



Whereas, the General Assembly recognizes that staffing represents a significant portion of the cost of operating adult care homes; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Health and Human Services the sum of one million two hundred twenty-seven thousand seven hundred seventy-three dollars (\$1,227,773) for the 1998-99 fiscal year to increase the adult care home reimbursement rate effective January 1, 1999. These funds are appropriated for the purpose of increasing third shift staffing ratios in certain adult care homes to one staff person per 30 or fewer residents, as provided under Section 2 of this act, for the six-month period January 1-June 30, 1999. Funds appropriated under this section represent fifty percent (50%) of the total amount necessary to increase staffing as required under Section 2 of this act. The remaining fifty percent (50%) of the funds needed to increase staffing shall be provided by the county share as required by law.

Section 2. Effective January 1, 1999, G.S. 131D-4.3 reads as rewritten:

**"§ 131D-4.3. Adult care home rules.**

(a) Pursuant to G.S. 143B-153, the Social Services Commission shall adopt rules to ensure at a minimum, but shall not be limited to, the provision of the following by adult care homes:

- (1) Client assessment and independent case management;
- (2) A minimum of 75 hours of training for personal care aides performing heavy care tasks and a minimum of 40 hours of training for all personal care aides. The training for aides providing heavy care tasks shall be comparable to State-approved Certified Nurse Aide I training. For those aides meeting the 40-hour requirement, at least 20 hours shall be classroom training to include at a minimum:
  - a. Basic nursing skills;
  - b. Personal care skills;
  - c. Cognitive, behavioral, and social care;
  - d. Basic restorative services; and
  - e. Residents' rights.

A minimum of 20 hours of training shall be provided for aides in family care homes that do not have heavy care residents. Persons who either pass a competency examination developed by the Department of Health and Human Services, have been employed as personal care aides for a period of time as established by the Department, or meet minimum requirements of a combination of training, testing, and experience as established by the Department shall be exempt from the training requirements of this subdivision;

- (3) Monitoring and supervision of residents; and
- (4) Oversight and quality of care as stated in G.S. 131D-4.1.
- (5) Adult care homes shall comply with all of the following staffing requirements:

- 1                   a.     First shift (morning): 8.0 hours of aide duty per each 20 residents  
2                             (licensed capacity or resident census).  
3                   b.     Second shift (afternoon): 8.0 hours of aide duty per each 20  
4                             residents (licensed capacity or resident census).  
5                   c.     Third shift (evening): 8.0 hours of aide duty per 30 or fewer  
6                             residents (licensed capacity or resident census).

7           (b) Rules to implement this section shall be adopted as emergency rules in  
8 accordance with Chapter 150B of the General Statutes. ~~These rules shall be in effect no later~~  
9 ~~than January 1, 1996.~~

10          (c) The Department may suspend or revoke a facility's license, subject to the  
11 provisions of Chapter 150B, to enforce compliance by a facility with this section or to  
12 punish noncompliance."

13                   Section 3. Section 11.70(d) of S.L. 1997-443 reads as rewritten:

14           "(d) Effective July 1, 1998, the maximum monthly rate for residents in adult care  
15 home facilities shall be nine hundred fifteen dollars (\$915.00) per month per resident.  
16 Effective January 1, 1999, the maximum monthly rate for residents in adult care home  
17 facilities shall be nine hundred twenty-nine dollars (\$929.00) per month per resident."

18                   Section 4. This act becomes effective July 1, 1998.