

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS65019-SHz-26A* (04/01)

Short Title: Update Long-Term Care Statutes. (Public)

Sponsors: Senators Swindell, Forrester, Bingham, Queen, and Dorsett.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE AND CLARIFY NORTH CAROLINA'S GENERAL STATUTES ON
3 OLDER ADULTS AND LONG-TERM SERVICES AND SUPPORTS, AS
4 RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

5 Whereas, the North Carolina General Assembly is committed to having North
6 Carolina recognized as a leader in supporting long-term services and supports; and

7 Whereas, the State is building on the following federal and State supported
8 person-centered initiatives: aging and disability resource centers or Community Resource
9 Connections for Aging and Disabilities, evidence-based health promotion, caregiver supports
10 for persons with Alzheimer's disease, lifespan respite programs, consumer-directed care,
11 transitional care, and promotion of community living for persons who might otherwise become
12 Medicaid eligible if placed in a skilled nursing facility: Now, therefore,
13 The General Assembly of North Carolina enacts:

14 SECTION 1. Part 14A, Article 3, Chapter 143B of the General Statutes reads as
15 rewritten:

16 "Part 14A. ~~Policy Act for the Aging. Older Adults.~~
17 "**§ 143B-181.3. Statement of principles. Older adults findings; policy.**

18 ~~To utilize effectively the resources of our State, to provide a better quality of life for our~~
19 ~~senior citizens, and to assure older adults the right of choosing where and how they want to~~
20 ~~live, the following principles are hereby endorsed:~~

21 (a) The North Carolina General Assembly finds the following:

- 22 (1) ~~Older people~~ adults should be able to live as ~~normal a life independently as~~
23 ~~possible.~~ possible, and to live free of abuse, neglect, and exploitation.
- 24 (2) Older adults should have a choice of ~~life styles~~ lifestyles which will allow
25 them to remain contributing members of society for as long as possible.
- 26 (3) Preventive and primary health care are necessary to keep older adults active
27 and contributing members of society.
- 28 (4) Sufficient opportunities for ~~Appropriate~~ training in gerontology and
29 geriatrics should be developed and readily available for individuals serving
30 older adults.
- 31 (5) Transportation to meet daily needs and to make accessible a broad range of
32 services should be ~~provided~~ available so that older ~~persons~~ adults may
33 realize their full potential.



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- 1 (6) Services for older adults should be person-centered and coordinated so that
 2 ~~all their an individual's~~ needs can be served efficiently and
 3 ~~effectively efficiently, effectively, and in the least restrictive environment.~~
 4 (7) Information should be readily available in each county on all programs and
 5 services for older adults. ~~citizens and advocacy for these services should be~~
 6 ~~available in each county.~~
 7 (8) Increased employment opportunities for older adults should be made
 8 available.
 9 (9) A variety of housing options should be available in each county. ~~Options in~~
 10 ~~housing should be made available.~~
 11 (10) Older adults and their caregivers should have input in the planning and
 12 evaluation of programs and services for older adults, and they should have
 13 opportunities to advocate for these programs and services. ~~Planning for~~
 14 ~~programs for older citizens should always be done in consultation with them.~~
 15 (11) The State should ~~aid assist~~ older people adults who desire to remain as
 16 independent as possible to help themselves and should encourage and
 17 support families in caring for their older members.

18 (b) It is the policy of the State to effectively utilize its resources to support and enhance
 19 the quality of life for older adults in North Carolina."

20 **SECTION 2.** Part 14B, Article 3, Chapter 143B of the General Statutes reads
 21 as rewritten:

22 "Part 14B. Long-Term-Care.Services and Supports.

23 "**§ 143B-181.5. Long-term care services and supports – findings, policy.**

24 The North Carolina General Assembly finds that the aging of the population and advanced
 25 medical technology have resulted in a growing number of persons who require ~~assistance.~~
 26 long-term services and supports. The primary resource for long-term care ~~provision assistance~~
 27 continues to be the family and friends. However, these traditional caregivers are increasingly
 28 employed outside the home. There is growing demand for improvement and expansion of home
 29 and community-based long-term care ~~services to support and services and supports to~~
 30 complement the services care provided by these informal caregivers.

31 The North Carolina General Assembly further finds that the public interest would best be
 32 served by a broad array of long-term care ~~services and supports~~ and supports that ~~support enable~~
 33 who need such services to remain in the home or in the community whenever practicable and
 34 that promote individual ~~autonomy, dignity, and choice.~~ autonomy and dignity as these
 35 individuals exercise choice and control over their lives.

36 The North Carolina General Assembly finds that as other long-term care ~~service and~~
 37 support options become more readily available, the ~~relative need~~ for institutional care will
 38 stabilize or decline relative to the growing ~~aging population.~~ population of older adults and
 39 people living with disabilities. The General Assembly recognizes, however, that institutional
 40 care will continue to be a critical part of the State's long-term care ~~service and support~~ options
 41 and that such services should promote individual dignity, autonomy, and a home like
 42 environment."

43 "**§ 143B-181.6. Purpose and intent.**

44 ~~It is the North Carolina General Assembly's intent in the State's development and~~
 45 ~~implementation of long-term care policies that:~~ The development and implementation of
 46 policies for long-term services and supports should reflect the intent of the North Carolina
 47 General Assembly as follows:

- 48 (1) Long-term care ~~services and supports~~ administered by the Department of
 49 Health and Human Services and other State and local agencies shall include
 50 a balanced array of health, social, and supportive services that are well

- 1 coordinated to promote individual choice, dignity, and the highest
2 practicable level of ~~independence~~; independence.
- 3 (2) Home and community-based services shall be developed, expanded, or
4 maintained in order to meet the needs of consumers in the least confusing
5 and least restrictive manner and based on the desires of the ~~elderly-older~~
6 ~~adults, persons with disabilities, and their families~~; families, and others that
7 support them.
- 8 (3) All services shall be responsive and appropriate to individual need and shall
9 be delivered through a uniform and seamless system that is flexible and
10 responsive regardless of funding ~~source~~; source through the effective use of
11 Community Resource Connections for Aging and Disabilities as they are
12 developed throughout the State.
- 13 (4) Services shall be available to all ~~elderly persons~~ who need them but targeted
14 primarily to the most ~~frail~~, frail and needy ~~elderly~~; citizens.
- 15 (5) State and local agencies shall maximize the use of limited resources by
16 establishing a fee system for persons who have the ability to ~~pay~~; pay.
- 17 (6) ~~Institutional care~~ Care provided in facilities shall be ~~provided~~ offered in such
18 a manner and in such an environment as to promote maintenance of health
19 and ~~or~~ enhancement of the quality of life of each resident and timely
20 discharge to a less restrictive care setting when ~~appropriate~~; and appropriate.
- 21 (7) State health planning for institutional bed supply shall take into account
22 increased availability of other home and community-based services options.
- 23 (8) In an effort to maximize the use of limited resources, State and local
24 agencies shall invest in supports for families and other informal caregivers
25 of persons requiring assistance.
- 26 (9) Emphasis shall be placed on offering evidence-based activities to promote
27 healthy aging, prevent injuries, and manage chronic diseases and conditions.
- 28 (10) Individuals and families shall be encouraged and supported in planning for
29 and financing their own future needs for long-term services and supports."

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