

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 941  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH40411-MGf-117A (03/26)

Short Title: Protect Seniors' Healthcare Choice. (Public)

Sponsors: Representative Avila.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
3 TO CONDUCT A PILOT PROGRAM EXEMPTING FROM CERTIFICATE OF NEED  
4 REVIEW CONTINUING CARE RETIREMENT COMMUNITIES SEEKING TO  
5 ESTABLISH A HOME HEALTH AGENCY FOR INDIVIDUALS RECEIVING  
6 LODGING WITHIN THESE COMMUNITIES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The Department of Health and Human Services (Department) shall  
9 conduct an 18-month pilot program, from the period commencing July 1, 2016, and ending  
10 December 31, 2017, to exempt from certificate of need requirements licensed continuing care  
11 retirement communities seeking to establish a home health agency. The Department shall select  
12 no more than 10 licensed CCRCs of different sizes and in different geographic regions of the  
13 State that meet all of the following criteria for participation in the pilot program:

- 14 (1) Is a continuing care retirement community licensed under Article 64 of  
15 Chapter 58 of the General Statutes to provide home health services to one or  
16 more residents who have entered into a contract with the CCRC to receive  
17 continuing care services with lodging.  
18 (2) Is a Medicare-certified facility.  
19 (3) Is seeking to establish a home health agency.

20 **SECTION 2.** In order to qualify for an exemption from certificate of need  
21 requirements for the establishment of a home health agency under the pilot program, each  
22 selected CCRC shall demonstrate that the proposed home health services will be used  
23 exclusively to meet the needs of individuals with whom the facility has continuing care  
24 contracts and who have lived in the CCRC for a continuous period of at least 30 days. The  
25 Department may make exceptions to this 30 continuous days requirement if the requirement  
26 cannot be satisfied due to a medical condition of the resident requiring home health care that  
27 was not known to exist or was not imminent at the time the individual became a party to the  
28 continuing care contract.

29 **SECTION 3.(a)** Each CCRC selected to participate in the pilot program authorized  
30 by Section 1 of this act shall gather the following data for the duration of the pilot program and  
31 report this information to the Department by February 1, 2017:

- 32 (1) The total number of residents who could have chosen a home health agency.  
33 (2) The total number of residents who chose an outside agency.  
34 (3) The total number of residents who chose a licensed CCRC.  
35 (4) The scope of the services offered by CCRCs that participated in the pilot  
36 program.



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- 1           (5)    The cost implications of reduced readmissions.
- 2           (6)    Any other information the Department deems relevant for consideration.

3           **SECTION 3.(b)** By May 1, 2017, the Department shall submit a report to the Joint  
4 Legislative Oversight Committee on Health and Human Services and the Fiscal Research  
5 Division on the pilot program that encapsulates the information provided to the Department  
6 from the CCRCs pursuant to subsection (a) of this section, along with any other information the  
7 Department deems relevant for consideration.

8           **SECTION 4.** This act is effective when it becomes law.