

April 3, 2003

**S 926. CLARIFY GROUP HOMES LICENSURE & LEA REIMBURS.** *TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY.* Deletes provision in GS 115C-140.1(a) requiring that local school administrative unit (LEA) in which disabled child is domiciled pay LEA in which child is educated those costs in excess of state and federal funding required to educate child, and authorizes host LEA's submission of Special State Reserve Program application when service costs exceed per child allocation. Adds new section to GS 122C-23 (facilities for disabled) and new GS 131D-10.3(i) (foster homes) authorizing Sec'y of Health and Human Services to enroll new Medicaid Home or Community Based services provider when area program or county program applies and shows good cause for enrollment. Further amends GS 122C-23(2) and GS 131D-10.3(h)(5) to establish time periods for withholding Medicaid Home licenses, ranging from six months to sixty months according to frequency of violations. Adds new GS 122C-23(e1)(5) and GS 131D-10.3(h)(5) providing that licenses shall not be issued to applicants with a provider history that demonstrates that applicant cannot comply with licensing standards and will place clients at high risk of danger and adds new GS 131D-2(1b)d. (adult care homes) prohibiting the issuance of licenses to applicants that had licenses summarily suspended or downgraded to provisional status. Requires that DHHS submit report on Group Homes Program to House and Senate Appropriations Committees on Health and Human Services on or before April 1, 2004. Appropriates \$500,000 for 2003-2004 from General Fund to State Aid for Children with Disabilities. Makes conforming and technical changes.

**Intro. by Rand.**

Ref. to	GS 115C, 122C, 131D, APPROP
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April 21, 2003

**S 926. CLARIFY GROUP HOMES LICENSURE & LEA REIMBURS.** Intro. 4/3/03. House committee substitute makes the following changes to 1st edition. (1) Reinstates language of current law that provides that the local school administrative unit in which a child is domiciled shall transfer to the unit in which the institution is located an amount equal to the actual local cost in excess of state and federal funding required to educate that child in the unit for the fiscal year but adds the words "after all State and federal funding has been exhausted." Deletes language providing that nothing obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home or other similar facility. (2) Rewrites proposed amendments to GS 122C-23(e1) to provide that no license for a new facility or new service may be issued if (a) a single violation has been assessed in the six months prior to the application; (b) two violations have been assessed in the 18 months prior to the application and 18 months have not passed from the date of the most recent violation; (c) three violations have been assessed in the 36 months prior to the application and 36 months have not passed from the date of the most recent violation; or (4) four or more violations have been assessed in the 60 months prior to the application and 60 months have not passed from the date of the most recent violation. (3) Provides that license may not be issued if applicant is found by the Secretary to have a prior history as a provider indicating that it will not be able to comply with the licensing or enrollment statutes and rules promulgated under those statutes and "will probably place clients at high risk of danger if the applicant were granted enrollment." (Quoted language added). (4) Makes conforming changes to GS 131D-10.3(h) & (i). (5) Deletes appropriation from the General Fund to the State Aid for Children with Disabilities in the Public School Fund. (6) Makes numerous editorial and stylistic changes.

June 10, 2003

**S 926. CLARIFY GROUP HOMES LICENSURE & LEA REIMBURS.** Intro. 4/3/03. House committee substitute makes the following changes to 2nd edition. The bill rewrites GS 122C-23, dealing with licensure of facilities for mentally ill, developmentally disabled, or substance abusers, and GS 131D-10.3, dealing with licensure of persons providing foster care for children or receiving and placing children in residential care facilities, family foster homes, and adoptive homes. It provides that one reason for denying license is that applicant is owner, principal, or affiliate of licensable facility that was assessed certain penalties within certain periods of time. Committee substitute provides that fines assessed before October 23, 2002, are not applicable in administering these new provisions.

July 7, 2003

**SL 2003-294 (S 926). CLARIFY GROUP HOMES LICENSURE AND LEA REIMBURSEMENT.** *AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY.* Summarized in *Daily Bulletin* 4/3/03, 4/21/03, and 6/10/03. Enacted July 4, 2003. Effective July 4, 2003.

