

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35189-MGa-81

Short Title: Supplemental Assistance for Group Homes/Funds. (Public)

Sponsors: Senator Krawiec (Primary Sponsor).

Referred to:

1 AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES,
3 AND SUBSTANCE ABUSE SERVICES, TO PROVIDE SUPPLEMENTAL
4 ASSISTANCE FOR GROUP HOMES.

5 The General Assembly of North Carolina enacts:

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

11 **SECTION 1.(b)** There is appropriated from the General Fund to the Department of
12 Health and Human Services, Division of Mental Health, Developmental Disabilities, and
13 Substance Abuse Services, the sum of five million dollars (\$5,000,000) in nonrecurring funds for
14 each year of the 2019-2021 fiscal biennium, to provide temporary, short-term financial assistance
15 in the form of a monthly payment to group homes on behalf of each resident who meets all of the
16 following criteria:

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

23 **SECTION 1.(c)** These monthly payments shall be subject to all of the following
24 requirements and limitations:

- 25 (1) The amount of the monthly payments authorized by this section shall not
26 exceed four hundred sixty-four dollars and thirty cents (\$464.30) per month
27 for each resident who meets all criteria specified in subsection (b) of this
28 section.
29 (2) A group home that receives the monthly payments authorized by this section
30 shall not, under any circumstances, use these payments for any purpose other
31 than providing, as necessary, supervision and medication management for a
32 resident who meets all criteria specified in subsection (b) of this section.
33 (3) The Department shall make monthly payments authorized by this section to a
34 group home on behalf of each resident who meets all criteria specified in
35 subsection (b) of this section only for the period commencing July 1, 2019,
36 and ending June 30, 2021, or upon depletion of the five million dollars



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1 (\$5,000,000) in nonrecurring funds appropriated in this act to the Division of
2 Mental Health, Developmental Disabilities, and Substance Abuse Services,
3 for supplemental short-term assistance for group homes, for each year of the
4 2019-2021 fiscal biennium for the purpose of this section, whichever is earlier.

5 (4) The Department shall make monthly payments authorized by this section only
6 to the extent sufficient funds are available from the five million dollars
7 (\$5,000,000) in nonrecurring funds appropriated in this act to the Division of
8 Mental Health, Developmental Disabilities, and Substance Abuse Services,
9 for supplemental short-term assistance for group homes, for each year of the
10 2019-2021 fiscal biennium for the purpose of this section.

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

14 (6) The Department shall terminate all monthly payments pursuant to this section
15 on June 30, 2021, or upon depletion of the five million dollars (\$5,000,000)
16 in nonrecurring funds appropriated in this act to the Division of Mental Health,
17 Developmental Disabilities, and Substance Abuse Services, for supplemental
18 short-term assistance for group homes, for each year of the 2019-2021 fiscal
19 biennium for the purpose of this section, whichever is earlier.

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

24 **SECTION 1.(d)** The Department shall use an existing mechanism to administer
25 these funds in the least restrictive manner that ensures compliance with this section and timely
26 and accurate payments to group homes. The Department shall not, under any circumstances, use
27 any portion of the five million dollars (\$5,000,000) in nonrecurring funds appropriated in this act
28 to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for
29 supplemental short-term assistance for group homes, for each year of the 2019-2021 fiscal
30 biennium for any other purpose than the purpose specified in this section.

31 **SECTION 1.(e)** By September 1, 2019, the Department of Health and Human
32 Services shall submit the following to the Joint Legislative Oversight Committee on Health and
33 Human Services and the Fiscal Research Division:

34 (1) A list of funding sources for each group home that receives assistance
35 authorized by this section, based on the information provided to the
36 Department pursuant to subdivision (7) of subsection (c) of this section.

37 (2) A plan for sustained funding beyond the 2019-2021 fiscal biennium for group
38 homes that provide services to individuals diagnosed with mental illness or
39 intellectual or developmental disabilities. The plan must be based on an
40 assessment of the number and size of these group homes, their geographic
41 location, current sources of funding for each group home, and any other
42 aspects determined by the Department to affect their viability.

43 **SECTION 1.(f)** Nothing in this section shall be construed as an obligation by the
44 General Assembly to appropriate funds for the purpose of this section, or as an entitlement by
45 any group home, resident of a group home, or other person to receive temporary, short-term
46 financial assistance under this section.

47 **SECTION 1.(g)** This section expires June 30, 2021.

48 **SECTION 2.** This act becomes effective July 1, 2019.