

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1493*

Short Title: Adult Care Homes/Disapp. Rule/Staffing.

(Public)

Sponsors: Senators Kinnaird; Jenkins, Lucas, and Weinstein.

Referred to: Judiciary.

May 28, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO DISAPPROVE A RULE PERTAINING TO RATE-SETTING METHODS
3 FOR ADULT CARE HOMES, TO REQUIRE STAFFING RATIOS FOR CERTAIN
4 ADULT CARE HOMES, AND TO APPROPRIATE FUNDS FOR CERTAIN
5 STAFFING REQUIREMENTS.

Whereas, the purpose of adult care homes is to provide residents assistance in attending to their personal care and safety; and

Whereas, the General Assembly establishes the rates for adult care homes that serve State/County Special Assistance residents and recognizes that the rates should reasonably and fairly reflect costs to provide services; and

Whereas, rates are based on cost report data reflecting the most recent 12-month period; and

Whereas, the per diem cost developed from cost report data used for establishing the indirect cost rate was established by administrative rule at the 60th percentile ranking but should be established at no higher than the 50th percentile ranking to more closely reflect actual cost and ensure more efficient use of State funds; and

Whereas, the health and safety of residents in adult care homes are of paramount concern to the State; and

Whereas, the staff-to-resident ratios in adult care homes have a significant impact on the quality of care for the health and safety of residents; and

Whereas, the majority of penalty review cases in adult care homes involve staffing requirements; and

Whereas, on January 14, 1998, the Social Services Commission recommended that staffing ratios for adult care homes be increased to one staff person for each 15 residents for the first and second shifts, and one staff person for 30 or fewer residents for the third shift; and

Whereas, increasing staff ratios for the first and second shifts will help ensure a higher quality of personal care for residents, and increasing staff ratios for the third shift will not only improve quality of care but will also help ensure that sufficient staff are available for assisting all residents in the event of an emergency; and

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. Pursuant to G.S. 150B-21.3(b), 10 NCAC 01B.0501, Rate-Setting Methods for Facilities That Serve State/County Special Assistance Residents, as amended by the Social Services Commission, and approved by the Rules Review Commission on January 15, 1998, is disapproved.

Section 2. (a) There is appropriated from the General Fund to the Department of Health and Human Services, the sum of four million six hundred forty-one thousand eight hundred forty-eight dollars (\$4,641,848) 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 the first and second shift staffing ratios at adult care homes from one staff person for each 20 residents to one staff person for each 15 residents for each shift, and for increasing the third shift staffing ratios at adult care homes from one staff person per 50 or fewer residents to one staff person per 30 or fewer residents, as required under Section 3 of this act, for the six-month period January 1-June 30, 1999.

(b) Funds appropriated under subsection (a) of this section represent fifty percent (50%) of the amount necessary to increase staffing as required under Section 3 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 3. Effective January 1, 1999, G.S. 131D-4.3(a) 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.~~ G.S. 131D-4.1;
and

(5) Adult care homes shall comply with all of the following staffing requirements:

a. First shift (morning): 8.0 hours of aide duty per each 15 residents (licensed capacity or resident census).

b. Second shift (afternoon): 8.0 hours of aide duty per each 15 residents (licensed capacity or resident census).

c. Third shift (evening): 8.0 hours of aide duty per 30 or fewer residents (licensed capacity or resident census).

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

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

Section 4. Section 11.70(d) of S.L. 1997-443 reads as rewritten:

"(d) Effective July 1, 1998, the maximum monthly rate for residents in adult care home facilities shall be nine hundred fifteen dollars (\$915.00) per month per resident. Effective January 1, 1999, the maximum monthly rate for residents in adult care home facilities shall be nine hundred seventy-eight dollars (\$978.00) per month per resident."

Section 5. This act becomes effective July 1, 1998.