GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

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SENATE BILL DRS45126-MG-70

Short Title: (Public) Senior Care Options. Senators Perry, Sawyer, and Overcash (Primary Sponsors). Sponsors: Referred to: A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AND ISSUE A REQUEST FOR PROPOSAL FOR THE ESTABLISHMENT AND ADMINISTRATION OF A PILOT PROGRAM FOR THE DELIVERY OF HOME CARE SERVICES. The General Assembly of North Carolina enacts: **SECTION 1.(a)** Definitions. – The following definitions apply in this section: Department. – The Department of Health and Human Services. (1) Home care services. – The following services: (2) In-home companion, sitter, and respite care services provided to an a. individual. Homemaker services provided in combination with in-home b. companion, sitter, respite, or other home care services. Non-hands-on care services, as defined in 10A NCAC 13J .1501(2). **SECTION 1.(b)** Request for Proposal. – The Department shall develop and issue a request for proposal (RFP) no later than July 1, 2023, to contract with a third-party organization to establish and administer a three-year home care services pilot program in North Carolina, beginning no later than January 1, 2024. The Department shall select a third-party organization that has an existing presence delivering home care services in at least one other state to deliver at least the following home care services to residents of North Carolina as part of the pilot program: Home-based services such as meal preparation, cleaning and organizing, (1) caring for pets, and other home management services. Community-based services such as grocery shopping, retail shopping, and (2) pick-up and drop-off of items such as library materials, mail, and donations. Transportation-based services such as travel to and from medical (3) appointments, social events, and community activities. **SECTION 1.(c)** Contract Requirements. – The contract between the Department and the third-party organization selected to administer the pilot program authorized by this section shall contain, at a minimum, the following provisions: A requirement that the third-party organization use an electronic scheduling (1) platform for the delivery of home care services. A requirement that the third-party organization conduct a criminal background (2) check on all employees and contractors prior to allowing them to perform home care services for North Carolina residents participating in the pilot program.



(3) A prohibition against the third-party organization submitting claims for reimbursement to a private or government-funded health insurer, managed care organization, or health plan for services rendered to or on behalf of a North Carolina resident under this pilot program.

SECTION 1.(d) Pilot Program Home Care Services Exempt from Certain Home Care Licensure Requirements. – In order to facilitate the provision of home care services to individuals participating in the pilot program authorized by this section, the Department may exempt the third-party organization selected to administer the pilot program from specific home care licensure requirements set forth in Part 3 of Article 6 of Chapter 131E of the General Statutes and any rules adopted under that Part; provided, however, that the Department may not exempt the third-party organization from the following laws governing home care agencies:

The smoking prohibitions set forth in G.S. 131E-143.

 (2) The personnel rules set forth in subsections (a) through (f) of 10A NCAC 13J .1003.

(3) The rules for licensing home care agencies set forth in 10A NCAC 13J .1500. Any exemptions granted by the Department to the third-party organization under this subsection apply only to home care services delivered by the third-party organization under its contract with the Department for the establishment and administration of the pilot program authorized by this section.

SECTION 1.(e) Non-Pilot Program Home Care Services Subject to Home Care Licensure Requirements. – The Department may not exempt the third-party organization selected to establish and administer the pilot program authorized by this section from any home care licensure requirements set forth in Part 3 of Article 6 of Chapter 131E of the General Statutes, or any rules adopted under that Part, with respect to the delivery of home care services outside the scope of its contract with the Department for the establishment and administration of the pilot program authorized by this section. Any violation by the third-party organization of any home care licensure laws while delivering home care services outside the scope of its contract with the Department is subject to the penalties described in G.S. 131E-141.1 and any other penalties available under State or federal law.

SECTION 1.(f) No Department Liability. – The Department shall not be liable for any willful, intentional, grossly negligent, or negligent acts or omissions of the third-party organization arising from establishment and administration of the pilot program authorized by this section.

SECTION 1.(g) Termination of Pilot Program. – The pilot program authorized by this section shall terminate three years from the date the third-party organization begins delivering home care services under the pilot program.

SECTION 1.(h) Report. – Within six months after the termination of the pilot program, the Department, in collaboration with the third-party organization selected to establish and administer the pilot program authorized by this section, shall conduct and submit to the Joint Legislative Oversight Committee on Health and Human Services an evaluation of the effectiveness of the pilot program.

SECTION 2. This act is effective when it becomes law.

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