

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 1071
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH20075-MGa-160A

Short Title: Assisted Seniors Financial Protection Act. (Public)

Sponsors: Representatives Stone, Howard, and Hurley (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FINANCIAL PROTECTIONS AGAINST UNWARRANTED
3 DISCHARGE AND UNJUSTIFIED INCREASES IN COSTS FOR NORTH CAROLINA
4 SENIORS RESIDING IN ADULT CARE HOMES AND APPROPRIATING FUNDS TO
5 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH
6 SERVICE REGULATION, FOR ADDITIONAL POSITIONS TO ENFORCE
7 STATUTORY PROTECTIONS FOR ADULT CARE HOME RESIDENTS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 131D-4.5 is amended by adding a new subdivision to read:

10 "(10) Establishing guidelines for procedural information that each adult care home
11 must include in a resident's contract with respect to increases in charges or
12 fees associated with changing the level of care provided by the facility to the
13 resident. The guidelines shall specify how a facility (i) determines changes to
14 levels of care and (ii) notifies the resident or the resident's legal representative
15 of the intent to initiate a change in the resident's level of care that will result
16 in an increase in the resident's charges or fees."

17 SECTION 2. G.S. 131D-4.8 reads as rewritten:

18 "§ 131D-4.8. Discharge of residents; appeals.

19 (a) An adult care home may initiate discharge of a resident based on any of the following
20 reasons:

- 21 (1) The discharge is necessary to protect the welfare of the resident and the adult
22 care home cannot meet the medical needs of the resident, as documented by
23 the resident's ~~physician, physician assistant, or nurse practitioner~~ physician.
- 24 (2) The health of the resident has improved sufficiently so that the resident is no
25 longer in need of the services provided by the adult care home, as documented
26 by the resident's physician, physician assistant, or nurse practitioner.
- 27 (3) The immediate safety of the resident or other individuals in the adult care
28 home is ~~endangered~~ endangered, as documented by the adult care home.
- 29 (4) The immediate health of the resident or other individuals in the adult care
30 home is endangered, as documented by a physician, physician assistant, or
31 nurse practitioner.
- 32 (5) The resident has failed to pay the costs of services and accommodations by
33 the payment due date specified in the resident's contract with the adult care
34 home, after receiving written notice of warning of discharge for failure to pay.
- 35 (6) The discharge is mandated under this Article, Article 3 of this Chapter, or
36 rules adopted by the Medical Care Commission.



1 (b) Upon arrival at any adult care home, an individual must be identified to receive a
2 discharge notice on behalf of the resident. An adult care home shall notify a resident, the
3 resident's legal representative, and the individual identified to receive a discharge notice of its
4 intent to initiate the discharge of the resident under subsection (a) of this section, in writing, at
5 least ~~30~~60 days before the resident is discharged. The written notice shall include (i) the reasons
6 for the discharge, (ii) an appropriate discharge destination if known, (iii) personal medical care
7 information relating to the resident, as required by the Department, (iv) a copy of the Adult Care
8 Home Notice of Discharge, (v) a copy of the Adult Care Home Hearing Request Form, and (vi)
9 other information, as required under rules adopted by the Medical Care Commission. If a
10 discharge is initiated under subdivision (a)(1) of this section on the basis that a resident's
11 physician requires a different level of care for the resident, the discharge is not subject to appeal
12 for that specific reason unless there is a documented conflict between two or more of the
13 resident's physicians regarding the resident's appropriate level of care but remains subject to
14 appeal on all other available grounds.

15 (b1) If an adult care home resident or the resident's legal representative elects to appeal a
16 discharge initiated by the adult care home, the running of the 60-day notice period prescribed by
17 subsection (b) of this section is suspended on the date the appeal is filed. The 60-day notice
18 period does not resume until the date the Hearing Unit issues a decision; provided, however, that
19 the 60-day notice period shall not be suspended more than once for each discharge determination
20 appealed by a resident.

21"

22 **SECTION 3.** There is appropriated from the General Fund to the Department of
23 Health and Human Services, Division of Health Service Regulation, the sum of ninety thousand
24 dollars (\$90,000) for the 2018-2019 fiscal year to be used as follows:

- 25 (1) Forty thousand dollars (\$40,000) for one full-time equivalent position within
26 the Division of Health Service Regulation dedicated to fulfilling the
27 administrative functions of that Division.
28 (2) Fifty thousand dollars (\$50,000) for one full-time equivalent position within
29 the Division of Health Service Regulation dedicated to the Adult Care
30 Licensure Section.

31 **SECTION 4.** This act becomes effective July 1, 2018.