

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 744

AMENDMENT NO. A35
(to be filled in by
Principal Clerk)

S744-AMG-64 [v.7]

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Comm. Sub. [YES]
Amends Title [NO]
Fifth Edition

Date _____, 2014

Representative Avila

1 moves to amend the bill on page 78, line 21, by adding a new section after the line to read:

2 **"SUPPLEMENTAL SHORT-TERM ASSISTANCE FOR GROUP HOMES**

3 **SECTION 12A.7.(a)** Notwithstanding any other provision of law, funds
4 appropriated in this act to the Department of Health and Human Services, Division of Mental
5 Health, Developmental Disabilities, and Substance Abuse Services, for the 2014-2015 fiscal
6 year for unpaid LME liabilities is reduced by the sum of two million dollars (\$2,000,000) in
7 nonrecurring funds, and that amount is instead allocated to the Department of Health and
8 Human Services, Division of Central Management and Support, for the 2014-2015 fiscal year
9 to provide temporary, short-term financial assistance in the form of a monthly payment to
10 group homes on behalf of each resident who meets all of the following criteria:

- 11 (1) Was eligible for Medicaid-covered personal care services (PCS) prior to
- 12 January 1, 2013, but was determined to be ineligible for PCS on or after
- 13 January 1, 2013, due to Medicaid State Plan changes in PCS eligibility
- 14 criteria specified in Section 10.9F of S.L. 2012-142, as amended by Section
- 15 3.7 of S.L. 2012-145 and Section 70 of S.L. 2012-194.
- 16 (2) Has continuously resided in a group home since December 31, 2012.

17 **SECTION 12A.2A.(b)** These monthly payments shall be subject to all of the
18 following requirements and limitations:

- 19 (1) The amount of the monthly payments authorized by this section shall not
- 20 exceed four hundred sixty-four dollars and thirty cents (\$464.30) per month
- 21 for each resident who meets all criteria specified in subsection (a) of this
- 22 section.
- 23 (2) A group home that receives the monthly payments authorized by this section
- 24 shall not, under any circumstances, use these payments for any purpose other
- 25 than providing, as necessary, supervision and medication management for a
- 26 resident who meets all criteria specified in subsection (a) of this section.
- 27 (3) The Department shall make monthly payments authorized by this section to
- 28 a group home on behalf of each resident who meets all criteria specified in
- 29 subsection (a) of this section only for the period commencing July 1, 2014,
- 30 and ending June 30, 2015, or upon depletion of the two million dollars
- 31 (\$2,000,000) in nonrecurring funds appropriated in this act to the Division of



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1 Central Management and Support for the 2014-2015 fiscal year for the
2 purpose of this section, whichever is earlier.

3 (4) The Department shall make monthly payments authorized by this section
4 only to the extent sufficient funds are available from the two million dollars
5 (\$2,000,000) in nonrecurring funds appropriated in this act to the Division of
6 Central Management and Support for the 2014-2015 fiscal year for the
7 purpose of this section.

8 (5) The Department shall not make monthly payments authorized by this section
9 to a group home on behalf of a resident during the pendency of an appeal by
10 or on behalf of the resident under G.S. 108A-70.9A.

11 (6) The Department shall terminate all monthly payments pursuant to this
12 section on June 30, 2015, or upon depletion of the funds appropriated in this
13 act to the Division of Central Management and Support for the 2014-2015
14 fiscal year for the purpose of this section, whichever is earlier.

15 (7) Each group home that receives the monthly payments authorized by this
16 section shall submit to the Department a list of all funding sources for the
17 operational costs of the group home for the preceding two years, in
18 accordance with the schedule and format prescribed by the Department.

19 **SECTION 12A.7.(c)** The Department shall use an existing mechanism to
20 administer these funds in the least restrictive manner that ensures compliance with this section
21 and timely and accurate payments to group homes. The Department shall not, under any
22 circumstances, use any portion of the two million dollars (\$2,000,000) appropriated in this act
23 to the Division of Central Management and Support for the purpose of this section for any other
24 purpose.

25 **SECTION 12A.7.(d)** By no later than April 1, 2015, the Department of Health and
26 Human Services shall submit to the Joint Legislative Oversight Committee on Health and
27 Human Services and the Fiscal Research Division:

28 (1) A plan for a long-term solution for individuals residing in group homes who
29 would like to continue residing in this setting and, as a result of an
30 independent assessment, have been determined to need only supervision,
31 medication management, or both.

32 (2) A list of funding sources for each group home that receives assistance
33 authorized by this section, based on the information provided to the
34 Department pursuant to Section 12A.7(b)(7).

35 **SECTION 12A.7.(e)** Nothing in this section shall be construed as an obligation by
36 the General Assembly to appropriate funds for the purpose of this section, or as an entitlement
37 by any group home, resident of a group home, or other person to receive temporary, short-term
38 financial assistance under this section.

39 **SECTION 12A.7.(f)** As used in this act, "group home" means any facility that (i) is
40 licensed under Chapter 122C of the General Statutes, (ii) meets the definition of a supervised
41 living facility under 10A NCAC 27G .5601(c)(1) or 10A NCAC 27G .5601(c)(3), and (iii)
42 serves adults whose primary diagnosis is mental illness or a developmental disability but may
43 also have other diagnoses.

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1 **SECTION 12A.7.(g)** This section expires June 30, 2015."; and
2
3 by adjusting the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**