

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1698*
Corrected Copy 5/14/10
PROPOSED COMMITTEE SUBSTITUTE H1698-PCS30505-SH-68

Short Title: Update Long-Term Care Statutes.

(Public)

Sponsors:

Referred to:

May 13, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE AND CLARIFY NORTH CAROLINA'S GENERAL STATUTES ON
3 OLDER ADULTS AND LONG-TERM SERVICES AND SUPPORTS, AS
4 RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

5 Whereas, the North Carolina General Assembly is committed to having North
6 Carolina recognized as a leader in supporting long-term services and supports; and

7 Whereas, the State is building on the following federal and State supported
8 person-centered initiatives: aging and disability resource centers or Community Resource
9 Connections for Aging and Disabilities, evidence-based health promotion, caregiver supports
10 for persons with Alzheimer's disease, lifespan respite programs, consumer-directed care,
11 transitional care, and promotion of community living for persons who might otherwise become
12 Medicaid eligible if placed in a skilled nursing facility; Now, therefore,

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** Part 14A, Article 3, Chapter 143B of the General Statutes reads as
15 rewritten:

16 "Part 14A. ~~Policy Act for the Aging.~~ Older Adults.

17 "**§ 143B-181.3. Statement of principles. Older adults – findings; policy.**

18 ~~To utilize effectively the resources of our State, to provide a better quality of life for our~~
19 ~~senior citizens, and to assure older adults the right of choosing where and how they want to~~
20 ~~live, the following principles are hereby endorsed:~~

21 (a) The North Carolina General Assembly finds the following:

- 22 (1) ~~Older people-adults should be able to live as normal a life-independently as~~
23 ~~possible. possible, and to live free from abuse, neglect, and exploitation.~~
24 (2) ~~Older adults should have opportunities to be involved in their communities~~
25 ~~in ways they desire.a choice of life styles which will allow them to remain~~
26 ~~contributing members of society for as long as possible.~~
27 (3) ~~Preventive and primary health care are necessary to keep older adults active~~
28 ~~and contributing members of society. assure optimal health and to enable~~
29 ~~active social and civic engagement by older adults.~~
30 (4) ~~Sufficient opportunities for Appropriate~~ training in gerontology and
31 geriatrics should be developed and readily available for individuals serving
32 older adults.



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- 1 (5) ~~Transportation to meet daily needs and to make accessible a broad range of~~
 2 ~~services should be provided so that older persons may realize their full~~
 3 ~~potential.~~ Older adults should have access to a broad range of services,
 4 supports, and opportunities, and they should have transportation options
 5 available to allow access to these services and to meet their daily needs and
 6 interests.
- 7 (6) ~~Services for older adults should be person-centered and coordinated so that~~
 8 ~~all their an individual's needs can be served efficiently and effectively.~~ met
 9 efficiently, effectively, and in the least restrictive environment.
- 10 (7) ~~Information should be readily available in each county on all programs and~~
 11 ~~services for older adults. citizens and advocacy for these services should be~~
 12 ~~available in each county.~~
- 13 (8) ~~Increased employment opportunities for older adults should be made~~
 14 ~~available.~~ Older adults should have adequate opportunities for employment.
- 15 (9) ~~Each county should have available a variety of housing options, including~~
 16 ~~retirement housing, accessible affordable rental housing, and opportunities~~
 17 ~~for residential home modifications, in order to allow older adults to remain~~
 18 ~~in their communities. Options in housing should be made available.~~
- 19 (10) ~~Older adults and their caregivers should have input in the planning and~~
 20 ~~evaluation of programs and services for older adults, and they should have~~
 21 ~~opportunities to advocate for these programs and services. Planning for~~
 22 ~~programs for older citizens should always be done in consultation with them.~~
- 23 (11) ~~The State should aid assist older people adults who desire to remain as~~
 24 ~~independent as possible to help themselves and should encourage and~~
 25 ~~support families in caring for their older members.~~

26 (b) It is the policy of the State to effectively utilize its resources to support and enhance
 27 the quality of life for older adults in North Carolina."

28 **SECTION 2.** Part 14B, Article 3, Chapter 143B of the General Statutes reads as
 29 rewritten:

30 "Part 14B. Long-Term ~~Care.~~ Services and Supports.

31 "**§ 143B-181.5. Long-term ~~care services and supports – findings.~~ policy.**"

32 The North Carolina General Assembly finds that the aging of the population and advanced
 33 medical technology have resulted in a growing number of persons who require ~~assistance.~~
 34 long-term services and supports. The primary ~~resource resources~~ for long-term ~~care provision~~
 35 assistance continues to be ~~the~~ family and friends. However, these traditional caregivers are
 36 increasingly employed outside the home. There is growing demand for improvement and
 37 expansion of home and community-based long-term ~~care services to support and services and~~
 38 supports to complement the services care provided by these informal caregivers.

39 The North Carolina General Assembly further finds that the public interest would best be
 40 served by a broad array of long-term ~~care services and supports that support enable~~ persons
 41 who need such services to remain in the home or in the community whenever practicable and
 42 that promote individual ~~autonomy, dignity, and choice.~~ autonomy and dignity as these
 43 individuals exercise choice and control over their lives.

44 The North Carolina General Assembly finds that as other long-term ~~care service and~~
 45 support options become more readily available, the ~~relative need~~ for institutional care will
 46 stabilize or decline relative to the growing ~~aging population.~~ population of older adults and
 47 people living with disabilities. The General Assembly recognizes, however, that institutional
 48 care will continue to be a critical part of the State's long-term ~~care service and support~~ options
 49 and that such ~~services care~~ should promote individual dignity, autonomy, and a home like
 50 environment.

51 "**§ 143B-181.6. Purpose and intent.**"

1 ~~It is the North Carolina General Assembly's intent in the State's development and~~
2 ~~implementation of long-term care policies that:~~The development and implementation of
3 policies for long-term services and supports should reflect the intent of the North Carolina
4 General Assembly as follows:

- 5 (1) ~~Long-term care services~~ and supports administered by the Department of
6 Health and Human Services and other State and local agencies shall include
7 a balanced array of health, social, and supportive services that are well
8 coordinated to promote individual choice, dignity, and the highest
9 practicable level of independence; ~~independence.~~
- 10 (2) Home and community-based services shall be developed, expanded, or
11 maintained in order to meet the needs of consumers in the least confusing
12 and least restrictive manner. ~~manner and~~ Services should be based on the
13 desires of the elderly older adults, persons with disabilities, and their
14 families; families, and others that support them.
- 15 (3) All services shall be responsive and appropriate to individual need and shall
16 be delivered through a uniform and seamless system that is flexible and
17 responsive regardless of ~~funding source;~~ source. Information and services
18 shall be available through the effective use of Community Resource
19 Connections for Aging and Disabilities as they are developed throughout the
20 State.
- 21 (4) Services shall be available to all ~~elderly persons~~ who need them ~~them,~~ but
22 shall be targeted primarily to the those citizens who are the most frail, ~~frail~~
23 and those with the greatest need. ~~needy elderly;~~
- 24 (5) State and local agencies shall maximize the use of limited resources by
25 establishing a fee system for persons who have the ability to ~~pay;~~ pay.
- 26 (6) ~~Institutional care~~ Care provided in facilities shall be ~~provided~~ offered in such
27 a manner and in such an environment as to promote for each resident,
28 maintenance of health, or ~~enhancement of the quality of life of each resident~~
29 life, and timely discharge to a less restrictive care setting when ~~appropriate;~~
30 ~~and~~ appropriate.
- 31 (7) State health planning for institutional bed supply shall take into account
32 increased availability of ~~other~~ home and community-based services options.
- 33 (8) In an effort to maximize the use of limited resources, State and local
34 agencies shall invest in supports for families and other informal caregivers
35 of persons requiring assistance.
- 36 (9) Emphasis shall be placed on offering evidence-based activities to promote
37 healthy aging, prevent injuries, and manage chronic diseases and conditions.
- 38 (10) Individuals and families shall be encouraged and supported in planning for
39 and financing their own future needs for long-term services and supports."

40 **SECTION 3.** This act is effective when it becomes law.