

March 24, 2005

S 1074. FACILITY QUALITY & SAFETY IMPROVEMENT. TO MAKE STATUTORY CHANGES TO IMPROVE QUALITY AND SAFETY IN HOME CARE SERVICES, MENTAL HEALTH FACILITIES, ADULT CARE HOMES, AND CERTAIN HOSPITAL FACILITIES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE CHANGES. Amends GS 131E-140 to require the NC Medical Care Comm'n to (1) establish minimum training and education qualifications and professional requirements for home care agency staff and (2) adopt rules for prohibiting licensed home care agencies from hiring individuals listed on the Health Care Personnel Registry in accordance with GS 131E-256(a)(1). Also requires the Dep't of Health & Human Services (DHHS) to conduct an inspection of each home care agency at least every three years. Enacts new GS 131E-141(c) requiring home care agencies to provide each client with a written notice of the Division of Facility Services hotline number before furnishing care to the client or during the initial evaluation visit before initiation of services. Rewrites parts of GS Chapter 131D, Article 1 (Licensing of Facilities) to provide for initial 6-month license for an adult care facility and to require DHHS to extend license for balance of calendar year if facility complies with Articles 1 and 3 of Chapter 131D. Rewrites GS 131D-2 to provide that licensed adult care units in nursing homes are subject to inspection at all times and to require the Division of Facility Services to inspect all adult care homes and adult care units in nursing homes annually, effective July 1, 2007. Requires the county dep't of social services to document onsite visits and submit written reports to the Division of Facility Services. Requires the Division to conduct annual and quarterly reviews of the DSS's monitoring performance, and authorizes DHHS to intervene when monitoring is not timely or fails to identify or document noncompliance. Sets out training requirements for DSS adult home specialists and their supervisors.

Rewrites GS Chapter 122, Article 2 (Licensure of Facilities for the Mentally Ill, the Developmentally Disabled, and Substance Abusers) to reduce from 2 years to 15 months the maximum length of time an initial license is valid; provide that licenses expire at the end of the calendar year and must be renewed annually thereafter; require that all residential facilities be inspected annually; provide that license for a facility that has not served any clients for previous 12 months may not be renewed; authorize issuance of provisional licenses for up to 6 months; and increase civil penalties for violations as follows:

\$500 to \$10,000, for each Type A violation in facility or program serving six or fewer persons

\$1,000 to \$20,000, for each Type A violation in facility or program serving seven or more persons

Up to \$1,000 per day for failure to correct a Type A violation

Up to \$400 per day for failure to correct a Type B violation

Amends GS 131D-34 to effect comparable fee increases for adult care homes and to require DHHS to impose a civil penalty on any applicant for adult care home licensure who provides false information or omits material information on an application. Amendments to GS Chapter 122C and Chapter 131D require all adult care homes and residential mental health facilities to post the Division of Facility Services complaint hotline number conspicuously in a public place in the facility. Repeals GS 131D-34(h) (establishing penalty review committee), and makes conforming changes.

Appropriates from the General Fund to DHHS for 2005-06 \$800,000 for a provider tracking base system, with funds to be held in reserve subject to approval of Office of State Budget and Management and Office of Information Technology Services. Makes the following appropriations from the General Fund to DHHS, Division of Facility Services:

- \$728,521 for 2005-06 and \$1,572,724 for 2006-07 to address expanding demands in inspecting 24-hour residential facilities for mentally ill, developmentally disabled, and substance abuse populations.
- \$820,251 for 2005-06 and \$2,105,955 for 2006-07 to increase capacity to license and inspect family care and adult care homes.
- \$217,382 for 2005-06 and \$273,843 for 2006-07 to facilitate timely responses to complaints
- \$271,056 for 2005-06 and \$349,591 for 2006-07 for inspection of non-Medicare certified home care agency.

Appropriations effective July 1, 2005; otherwise effective when it becomes law.

Intro. by Rand.

Ref. to Health Care

GS 122C, 131D, 131E, APPROP.

May 18, 2005

S 1074. FACILITY QUALITY & SAFETY IMPROVEMENT. Intro. 3/24/05. Senate committee substitute makes the following changes to 1st edition. Changes effective date for amendments to GS 131D-2 concerning training requirements for county department of social services' adult home specialists and their supervisors to January 1, 2006 (was, when becomes law). Deletes requirement in GS 131D-2 that the Division of Facility Services conduct monthly reviews of inspections of adult care homes done by county departments, so that only annual reviews are required, and modifies various deadlines in GS 131D-2. Reinstates GS 131D-34(h), creating the penalty review committee, which had been repealed by original bill. Amends the membership and responsibilities of that committee. Deletes appropriation provisions contained in original bill. Effective July 1, 2005, adds requirement that the Division of Aging and Adult Services develop a Quality Improvement Consultation Program for Adult Care Homes as described in bill. Department of Health and Human Services must report on progress of development of program to the Comm'n on Aging, the Senate Appropriations Committee on Health and Human Services, and the House Subcommittee on Health and Human Services by April 1, 2006. Requires Division to conduct a pilot of the program with no more than four departments of social services.