



HOUSE BILL 910: Allow Overnight Respite/Adult Day Facilities

2015-2016 General Assembly

Committee:	House Finance, if favorable, Appropriations	Date:	May 12, 2015
Introduced by:	Reps. Avila, Dollar, Lambeth	Prepared by:	Trina Griffin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 910 would do the following:*

- *Establish a certification process for overnight respite provided in adult day care and adult day health care programs.*
- *Require DHHS to add overnight respite as a service under the Home and Community Care Block Grant (HCCBG) and to explore the inclusion of adult day overnight respite in services reimbursable under Community Alternatives Program for Disabled Adults (CAP/DA) and the Innovations waiver.*
- *Appropriate \$88,000 to the Department of Health and Human Services (DHHS) to fund two staff positions to support the certification process.*
- *Authorize DHHS to charge the following fees:*
 - *\$350 initial certification fee*
 - *\$315 renewal certification fee*
 - *\$225 fee for the review of construction plans for adult day care/health overnight respite facilities*

CURRENT LAW: Adult Day Care - G.S. 131D-6(b) defines adult day care as the provision of group care and supervision in a place other than the usual place of abode *on a less than 24-hour basis* to adults who may be physically or mentally disabled. The Department of Health and Human Services annually inspects and certifies all adult day care programs in accordance with rules adopted by the Social Services Commission. G.S. 131D-6(a) provides that, "It is the policy of this State to enable people who would otherwise need full-time care away from their own residences to remain in their residences as long as possible and to enjoy as much independence as possible. One of the programs that permits adults to remain in their residences with their families is adult day care."

Respite - G.S. 143B-181.10(a) specifies that a respite care program provides needed relief to caregivers of impaired adults who cannot be left alone because of mental or physical problems.

BILL ANALYSIS: **Section 1** of House Bill 910 establishes a new law [G.S. 131D-6A] to provide for certification of overnight respite in adult day care and adult day health facilities. Overnight respite services are defined as the provision of group care and supervision in a place other than the individual's usual place of abode on a 24-hour basis to adults who may be physically or mentally disabled. An adult day care facility may apply to DHHS for certification to offer overnight respite services. DHHS is required to adopt rules to limit the provision of 24-hour care for each adult to: (i) not more than 14 consecutive calendar days, or not more than 60 total calendar days during a 365-day period, or (ii) the amount of respite allowed under the State's Innovations waiver or CAP/DA. The rules must include requirements to ensure the health and safety of participants in 10 specified areas. The Division of Health Service Regulation, DHHS will enforce the rules and will inspect for compliance. The facilities must be certified annually. Each facility must periodically report to the Division on the number of individuals served and the average daily census. Nothing prevents a certified adult day or adult day health overnight respite program from receiving State funds or participating in a government insurance plan, including Medicaid, to the extent authorized or permitted. The Department must charge each adult day health overnight respite program a \$350 nonrefundable initial certification fee and a nonrefundable renewal fee of \$315.

Section 2 amends G.S. 131E-267 to allow DHHS to charge a \$225 fee for the review of adult day care overnight respite facilities and adult day health overnight respite facilities.

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House Bill 910

Page 2

Section 3 appropriates to the Division of Health Service Regulation, DHHS, \$88,000 for the 2015-16 fiscal year and \$88,000 for the 2016-17 fiscal year to create 1 FTE Nursing Consultant position and 1 FTE Engineer/Architect position dedicated to inspecting facilities authorized by the bill.

Section 4 requires the Division of Aging and Adult Services, DHHS, to add adult day care overnight respite programs as a service category under the Home and Community Care Block Grant (HCCBG).

Section 5 directs the Division of Medical Assistance, DHHS, to take any and all action necessary to amend allow adult day health and adult day care overnight respite programs to become allowable providers of overnight respite under the NC Innovations waiver and the NC Community Alternatives Program for Disabled Adults (CAP/DA).

EFFECTIVE DATE: The bill would become effective July 1, 2015.

BACKGROUND: Older Adult Population Growth - According to the Division of Aging and Adult Services, between years 2013-2033, the 65-74 year old population segment will increase 54%; the 75-84 year old population segment will increase 102%; and the 85+ year old population segment will increase 88%. By 2025, 90 North Carolina counties will have more people 60+ than children 0-17.

Additional Information on Adult Day Care and Adult Day Health Care Programs - Adult Day Care entities are certified by the Division of Aging and Adult Services. There is a health model and a social model that serve older and disabled adults. According to information in the PED report, as of May 2014, there were 100 adult day care programs with 4,827 client slots. An adult day care provides a respite option for caregivers during the day; many times these caregivers go to work. At the end of the day, the adults leave the adult day care and return home.

Home and Community Care Block Grant (HCCBG) – established by the federal Older Americans Act and implemented by G.S.143B-181.1(a)(11), includes federal funds, State funds, local funds, and a consumer contribution component. County Commissioners have discretion, flexibility, and authority in determining services, service levels, and service providers and may select from among 18 eligible services (Adult Day Care, Adult Day Health Care, Care Management, Congregate Nutrition, Group Respite, Health Promotion and Disease Prevention, Health Screening, Home Delivered Meals, Skilled Home (Health) Care, Housing and Home Improvement, Information and Case Assistance, In-Home Aide, Institutional Respite Care, Mental Health Counseling, Senior Center Operations, Senior Companion, Transportation, and Volunteer Program Development).

NC Innovations Waiver - provides an array of community-based services and supports for people with intellectual and other related developmental disabilities that are at risk for institutional care in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) offering an alternative to institutional care.

Adult Day Overnight Respite Pilot - S.L. 2011-104 (SB 512) required the DHHS Secretary to select 2-4 stable and successful adult day care programs in which to conduct a pilot program to provide overnight respite services. The enacted legislation specified criteria for the selection and administration of the pilot programs. The State was not authorized to pay for any overnight respite services offered through the pilot program and the pilot is not eligible to enroll or participate in the Medicaid program. The adult day care programs were selected and the pilot took place. The Program Evaluation Division (PED) conducted an evaluation of the pilot and provided a report.¹ This act is scheduled to be repealed June 1, 2015.

Theresa Matula, Committee Staff to House Health Committee, substantially contributed to this summary.

¹ [Overnight Respite Pilot at Adult Day Care Facilities Perceived as Favorable, but Lacked Objective Measures of Success \(October 2014\).](#)