY  
4 FINANCIAL ASSISTANCE FOR FACILITIES LICENSED TO ACCEPT  
5 STATE-COUNTY SPECIAL ASSISTANCE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** The following definitions apply in this section:

8 (1) Facility licensed to accept State-County Special Assistance payments or  
9 facility. – Any residential care facility that is (i) licensed by the Department  
10 of Health and Human Services and (ii) authorized to accept State-County  
11 Special Assistance payments from its residents.

12 (2) State-County Special Assistance. – The program authorized by G.S. 108A-40.

13 **SECTION 1.(b)** There is appropriated from the General Fund to the Department of  
14 Health and Human Services, Division of Social Services, the sum of nineteen million eight  
15 hundred seventy-two thousand dollars (\$19,872,000) in nonrecurring funds for the 2019-2020  
16 fiscal year and the sum of nineteen million eight hundred seventy-two thousand dollars  
17 (\$19,872,000) in nonrecurring funds for the 2020-2021 fiscal year, to provide temporary financial  
18 assistance to facilities licensed to accept State-County Special Assistance payments, as provided  
19 in this section.

20 **SECTION 1.(c)** Nonrecurring funds appropriated in this act to the Department of  
21 Health and Human Services, Division of Social Services (DSS), for each year of the 2019-2021  
22 fiscal biennium for facilities licensed to accept State-County Special Assistance payments shall  
23 be used to provide temporary financial assistance in the form of a monthly payment to these  
24 facilities on behalf of each resident who is a recipient of State-County Special Assistance. The  
25 counties shall pay to the State fifty percent (50%) of the cost of providing these monthly  
26 payments to these facilities. The monthly payments provided by DSS to these facilities shall be  
27 subject to all of the following requirements and limitations:

28 (1) The amount of the monthly payments authorized by this section is equal to  
29 one hundred eighty-four dollars (\$184.00) per month for each resident of the  
30 facility as of the first day of the month who is a recipient of State-County  
31 Special Assistance.

32 (2) A facility that receives the monthly payments authorized by this section shall  
33 not, under any circumstances, use these payments for any purpose other than



1 to offset the cost of serving residents who are recipients of State-County  
2 Special Assistance.

3 (3) The DSS shall make monthly payments authorized by this section to a facility  
4 on behalf of a resident only for the period commencing July 1, 2019, and  
5 ending June 30, 2021.

6 (4) The DSS shall make monthly payments authorized by this section only to the  
7 extent sufficient State and county funds allocated to the DSS for each year of  
8 the 2019-2021 fiscal biennium are available for this purpose.

9 (5) The DSS shall not make monthly payments authorized by this section to a  
10 facility on behalf of a resident whose eligibility determination for  
11 State-County Special Assistance is pending.

12 (6) The DSS shall terminate all monthly payments pursuant to this section on the  
13 earlier of the following:

14 a. June 30, 2021.

15 b. Upon depletion of the State and county funds allocated to the DSS for  
16 each year of the 2019-2021 fiscal year for this purpose.

17 **SECTION 1.(d)** Notwithstanding any provision of this act or any other provision of  
18 law to the contrary, the DSS shall not be required to provide any temporary financial assistance  
19 to facilities beyond June 30, 2021, or upon depletion of the State and county funds allocated to  
20 the DSS for each year of the 2019-2021 fiscal biennium for this purpose, whichever is earlier.

21 **SECTION 1.(e)** If possible, the DSS shall use an existing mechanism to administer  
22 these funds in the least restrictive manner that ensures compliance with this section and timely  
23 and accurate payments to facilities. The DSS shall not, under any circumstances, use any portion  
24 of the State and county funds allocated to the DSS for each year of the 2019-2021 fiscal biennium  
25 for the purpose of this section for any other purpose.

26 **SECTION 1.(f)** For each year of the 2019-2021 fiscal biennium, the Division of  
27 Social Services shall not use more than two hundred fifty thousand dollars (\$250,000) in  
28 nonrecurring funds for administrative purposes related to providing financial assistance to  
29 facilities licensed to accept State-County Special Assistance, as authorized by this section.

30 **SECTION 1.(g)** Nothing in this section shall be construed as an obligation by the  
31 General Assembly to appropriate funds for the purpose of this section, or as an entitlement by  
32 any facility, resident of a facility, or other person to receive temporary financial assistance under  
33 this section.

34 **SECTION 2.** This act becomes effective July 1, 2019, and expires on June 30, 2021.