

**1998**

**HOUSE  
HUMAN RESOURCES**

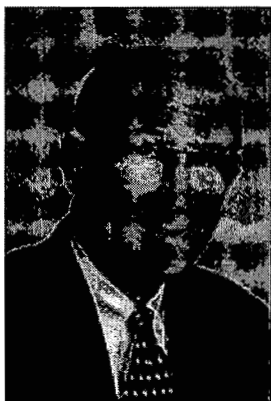
**MINUTES**

**HUMAN RESOURCES COMMITTEE**

MEMBER	PHONE #	ROOM #	SEAT #
Adams, Alma S.	3-5902	542	103
Aldridge, M. W. "Henry"	3-5958	640	39
Bowie, Joanne W.	3-5853	1206	26
Clary, Debbie A.	5-3011	418B	75
Creech, Billy James	3-5829	635	42
Culp, Arlie F.	3-5865	1010	62
Cunningham, W. Pete	3-5755	607	92
Earle, Beverly M.	5-4466	602	95
Easterling, Ruth M.	3-5786	606	79
Esposito, Theresa H.	5-2530	634	5
Gardner, Charlotte A.	5-3017	417B	7
Gulley, Jim	3-5860	1307	98
Howard, Julia Craven	3-5904	1021	8
Hunter, Howard J., Jr.	3-2962	613	68
Insko, Verla C.	3-5800	1319	112
Ives, Bill	3-5784	633	90
McAllister, Mary E.	3-5706	603	70
Nesbitt, Martin L., Jr.	5-0873	1213	118
Ramsey, Liston B.	3-5606	2217	48
Rayfield, John M.	5-3009	418C	97
Warwick, Nurham	3-5886	1015	113
Watson, Cynthia B.	5-3015	417C	19
Wilson, Gene	3-7727	1109	52
Womble, Larry	3-5751	540	105

## **House Human Resources Committee**

**1997-98 Session**



**Henry Aldridge**  
**Co-Chair**



**Julia C. Howard**  
**Co-Chair**



**Liston B. Ramsey**  
**Ranking Minority**  
**Member**

## House Human Resources Committee

1997-98 Session

### Members



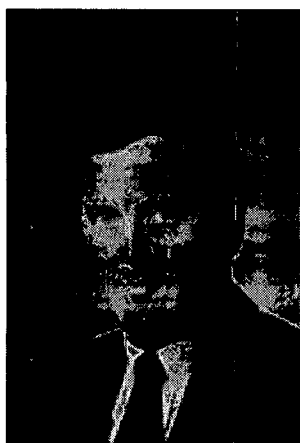
Alma S. Adams



Joanne W. Bowie



Debbie A. Clary



Billy J. Creech



Arlie F. Culp



W. Pete Cunningham



Beverly M. Earle



Ruth M. Easterling



Theresa Esposito

# House Human Resources Committee

1997-98 Session

## Members



Charlotte A. Gardner



Jim Gulley



Howard J. Hunter, Jr.



Verla C. Insko



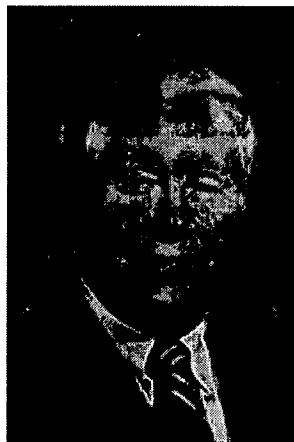
Bill Ives



Mary E. McAllister



Martin L. Nesbitt, Jr.



John M. Rayfield



Nurham Warwick

# **House Human Resources Committee**

**1997-98 Session**

## **Members**



Cynthia B. Watson



Gene Wilson



Larry Womble

[illegible]

NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT  
HOUSE: HUMAN RESOURCES

1997-98 Regular Session

Valid Through 13-NOV-1998

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 28	BAKER	DSS BOARD CHANGE	*R -CH. SL 97-0135	02-04-97	02-26-97
H 73=	GOODWIN	REDUCE COUNTY SHARE PAYMENTS	*HF-POSTPONED INDEFINITELY	02-10-97	04-03-97
H 77	HOWARD	DISSOLVE CERTAIN MENTAL HEALTH AUTH	R -CH. SL 97-0007	02-10-97	02-20-97
H 81=	CLARY	RESIDENCY REQ/SPECIAL ASSISTANCE	*R -CH. SL 97-0210	02-10-97	03-06-97
H 81=	CLARY	RESIDENCY REQ/SPECIAL ASSISTANCE	*R -CH. SL 97-0210	04-22-97	
H 110=	EARLE	ADULT CARE/NURSING HOME PENALTIES	*H -CAL PURSUANT RULE 36 (A)	02-12-97	04-21-97
H 143=	WILSON G	ADULT CARE HOMES ANNUAL REPORTING	*R -CH. SL 97-0073	02-13-97	03-05-97
H 143=	WILSON G	ADULT CARE HOMES ANNUAL REPORTING	*R -CH. SL 97-0073	04-15-97	
H 145=	NICHOLS	DAY CARE PLAYGROUND EQUIPMENT	*H -CAL PURSUANT RULE 36 (A)	02-13-97	03-11-97
H 151=	EASTERLING	CHILD FATALITY TASK FORCE RECORDS	H -RE-REF COM ON JUDICII	02-13-97	03-11-97
H 152=	EASTERLING	CHILD ABUSE REPORT PENALTY	H -RE-REF COM ON JUDICII	02-13-97	04-16-97
H 153=	EASTERLING	DEPENDENT JUVENILE DEFINITION	R -CH. SL 97-0113	02-13-97	03-18-97
H 166=	ALDRIDGE	PHYSICAL FITNESS ACT FUNDS	*H -ASSIGNED TO APP-HRES	02-13-97	05-07-97
H 167=	ALDRIDGE	HEART DISEASE DATA FUNDS	H -ASSIGNED TO APP-HRES	02-13-97	05-06-97
H 171=	EARLE	STRIKE OUT STROKE FUNDS	HF-POSTPONED INDEFINITELY	02-13-97	05-06-97
H 185=	MITCHELL	AMEND FAMILY CARE HOME REPORTING	H -ASSIGNED TO HR-FAM	02-17-97	
H 186=	MITCHELL	FOSTER CARE CRIMINAL CK. CORRECTION	S -REF TO COM ON CH&HUMRS	02-17-97	03-18-97
H 213	NICHOLS	CONTROL OF CO. BDS./HUMAN SERVICES	HF-POSTPONED INDEFINITELY	02-17-97	
* H 235=	EASTERLING	INCREASE FEE FOR BIRTH/DEATH CERT.	H -REF TO COM ON HR	02-17-97	- Rule 36 form returned
H 303	ALDRIDGE	BAN PARTIAL-BIRTH ABORTIONS	*S -REF TO COM ON CH&HUMRS	02-24-97	04-24-97
H 327	MITCHELL	AREA MENTAL HEALTH BD./APPT.	S -REF TO COM ON CH&HUMRS	02-26-97	03-27-97
H 456=	DOCKHAM	REG DEEDS - NO ABUSE INFO.	R -CH. SL 97-0136	03-10-97	04-24-97
* H 464	ALEXANDER	ENHANCE CHILD CARE	*H -RE-REF COM ON HR	04-24-97	- Rule 36 form returned
H 469=	TALLENT	PERMIT FEES	*R -CH. SL 97-0479	03-10-97	04-15-97
* H 478=	BADDOUR	HEALTH TO DHR/DEHNR NAME CHANGE	H -REF TO COM ON HR	03-10-97	- Rule 36 form returned
H 536	WILSON C	ABORTION/RIGHT TO KNOW	*S -REF TO COM ON CH&HUMRS	03-18-97	04-24-97
H 564	GARDNER	SUPERVISING DENTAL HYGIENISTS	*S -REF TO COM ON CH&HUMRS	03-20-97	04-15-97
H 576=	WRIGHT	NEEDLE EXCHANGE PILOT PROGRAM	HF-POSTPONED INDEFINITELY	03-20-97	
H 682	GARDNER	HOME CARE/PHARMACY SERVICES	H -ASSIGNED TO HR-FAM	03-31-97	
H 896	GARDNER	CHILD WELFARE CHANGES	*R -CH. SL 97-0390	04-08-97	04-24-97

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

\* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.

BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

Page: 1

\* Attached



NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT  
HOUSE: HUMAN RESOURCES

Valid Through 13-NOV-1998

1997-98 Regular Session

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 897	MCCOMAS	NURSING/REST HOME ADV. COMM.APPTS.	*R -CH. SL 97-0176	04-08-97	04-30-97
H 929	MORRIS	DOMESTIC VIOLENCE CHANGES-2	*S -REF TO COM ON JUDIC	04-14-97	04-16-97
H 948	GARDNER	PHARMACY REHABILITATION PROGRAM	R -CH. SL 97-0177	04-15-97	04-29-97
H 949=	GARDNER	IMPROVE CHILD PROTECTION/RECORDS	*R -CH. SL 97-0459	04-15-97	04-29-97
* H1007	MOORE	CHILDHOOD LEAD EXPOSURE CONTROL-2	H -REF TO COM ON HR	04-21-97	- Rule 36 form returned
H1016=	EARLE	DAY CARE FRAUD COLLECTIONS	HF-POSTPONED INDEFINITELY	04-21-97	
H1029	BOWIE	DENTAL EXAMINATION PILOT PROGRAM	HF-POSTPONED INDEFINITELY	04-21-97	04-24-97
H1030	MOSLEY	CRIM.RECORD CHECKS/CLERK OF COURT	HF-POSTPONED INDEFINITELY	04-21-97	
H1062	BERRY	CHILD SUPPORT/HEALTH COVERAGE	*S -REF TO COM ON PENSIONS	04-21-97	04-30-97
H1065	DAVIS D	PARENTAL RIGHTS & CHILD PROTECT ACT	H -ASSIGNED TO HR-FAM	04-21-97	
H1102	BRAWLEY	NEIGHBOR CHILD CARE LAW	H -ASSIGNED TO HR-FAM	04-21-97	
* H1112	NESBITT	SURROGATE CONSENT/HEALTH CARE	H -REF TO COM ON HR	04-21-97	- Rule 36 form returned
H1116	BOYD-MCINTYRE	MEDICAL RESEARCH/INCLUDE WOMEN	HF-POSTPONED INDEFINITELY	04-21-97	
H1130	BOYD-MCINTYRE	PROTECT HEALTH CARE WHISTLEBLOWERS	HF-POSTPONED INDEFINITELY	04-21-97	
* H1206	ALLRED	ADOPTION REGISTRY	H -REF TO COM ON HR	05-05-97	- Rule 36 form returned
H1376=	SHERILL	CLARIFIED CHILD CARE PUBLICATION	*S -REF TO COM ON CH&HUMRS	05-21-98	07-07-98
* H1392=	SHERILL	CHILD CARE CHANGES	H -REF TO COM ON HR	05-21-98	- Rule 36 form returned
H1435	CULP	HEALTH CARE REGISTRY	*HF-POSTPONED INDEFINITELY	05-25-98	06-24-98
H1465=	EARLE	ADOPTION REGISTRY	HF-POSTPONED INDEFINITELY	05-25-98	
H1583	IVES	DOMESTIC VIOLENCE/ADMIN. OF GRANTS	S -REF TO COM ON JUDIC	05-28-98	07-14-98
* H1757	CAPPS	DISAPPROVAL OF CERTAIN RULES	HF-POSTPONED INDEFINITELY	07-15-98	10-12-98 - Rule 36 form returned
S 53=	DANNELLY	ADULT CARE/NURSING HOME PENALTIES	*R -CH. SL 97-0431	04-30-97	07-17-97
S 168	HOYLE	INCREASE NURSES FEES	*R -CH. SL 97-0384	04-16-97	07-03-97
S 304=	ODOM	DISAPPROVAL OF CERTAIN RULES-2	*S -REF TO COM ON WAYS&MNS	04-29-97	10-13-98
S 332	LUCAS	FOSTER CARE TRAINING	H -REF TO COM ON HR	04-08-97	
S 346	DANNELLY	JUVENILE GUARDIANS	*H -REF TO COM ON HR	04-15-97	
S 350	SOLES	SUPPLEMENTAL INSURANCE BENEFITS	*R -CH. SL 98-0187	04-02-97	09-23-98
S 383=	PERDUE	HEALTH TO DHR/DEHNR NAME CHANGE	*H -REF TO COM ON HR	04-15-97	
S 445	RAND	ALLOW NURSING INTERSTATE COMPACTS	R -CH. SL 97-0491	04-29-97	08-21-97
S 476=	PERDUE	OSTEOPOROSIS TASK FORCE	*H -REF TO COM ON HR	06-11-97	

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

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BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY  
**COMMITTEE SUMMARY REPORT**  
HOUSE: HUMAN RESOURCES

1997-98 Regular Session

Valid Through 13-NOV-1998

<u>BILL</u>	<u>INTRODUCER</u>	<u>SHORT TITLE</u>	<u>LATEST ACTION ON BILL</u>	<u>IN DATE</u>	<u>OUT DATE</u>
S 479=	LUCAS	REG. DEEDS-NO ABUSE INFO	H -REF TO COM ON HR	04-22-97	
S 626	FORRESTER	OFFICE OF WOMEN'S HEALTH	*R -CH. SL 97-0172	04-30-97	05-20-97
S 636	HARTSELL	PUBLIC HEALTH AUTHORITY ACT	*R -CH. SL 97-0502	05-01-97	07-17-97
S 712	REEVES	SUBSTANCE ABUSE SPECIALISTS	*R -CH. SL 97-0492	06-09-97	08-21-97
S 786	MARTIN W	VOC. REHAB. SUBROGATION CHANGE	H -REF TO COM ON HR	04-30-97	
<b>S 806</b>	<b>CONDER</b>	<b>CHILDHOOD LEAD EXPOSURE CONTROL</b>	<b>*H -REF TO COM ON HR</b>	<b>06-12-97</b>	
S 851	KINNAIRD	LIMIT PROVISIONAL LICENSE	*R -CH. SL 97-0522	05-05-97	08-22-97
S 876	FORRESTER	CRIMINAL CHECKS/CONTRACT AGENCIES	R -CH. SL 97-0125	05-01-97	05-14-97
S 929	COOPER	ENHANCE CHILD CARE	*R -CH. SL 97-0506	05-01-97	08-14-97
S 943	RAND	MEDICAID FALSE CLAIMS ACT	*R -CH. SL 97-0338	05-01-97	05-12-97
S 962	MARTIN W	VOL. ADMISSION/FAMILY UNIT	*R -CH. SL 98-0047	05-01-97	08-14-97
S1023	FOXX	FAMILY FOSTER HOME STANDARDS	*R -CH. SL 97-0110	05-01-97	05-14-97
S1149	CARPENTER R	OUT-OF-HOME RESPITE CARE PROGRAM	*R -CH. SL 98-0097	06-17-98	07-15-98
S1182	RAND	REPEAL SUNSET/CHILD SUPPORT REQ.	*R -CH. SL 98-0017	06-09-98	06-23-98

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.  
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BOLDLED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

MEMORANDUM

TO: Rep. Ruth Easterling  
FROM: Rep. Julia Howard / Rep. Henry Aldridge, Co-Chairs  
COMMITTEE: HUMAN RESOURCES COMMITTEE  
DATE: August 19, 1998  
SUBJECT: HB 235 "Increase Fee for Birth/Death Certificate"

House Rule 36 speaks to reporting bills out of standing committees or permanent subcommittees by the last adjournment of the 1997-98 legislative session. -- "All House bills and resolutions **shall be reported from** the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair of the standing committee or permanent subcommittee that the bill not be considered.**"

If it is your intent that the bill listed above not be considered by committee this legislative session, please **sign** and **date** the form and **return** it to Committee Clerk Gail Stewart, for the Committee on HUMAN RESOURCES, in Room 1021 by Wednesday, August 26.

Thank you.

oooooooooooooooo

Dear Committee Chairs:

I request that the above-mentioned House Bill 235, for which I am the principal introducer, not be considered by your committee for the 1997-98 legislative session.

Ruth M. Easterling (Sign)  
Representative

8/20/98 (Date)

PLEASE DO NOT DETACH THE FORM FROM THE MEMORANDUM

MEMORANDUM

TO: Rep. Martha Alexander  
FROM: Rep. Julia Howard / Rep. Henry Aldridge, Co-Chairs  
COMMITTEE: HUMAN RESOURCES COMMITTEE  
DATE: August 19, 1998  
SUBJECT: HB 464 "Enhance Child Care"

House Rule 36 speaks to reporting bills out of standing committees or permanent subcommittees by the last adjournment of the 1997-98 legislative session. -- "All House bills and resolutions **shall be reported from** the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair of the standing committee or permanent subcommittee that the bill not be considered.**"

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Thank you.

oooooooooooo

Dear Committee Chairs:

I request that the above-mentioned House Bill 464, for which I am the principal introducer, not be considered by your committee for the 1997-98 legislative session.

Martha B. Alexander (Sign)  
Representative

August 20, 1998 (Date)

PLEASE DO NOT DETACH THE FORM FROM THE MEMORANDUM

MEMORANDUM

TO: Rep. Phil Baddour  
FROM: Rep. Julia Howard / Rep. Henry Aldridge, Co-Chairs  
COMMITTEE: HUMAN RESOURCES COMMITTEE  
DATE: August 19, 1998  
SUBJECT: HB 478 "Health to DHR/DEHNR Name Change"

House Rule 36 speaks to reporting bills out of standing committees or permanent subcommittees by the last adjournment of the 1997-98 legislative session. -- "All House bills and resolutions **shall be reported from** the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair of the standing committee or permanent subcommittee that the bill not be considered.**"

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Thank you.

oooooooooooooooo

Dear Committee Chairs:

I request that the above-mentioned House Bill 478, for which I am the principal introducer, not be considered by your committee for the 1997-98 legislative session.

Phil Baddour (Sign)  
Representative

Aug 20, 1998 (Date)

PLEASE DO NOT DETACH THE FORM FROM THE MEMORANDUM

MEMORANDUM

TO: Rep. Richard Moore  
FROM: Rep. Julia Howard / Rep. Henry Aldridge, Co-Chairs  
COMMITTEE: HUMAN RESOURCES COMMITTEE  
DATE: August 19, 1998  
SUBJECT: HB 1007 "Childhood Lead Exposure Control"

House Rule 36 speaks to reporting bills out of standing committees or permanent subcommittees by the last adjournment of the 1997-98 legislative session. -- "All House bills and resolutions **shall be reported from** the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair of the standing committee or permanent subcommittee that the bill not be considered.**"

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Thank you.

oooooooooooo

Dear Committee Chairs:

I request that the above-mentioned House Bill 1007, for which I am the principal introducer, not be considered by your committee for the 1997-98 legislative session.

Richard Moore (Sign)  
Representative

8-25-98 (Date)

PLEASE DO NOT DETACH THE FORM FROM THE MEMORANDUM

MEMORANDUM

TO: Rep. Martin Nesbitt

FROM: Rep. Julia Howard / Rep. Henry Aldridge, Co-Chairs

COMMITTEE: HUMAN RESOURCES COMMITTEE

DATE: August 20, 1998

SUBJECT: HB 1112 "Surrogate Consent/Health Care"

House Rule 36 speaks to reporting bills out of standing committees or permanent subcommittees by the last adjournment of the 1997-98 legislative session. -- "All House bills and resolutions **shall be reported from** the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair of the standing committee or permanent subcommittee that the bill not be considered.**"

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Thank you.

oooooooooooo

Dear Committee Chairs:

I request that the above-mentioned House Bill 1112, for which I am the principal introducer, not be considered by your committee for the 1997-98 legislative session.

Martin Nesbitt (Sign)  
Representative

August 26, 1998 (Date)

PLEASE DO NOT DETACH THE FORM FROM THE MEMORANDUM

MEMORANDUM

TO: Rep. Cary Allred  
FROM: Rep. Julia Howard / Rep. Henry Aldridge, Co-Chairs  
COMMITTEE: HUMAN RESOURCES COMMITTEE  
DATE: August 20, 1998  
SUBJECT: HB 1206 "Adoption Registry"

House Rule 36 speaks to reporting bills out of standing committees or permanent subcommittees by the last adjournment of the 1997-98 legislative session. -- "All House bills and resolutions **shall be reported from** the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair of the standing committee or permanent subcommittee that the bill not be considered.**"


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Thank you.

oooooooooooo

Dear Committee Chairs:

I request that the above-mentioned House Bill 1206, for which I am the principal introducer, not be considered by your committee for the 1997-98 legislative session.

 (Sign)  
Representative

8-20-98 (Date)

PLEASE DO NOT DETACH THE FORM FROM THE MEMORANDUM



MEMORANDUM

TO: Rep. Wilma Sherrill  
FROM: Rep. Julia Howard / Rep. Henry Aldridge, Co-Chairs  
COMMITTEE: HUMAN RESOURCES COMMITTEE  
DATE: August 20, 1998  
SUBJECT: HB 1392 "Child Care Changes"

House Rule 36 speaks to reporting bills out of standing committees or permanent subcommittees by the last adjournment of the 1997-98 legislative session. -- "All House bills and resolutions **shall be reported from** the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair of the standing committee or permanent subcommittee that the bill not be considered.**"

If it is your intent that the bill listed above not be considered by committee this legislative session, please **sign** and **date** the form and **return** it to Committee Clerk Gail Stewart, for the Committee on HUMAN RESOURCES, in Room 1021 by Wednesday, August 26.

Thank you.

oooooooooooo

Dear Committee Chairs:

I request that the above-mentioned House Bill 1392, for which I am the principal introducer, not be considered by your committee for the 1997-98 legislative session.

Wilma Sherrill (Sign)  
Representative

8/20/98 (Date)

PLEASE DO NOT DETACH THE FORM FROM THE MEMORANDUM

MEMORANDUM

TO: Rep. Russell Capps  
FROM: Rep. Julia Howard / Rep. Henry Aldridge, Co-Chairs  
COMMITTEE: HUMAN RESOURCES COMMITTEE  
DATE: August 20, 1998  
SUBJECT: HB 1757 "Disapproval of Certain Rules"

House Rule 36 speaks to reporting bills out of standing committees or permanent subcommittees by the last adjournment of the 1997-98 legislative session. -- "All House bills and resolutions **shall be reported from** the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair of the standing committee or permanent subcommittee that the bill not be considered.**"

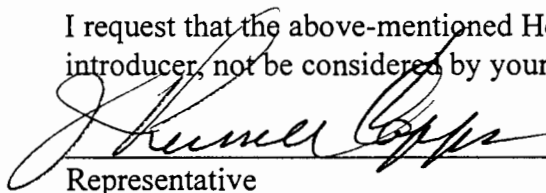
If it is your intent that the bill listed above not be considered by committee this legislative session, please **sign** and **date** the form and **return** it to Committee Clerk Gail Stewart, for the Committee on HUMAN RESOURCES, in Room 1021 by Wednesday, August 26.

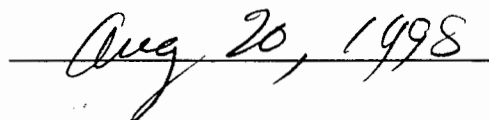
Thank you.

oooooooooooo

Dear Committee Chairs:

I request that the above-mentioned House Bill 1757, for which I am the principal introducer, not be considered by your committee for the 1997-98 legislative session.

 (Sign)  
Representative

 (Date)

PLEASE DO NOT DETACH THE FORM FROM THE MEMORANDUM

**1997 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) William M. Ives for the Permanent Subcommittee on Families of the Standing Committee on HUMAN RESOURCES.

- ☐ Committee Substitute for  
**H.B. 153** ☐ A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE  
CHILD FATALITY TASK FORCE TO IMPROVE THE DEFINITION OF "DEPENDENT  
JUVENILE".

REPORTED TO THE STANDING COMMITTEE ON

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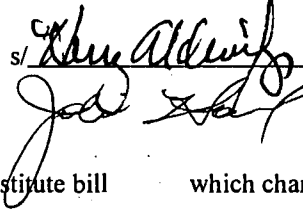
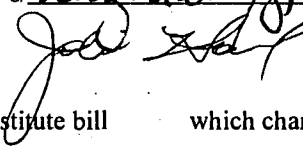
**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: -----

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WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Henry Aldridge and Rep. Julia Howard for the Standing Committee on HUMAN RESOURCES.

- s/   

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

**1997 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE  
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) William M. Ives for the Permanent Subcommittee on Families of the Standing Committee on HUMAN RESOURCES.

- ☐ Committee Substitute for  
H.B. 186 ☐ A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING  
AMENDMENTS TO THE STATUTES PROVIDING FOR CRIMINAL HISTORY RECORD  
CHECKS OF INDIVIDUALS INVOLVED IN PROVIDING CHILD FOSTER CARE AS  
RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE  
OVERSIGHT COMMITTEE

REPORTED TO THE STANDING COMMITTEE ON

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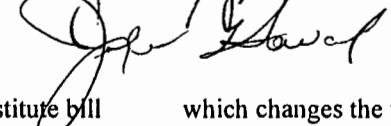
**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a unfavorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: -----

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Henry Aldridge and Rep. Julia Howard for the Standing Committee on HUMAN RESOURCES.

- s/   

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.-

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES  
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: HUMAN RESOURCES

CHAIRMAN: Representatives ALDRIDGE and HOWARD

DATE: March 6, 1997

---

Bill Number (Indicate H or S): HB 185

Short Title: "Amend Family Care Home Reporting"

Assigned to Subcommittee on: Families

Re-Assigned to Subcommittee on:

---

Bill Number (Indicate H or S): HB 186

Short Title: "Foster Care Criminal Check Correction"

Assigned to Subcommittee on: Families

Re-Assigned to Subcommittee on:

---

Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

---

Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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*Easterling*

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES  
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: HUMAN RESOURCES

CHAIRMAN: Representatives ALDRIDGE and HOWARD

DATE: March 6, 1997

---

Bill Number (Indicate H or S): HB 153

Short Title: "Dependent Juvenile Definition"

Assigned to Subcommittee on: Families

Re-Assigned to Subcommittee on:

---

Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate H or S):

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Bill Number (Indicate H or S):

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Earle

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES  
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: HUMAN RESOURCES

CHAIRMAN: Representatives ALDRIDGE and HOWARD

DATE: March 6, 1997

---

Bill Number (Indicate H or S): HB 110

Short Title: "Adult Care/Nursing Home Penalties"

Assigned to Subcommittee on: Aging

Re-Assigned to Subcommittee on:

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

---

Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

---

Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

---

Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

---

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

**COMMITTEE:**           **HUMAN RESOURCES**

**CHAIRMAN:**           **Representative Aldridge and Howard, Co-Chairs**

**DATE:**               **Tuesday, March 4, 1997**

---

Bill Number (Indicate **H** or **S**):    **H145**

Short Title:               **Day Care/Playground Equipment**

Assigned to Subcommittee on:    **Families**

Re-Assigned to Subcommittee on:

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Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate **H** or **S**):

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Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT

1997-98 Regular Session

HOUSE: HUMAN RESOURCES--FAMILIES

Valid Through 13-NOV-1998

<u>BILL</u>	<u>INTRODUCER</u>	<u>SHORT TITLE</u>	<u>LATEST ACTION ON BILL</u>	<u>IN DATE</u>	<u>OUT DATE</u>
H 145=	NICHOLS	DAY CARE PLAYGROUND EQUIPMENT	*H -CAL PURSUANT RULE 36(A)	03-04-97	03-11-97
H 153=	EASTERLING	DEPENDENT JUVENILE DEFINITION	R -CH. SL 97-0113	03-10-97	03-18-97
H 185=	MITCHELL	AMEND FAMILY CARE HOME REPORTING	H -ASSIGNED TO HR-FAM	03-10-97	
H 186=	MITCHELL	FOSTER CARE CRIMINAL CK. CORRECTION	S -REF TO COM ON CH&HUMRS	03-10-97	03-18-97
H 682	GARDNER	HOME CARE/PHARMACY SERVICES	H -ASSIGNED TO HR-FAM	04-21-97	
H 896	GARDNER	CHILD WELFARE CHANGES	*R -CH. SL 97-0390	04-21-97	04-24-97
H1065	DAVIS D	PARENTAL RIGHTS & CHILD PROTECT ACT	H -ASSIGNED TO HR-FAM	04-24-97	
H1102	BRAWLEY	NEIGHBOR CHILD CARE LAW	H -ASSIGNED TO HR-FAM	04-24-97	

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

\* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.

BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT

HOUSE: HUMAN RESOURCES--AGING

Valid Through 13-NOV-1998

1997-98 Regular Session

<u>BILL</u>	<u>INTRODUCER</u>	<u>SHORT TITLE</u>	<u>LATEST ACTION ON BILL</u>	<u>IN DATE</u>	<u>OUT DATE</u>
H 110=	EARLE	ADULT CARE/NURSING HOME PENALTIES	*H -CAL PURSUANT RULE 36(A)	03-10-97	04-03-97
H 897	MCCOMAS	NURSING/REST HOME ADV. COMM.APPTS.	*R -CH. SL 97-0176	04-21-97	04-30-97
H 897	MCCOMAS	NURSING/REST HOME ADV. COMM.APPTS.	*R -CH. SL 97-0176	05-01-97	05-01-97

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.  
 \* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.  
 BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

MINUTES  
HOUSE HUMAN RESOURCES COMMITTEE  
June 23, 1998

The House Human Resources Committee met on June 23, 1998, at 11:00 a.m. in Room 643. Members present were: Reps. Julia Howard and Henry Aldridge, Co-Chairs; and Reps., Bowie, Clary, Culp, Earle, Easterling, Gardner, Hunter, Ives, Nesbitt, Ramsey Watson, Wilson, and Womble.

The meeting was called to order at 11:10 a.m. with Rep. Howard presiding. Rep. Aldridge led in prayer, and Rep. Howard introduced the pages for the day: David Brentley from Durham and Elizabeth Allran from Catawba.

SB 1182 "Repeal Sunset/Child Support Req." was the first bill considered. It is sponsored by Senator Rand, but was handled by Rep. Gardner. Rep. Culpepper is the legislator designated to handle it on the Floor. The bill is to remove a sunset in order to continue to receive federal funds.

Gerald Robbins, Acting Chief of the Division of Child Support Enforcement section of Division of Social Services, spoke for the bill and stated that NC would lose about \$80 million dollars if the bill is not passed and signed into law by June 30, 1998. Also, if NC is not in compliance with the Federal guidelines, the state could lose its TANF money.

Rep. Womble moved that the bill be given a favorable report. Rep. Nesbitt made some comments about the invasive nature of the Federal government, such as this bill. Voice vote to give SB 1182 a favorable report was unanimous; there were no opposing votes.

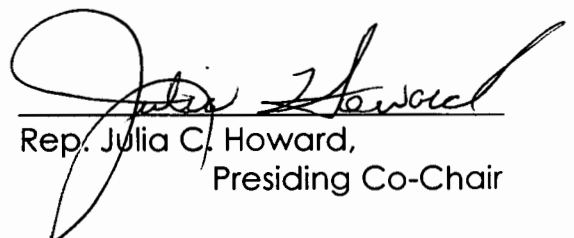
Rep. Howard introduced the second bill, which was HB 1435 "Health Care Registry" sponsored by Reps. Culp and Gardner. Rep. Wilson presented a proposed committee substitute, which was handed out to committee members, and moved that it be before the committee for the purpose of discussion. Vote was unanimous to consider the substitute. John Young, Committee Staff, explained the purpose for the bill.

Rep. Hunter moved for a favorable report to the committee substitute bill, unfavorable as to the original bill. Vote was unanimous for approval, and the bill will be sent to Appropriations.

The meeting was adjourned at 11:30 a.m.



Anne Cole, Acting Committee Clerk

  
Rep. Julia C. Howard,  
Presiding Co-Chair

**Gail Stewart (Rep. Howard)**

---

To: HUMAN RESOURCES/Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

**DAY & DATE:** Tuesday, June 23, 1998

**TIME:** 11:00 a.m.

**LOCATION:** Room 643

The following bill will be considered:

**SB 1182 "Repeal Sunset/Child Support Req." Senator Rand, Sponsor.**  
**HB 1435 "Health Care Registry." Rep. Culp, Sponsor.**

Respectfully,

Representatives Aldridge and Howard  
CoChairs

I hereby certify this notice was filed by the committee clerk at the following offices at **12:30 p.m.** on  
**Wednesday, June 17, 1998.**

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk - House Chamber

Gail Stewart  
Anne Cole  
Committee Clerks

**Requirements:** Participants are to treat the Club as if they are reporting to work. They are to dress appropriately, be well groomed and in class on time. If they are unable to come or will be late, they are to call as soon as they are aware of the situation. In addition, they are to check hygiene, attend regularly, be willing to share in all ways with the group, including job leads, frustrations, personal job search experiences, etc., and be ready to go on an interview or accept employment at all times. Each participant is required to bring in a certain number of job leads per session, to be shared and actively pursued. Participants will learn different techniques of finding jobs. They will job search by using the telephone, yellow pages, newspapers, magazines, visiting employers/businesses/ESC Office, networking through friends and relatives, help wanted signs, etc.

Rewards will be given to participants providing the most job leads in a specified time; the first participant to obtain an interview, the first to get a job, etc.

As the Club has just been implemented, there are no measures of success. However, the first session was a good indication of how eager participants are to share with each other and to learn new ways of doing things. Two participants had never thought about the importance of having back-up child care or transportation. Many had never thought about using the telephone to job search. As one participant shared a negative job search experience, others shared ways they would have handled the situation. Participants worked through which were appropriate approaches and which ones were not.

The Bertie County JOBS Club is going to be an exciting learning experience for our Work First participants. It will offer a new and different outlook on Job Search.

## **VII. Special Issues**

Special Issues or conditions exist within Bertie County that could affect the operation of the Work First Program. Bertie, the 2nd largest county in North Carolina, is very large, (over 700 square miles), very rural, and remote. Contentment with present conditions is a way of life. Change does not seem to be a priority and is not expected or anticipated. This may be attributed to the steady increase in the elderly population. The younger population is decreasing due to them leaving the county for better employment and educational opportunities as well as for the lack of recreation. Much of the remaining population is undereducated and unskilled.

Many landowners do not reside in the county and much of the land is used for growing agriculture or building residences, but not for industry development. There is only one major industry located in the County. Other industries include small mills and factories. Many jobs in Bertie are minimum wage. Recent statistics show that 344 residents commute to the State of Virginia daily for employment. There are many more commuting to other areas of NC for employment. If the trend of Bertie County's job

# **AGENDA**

## **House Standing Committee on HUMAN RESOURCES**

**Tuesday, June 23, 1998**

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of SB 1182 "Repeal Sunset/Child Support Req."  
Senator Rand, Sponsor

Discussion/Vote

Presentation of HB 1435 "Health Care Registry"  
Rep. Arlie Culp, Sponsor

Discussion/Vote

Announcements

Adjournment

[illegible]

**1998 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard & Aldridge** for the Committee on **HUMAN RESOURCES**.

☒ Committee Substitute for

S.B. 1182 A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL REQUIREMENTS IN ORDER TO AVOID LOSS OF FEDERAL FUNDS FOR THE 1998-99 FISCAL YEAR UNDER THE CHILD SUPPORT IV-D ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES FEDERAL BLOCK GRANT.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on  
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (# ), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # ), (and recommendation that the committee substitute bill # ) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (# ), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)



*Rep. Culpepper*  
*Floor Sponsor*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1182  
Judiciary Committee Substitute Adopted 6/1/98

Short Title: Repeal Sunset/Child Support Req.

(Public)

Sponsors:

Referred to:

May 20, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL  
3 REQUIREMENTS IN ORDER TO AVOID LOSS OF FEDERAL FUNDS FOR  
4 THE 1998-99 FISCAL YEAR UNDER THE CHILD SUPPORT IV-D  
5 ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE  
6 TO NEEDY FAMILIES FEDERAL BLOCK GRANT.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. Section 11.3 of S.L. 1997-433 reads as rewritten:  
9 "Section 11.3. Except as otherwise provided in this act, this act becomes effective  
10 ~~October 1, 1997 and expires on June 30, 1998.~~ October 1, 1997."  
11 Section 2. This act is effective June 30, 1998.



# North Carolina General Assembly Legislative Services Office

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June 17, 1998

## MEMORANDUM

To: House Human Resources Committee

From: John Young

Re: **SB 1182 - Repeal Sunset/Child Support Requirements  
Senator Rand**

**Background Information on S.L. 1997-433, Child Support/Federal Requirements(H 301 Rep. Gardner and Culpepper):** S.L. 1997-433 amended the child support enforcement and paternity statutes to comply with changes in federal law. Specifically, this act (1) requires employers to report information on new employees; (2) authorizes the Department of Health and Human Services (DHHS) to issue subpoenas without a court order for information needed for child support enforcement or paternity establishment; (3) gives DHHS access to data in the Department of Transportation and law enforcement agencies; (4) requires judges to impose work activities; (5) implements federal health care coverage requirements; (6) conforms the State income tax intercept law to federal law; (7) provides that social security numbers must be received as part of the drivers license application; (8) allows for temporary support orders pending a paternity determination in cases where genetic test results show a 97% or higher probability; (9) decreases the time employers have to withhold income; (10) provides that in IV-D cases, when the obligor is not subject to wage withholding and fails to make one month of child support payments, the obligor becomes subject to withholding immediately; (11) establishes lien procedures when the obligor is either three months behind or \$3,000 in arrears, whichever occurs first; (12) directs DHHS to implement an automated collection system; (13) implements federal requirements for protecting privacy rights when there is a danger that disclosure of information regarding the location of a person may result in physical and emotional harm; and, (14) authorizes DHHS and financial institutions to enter into agreements to establish the data match system.

SB 1182 would remove the June 30, 1998 sunset provision on S.L. 1997-433, Child Support/Federal Requirements, enacted last session. This sunset was placed on the bill in order that issues relating to the implementation of the federal child support enforcement requirement could be addressed and reports made to the 1998 Regular Session of the General Assembly. Below is information on these issues.

**Issues:** Section 11 of S.L. 1997-433 directed the Attorney General to explore the feasibility of filing suit to challenge the federal government's authority to require states to conform with the federal child support enforcement law and report any findings and recommendations to the Short Session. Accordingly, on May 11, 1998, the Attorney General's office reported to the General Assembly that it is unlikely that North Carolina would prevail in an action for declaratory and injunctive relief.

Section 11.1 directed DHHS to apply to the U.S. Department of Health and Human Services for an exemption from implementing the requirement that parties to an action to establish paternity are not entitled to a trial by jury. (*Note: S.L. 1997-433 **did not** abolish the right to a jury trial for paternity establishment.*) On February 13, 1998, DHHS requested an exemption from the U.S. Department of Health and Human Services. To date, the Department has not received a response to its request for an exemption.

May 20, 1998

**S 1182. REPEAL SUNSET/CHILD SUPPORT REQ. TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL REQUIREMENTS IN ORDER TO AVOID LOSS OF FEDERAL FUNDS FOR THE 1998-99 FISCAL YEAR UNDER THE CHILD SUPPORT IV-D ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES FEDERAL BLOCK GRANT.** Amends sec. 11.3 of SL 1997-443 as title indicates.

**Intro. by Rand and Ballance.**

Ref. to Judiciary

GS 110

June 1, 1998

**S 1182. REPEAL SUNSET/CHILD SUPPORT REQ.** Intro. 5/20/98. Senate committee substitute makes the following changes to 1st edition. Changes effective date to June 30, 1998.

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(919) 733-2578

June 17, 1998

## MEMORANDUM

To: House Human Resources Committee

From: John Young

Re: **SB 1182 - Repeal Sunset/Child Support Requirements  
Senator Rand**

**Background Information on S.L. 1997-433, Child Support/Federal Requirements(H 301 Rep. Gardner and Culpepper):** S.L. 1997-433 amended the child support enforcement and paternity statutes to comply with changes in federal law. Specifically, this act (1) requires employers to report information on new employees; (2) authorizes the Department of Health and Human Services (DHHS) to issue subpoenas without a court order for information needed for child support enforcement or paternity establishment; (3) gives DHHS access to data in the Department of Transportation and law enforcement agencies; (4) requires judges to impose work activities; (5) implements federal health care coverage requirements; (6) conforms the State income tax intercept law to federal law; (7) provides that social security numbers must be received as part of the drivers license application; (8) allows for temporary support orders pending a paternity determination in cases where genetic test results show a 97% or higher probability; (9) decreases the time employers have to withhold income; (10) provides that in IV-D cases, when the obligor is not subject to wage withholding and fails to make one month of child support payments, the obligor becomes subject to withholding immediately; (11) establishes lien procedures when the obligor is either three months behind or \$3,000 in arrears, whichever occurs first; (12) directs DHHS to implement an automated collection system; (13) implements federal requirements for protecting privacy rights when there is a danger that disclosure of information regarding the location of a person may result in physical and emotional harm; and, (14) authorizes DHHS and financial institutions to enter into agreements to establish the data match system.

Senator Roy Cooper, Chair

Senate Judiciary Committee

Summary: SB 1182 - Repeal Sunset/Child Support Requirements

May 28, 1998

page 2

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SB 1182 would remove the June 30, 1998 sunset provision on S.L. 1997-433, Child Support/Federal Requirements, enacted last session. This sunset was placed on the bill in order that issues relating to the implementation of the federal child support enforcement requirement could be addressed and reports made to the 1998 Regular Session of the General Assembly. Below is information on these issues.

**Issues:** Section 11 of S.L. 1997-433 directed the Attorney General to explore the feasibility of filing suit to challenge the federal government's authority to require states to conform with the federal child support enforcement law and report any findings and recommendations to the Short Session. Accordingly, on May 11, 1998, the Attorney General's office reported to the General Assembly that it is unlikely that North Carolina would prevail in an action for declaratory and injunctive relief.

Section 11.1 directed DHHS to apply to the U.S. Department of Health and Human Services for an exemption from implementing the requirement that parties to an action to establish paternity are not entitled to a trial by jury. (*Note: S.L. 1997-433 **did not** abolish the right to a jury trial for paternity establishment.*) On February 13, 1998, DHHS requested an exemption from the U.S. Department of Health and Human Services. To date, the Department has not received a response to its request for an exemption.

# PUBLIC BILL

*Judiciary*  
Proposed Committee Substitute For  
S.B. 1182

SESSION LAW \_\_\_\_\_

## A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL REQUIREMENTS IN ORDER  
AVOID LOSS OF FEDERAL FUNDS FOR THE 1998-99 FISCAL YEAR UNDER THE CHILD SU  
IV-D ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE TO NEEDY  
FAMILIES FEDERAL BLOCK GRANT.

Introduced by Senator(s)

*Land*

Principal Clerk's Use Only

Committee Substitute  
Adopted  
Pursuant to Rule 45.1

JUN 1 1998

06-08-98 07:42 RC *gin*

PASSED 1st READING

JUN 9 1998

AND REFERRED TO COMMITTEE  
ON *Human Resources*

WITH UNANIMOUS CONSENT  
WITHDRAWN FROM

*Calendar*

JUN 9 1998

PLACED ON CALENDAR FOR

*6/4/98*

PASSED 2nd & 3rd  
READINGS

37-7 (V)  
JUN 4 1998

ORDERED SENT TO  
HOUSE OF REPRESENTATIVE



**1998 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard & Aldridge** for the Committee on **HUMAN RESOURCES**.

☐ Committee Substitute for

H.B. 1435 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCLUDE STATE-OPERATED FACILITIES AND RESIDENTIAL FACILITIES AND HOSPITALS FOR THE MENTALLY ILL, DEVELOPMENTALLY DISABLED, AND SUBSTANCE ABUSERS IN THE HEALTH CARE PERSONNEL REGISTRY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on  
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (~~Committee Substitute Bill #~~), ~~which changes the title,~~ unfavorable as to original bill (~~Committee Substitute Bill #~~), (and recommendation that the committee substitute bill ~~#~~) be re-referred to the Committee on *Appropriations*

☐ With a favorable report as to House committee substitute bill (# ), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

3/25/98



**North Carolina General Assembly  
Legislative Services Office**

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Research Division  
Suite 545, LOB  
300 N. Salisbury  
Raleigh, NC 27  
(919) 733-2578

June 17, 1998

**MEMORANDUM**

**TO:** House Human Resources Committee

**FROM:** John Young, Committee Staff

**RE:** Proposed Committee Substitute for House Bill-1435  
Representative Culp and Gardner

**BACKGROUND**

Chapter 713 (S 855) of the 1995 Session Laws required DHHS to expand the nurse registry to include a second registry that lists all unlicensed health care assistive personnel that provide hands-on care. The registry must list all health care personnel (adult care personal aides, nurse's aides, in-home aides or in-home personal care aides) whom DHHS finds to have committed one of the following offenses: (1) neglect or abuse of a person residing in a health care facility or receiving home-care or hospice services; (2) misappropriation of the property of a person residing in a health care facility or receiving home-care or hospice services; (3) misappropriation of the property of a health care facility; (4) diversion of drugs belonging to a health care facility or to a patient or client; or (5) fraud against a health care facility or a patient or client. Any employees who have been accused of such misconduct must also be named in the registry if DHHS has screened the allegation and determined that an investigation is warranted.

Health care facilities covered by the act passed in 1996 are adult care homes, hospitals, home care agencies, nursing pools, hospices, and nursing facilities. These facilities are obligated to notify DHHS of all allegations against their personnel which relate to the acts set out in (1) through (5) above; and they must also report any resulting disciplinary action, demotion, or termination. In return DHHS must provide them with information about any employee or perspective employee against whom a finding or allegation has been made. Neither DHHS or the facility will be liable for providing or for using any information from the registry if the information is given or used in good faith.

## **PROPOSED COMMITTEE SUBSTITUTE FOR HB 1435**

The Proposed Committee Substitute for House Bill 1435 would amend the health care registry statute (G.S. 131E-256) to:

1. extend the requirements of the health care personnel registry to state-operated facilities (G.S. 122C-22) and to residential facilities and hospitals for the mentally ill, developmentally disabled, or substance abusers (G.S. 122C-23). (See attachment for those facilities that would be covered);
2. expand the definition of health care personnel to be covered to include " unlicensed assistant personnel who provide hands-on care including habilitative aides and health care technicians";
3. clear up confusion as to the number of petitions that must be filed to contest actions by the Department to list actions on the Registry. The Office of Administrative Hearings is unclear as to whether a petitioner has to file separate petitions for each listing action or if only one petition is required to be filed that covers both the listing of an investigation and a finding. The bill would make it clear that only one petition should be required. It would expedite the hearing process and save the aides some money.

The proposed committee substitute further appropriates \$233,368 for 1998-99 to DHHS to implement the act.

**STATE FACILITIES**

**PSYCHIATRIC HOSPITALS**

Broughton Hospital  
1000 S. Sterling Street  
Morganton, NC 28655  
Courier: 06-13-21  
FAX # (704) 433-2292 (Dir)  
- (704) 433-2189 (Purch/Budget)

Cherry Hospital  
Caller Box 8000  
Goldsboro, NC 27530  
Courier: 01-11-05  
FAX# (919) 731-3785 (Administration/Clinica)  
(919) 731-3479 (Purchasing/Budget/Re)  
(919) 731-3775 (Pharmacy)  
(919) 731-3788 (Personnel)

Dorothea Dix Hospital  
820 S. Boylan Avenue  
Raleigh, NC 27603  
Courier: 56-20-09  
FAX# (919) 715-0707  
(919) 733-8460 (Bus/Fin)

John Umstead Hospital  
1003 12th Street  
Butner, NC 27509  
Courier: 07-02-08  
FAX# (919) 575-7643

**MENTAL RETARDATION CENTERS**

Black Mountain Center  
Old Highway 70  
Black Mountain, NC 28711  
Courier: 08-83-14  
FAX# (704) 669-3177 (Administration)  
(704) 669-3169 (Business Office)  
(704) 669-3138 (Personnel)

Caswell Center  
2415 West Vernon Avenue  
Kinston, NC 28501  
Courier: 01-21-04  
FAX# (919) 559-5350 (Main)  
(919) 559-5339 (Personnel)

Murdoch Center  
C Street  
Butner, NC 27509  
Courier: 07-01-01  
FAX# (919) 575-7641 (Main)  
(919) 575-7753 (Purch)

O'Berry Center  
400 Old Smithfield Road  
Goldsboro, NC 27530-8464  
Courier: 01-09-01  
FAX# (919) 731-3584

Western Carolina Center  
300 Enola Road  
Morganton, NC 28655  
Courier: 06-12-16  
FAX# (704) 438-6591 (Business Office)  
(704) 433-2799 (Director's Office)

**SCHOOLS FOR EMOTIONALLY DISTURBED**

Whitaker School  
L Street  
Building 76  
Butner, NC 27509-1626  
Courier: 07-02-09  
FAX# (919) 575-7895

Butner Adolescent Treatment Ctr.  
11th Street, Bldg. 42  
Butner, NC 27509  
Courier: 07-02-11

Wright School  
3132 Roxboro Road  
Durham, NC 27704  
Courier: 14-13-26  
FAX# (919) 220-7008

**SPECIAL CARE CENTER**

North Carolina Special  
Care Center  
Ward Boulevard  
Wilson, NC 27893  
Courier: 01-51-02  
FAX# (919) 390-2138

**ALCOHOL AND DRUG ABUSE TREATMENT CENTERS**

ADATC- Black Mountain  
301 Tabernacle Road  
Black Mountain, NC 28711  
Courier: 08-85-02  
FAX# (704) 669-3451

ADATC-Butner  
c/o John Umstead Hospital  
12th Street  
Butner, NC 27509  
Courier: 07-02-08  
FAX# (919) 575-7606  
(919) 575-7560 (Patient Information)

Walter B. Jones-ADATC  
2577 West 5th Street  
Greenville, NC 27834  
Courier: 01-47-35

FAX# (919) 830-8585

**Group Care Licensure Section  
February 24, 1998**

<b>Section .1300</b>	<b>249 Facilities</b>	<b>1140 Beds</b>		
Residential treatment for children and adolescents who are emotionally disturbed or who have mental illness				
<b>Section .2100</b>	<b>31 Facilities</b>	<b>815 Beds</b>		
Specialized community residential centers for individuals with developmental disabilities				
<b>Section .3100</b>	<b>17 Facilities</b>	<b>403 Beds</b>		
Nonhospital medical detoxification for individuals who are substance abusers				
<b>Section .3200</b>	<b>10 Facilities</b>	<b>192 Beds</b>		
Social setting detoxification for substance abuse				
<b>Section .3400</b>	<b>18 Facilities</b>	<b>529 Beds</b>		
Outpatient detoxification for substance abuse				
<b>Section .5000</b>	<b>18 Facilities</b>	<b>314 Beds</b>		
Facility based crisis service for individuals of all disability groups				
<b>Section .5100</b>	<b>112 Facilities</b>	<b>431 Beds</b>		
Community respite services for individuals of all disability groups				
<b>Section .5200</b>	<b>5 Facilities</b>	<b>195 Beds</b>		
Residential Therapeutic (Habilitative) Camps for Children and Adolescents of all disability groups				
<b>Section .5600A</b>	<b>76 Facilities</b>	<b>348 Beds</b>		
Supervised Living - Group Homes for adult and elderly individuals who are mentally ill				
<b>Section .5600B</b>	<b>274 Facilities</b>	<b>904 Beds</b>		
Supervised Living - Group Homes for individuals with mental retardation or other				

**SUPPLEMENTAL EXPANSION BUDGET WORKSHEET**

BUDGET CODE: 14470 DEPARTMENT: Health and Human Services PRIORITY No.            of             
 FUND NUMBER: 1311 DIVISION/ INSTITUTION: Division of Facility Services  
 PROGRAM NUMBER: 1500 FUND TITLE: Facility and Health Regulation  
 PROGRAM TITLE: Provide facilities and staff  
 TITLE OF REQUEST: Improve health and safety of residents  
 STATUTORY CHANGES/SPECIAL PROVISIONS REQUIRED TO IMPLEMENT?  
 YES ☒ NO ☐  
 IF YES, ATTACH A COPY OF THE DRAFT.

	1998-99
TOTAL REQUIREMENTS	233,368
TOTAL RECEIPTS	
APPROPRIATION	233,368
TOTAL POSITIONS	4 (3.00 FTE)

**NARRATIVE:**

The Health Care Personnel Registry Investigations Program is required to investigate and take action against health care personnel (including Nurse Aides and other aides who provide direct patient care) in over 3,000 different facilities in our state. These facilities include: hospitals, nursing homes, adult care homes, family care homes, homes for the developmentally disabled adults, home health and home care agencies, nursing pools, and hospice agencies. Each report of an incident has to be reviewed and investigated. If a preliminary investigation determines the need for it, an on-site investigation should be performed to collect evidence and interview witnesses and alleged perpetrators. The Medical Care Commission, as required by G.S. 131E-256, has recommended that the law be changed to expand the authority of the Health Care Personnel Registry Program to include all state-licensed mental health facilities and state-operated mental health hospitals and centers that serve the developmentally disabled. This expansion will add over 1,000 facilities which employ over 5,000 health care aides. This will require additional manpower to address the increased investigation workload.

The rationale for this expansion is to eliminate a major gap in the existing program by including mental health providers. The addition of this new group of providers would enable the Department of Health and Human Services to investigate allegations of patient abuse, neglect, misappropriation of patient or facility property, fraud and diversion of drugs. Unlicensed health care personnel, who are either under investigation or have a substantiated finding in one of these areas will be listed on the State's Health Care Personnel Registry. The information on this registry is available to all health care providers, as well as the general public, and can be used in making employment decisions. Without this expansion of the law unlicensed health care personnel working in the mental health system, who may have committed one of these acts against a patient, would not have any record of this action on the Registry and could be hired by another health care facility without that facility having knowledge of the situation. This could endanger the lives of residents at other facilities in danger.

Currently, there are six investigator positions assigned to the Program. Three of these positions are federally funded to investigate nurse aides in nursing homes. The other three positions were added in 1997 for the new Health Care Personnel Registry Law, G.S. 131E-256. Due to the increase in allegations requiring medical and nursing practice knowledge (neglect, diversion of drugs, abuse with injury) to investigate, and to testify in administrative hearings as an expert, the need for additional RN investigators is a priority. In order to meet this expansion there is need for at least 4 additional RN investigative positions to assure allegations are investigated thoroughly and timely. Additionally, there is a need to contract with the Attorney General's office for one attorney position to assure that contested cases are handled timely. Without additional staff and legal support the current and projected backlogs will continue to increase, allowing inappropriate health care personnel to continue to work with the elderly and disabled populations in our state.

It should be noted here that the Governor's budget includes an item to expand the investigations staff to address the staff shortage created when adult care home were included under the program in 1996.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1435  
Proposed Committee Substitute H1435-PCS7486-LN001

Short Title: Health Care Registry.

(Public)

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Sponsors:

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Referred to:

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May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO INCLUDE STATE-OPERATED  
3 FACILITIES AND RESIDENTIAL FACILITIES AND HOSPITALS FOR THE  
4 MENTALLY ILL, DEVELOPMENTALLY DISABLED, AND SUBSTANCE  
5 ABUSERS IN THE HEALTH CARE PERSONNEL REGISTRY.

6 The General Assembly of North Carolina enacts:

7 Section 1. There is appropriated from the General Fund to the  
8 Department of Health and Human Services the sum of two hundred thirty-three  
9 thousand three hundred sixty-eight dollars (\$233,368) for the 1998-99 fiscal year to  
10 implement the requirements of this act to include in the Health Care Personnel  
11 Registry State-operated facilities and residential facilities and hospitals for the  
12 mentally ill, developmentally disabled, and substance abusers.

13 Section 2. G.S. 131E-256 reads as rewritten:

14 "§ 131E-256. Health Care Personnel Registry.

15 (a) The Department shall establish and maintain a health care personnel registry  
16 containing the names of all health care personnel working in health care facilities in  
17 North Carolina who have:

18 (1) Been subject to findings by the Department of:

19 a. Neglect or abuse of a resident in a health care facility or a  
20 person to whom home care services as defined by G.S.  
21 131E-136 or hospice services as defined by G.S. 131E-201  
22 are being provided.



- b. Misappropriation of the property of a resident in a health care facility, as defined in subsection (b) of this section including places where home care services as defined by G.S. 131E-136 or hospice services as defined by G.S. 131E-201 are being provided.
- c. Misappropriation of the property of a health care facility.
- d. Diversion of drugs belonging to a health care facility or to a patient or client.
- e. Fraud against a health care facility or against a patient or client for whom the employee is providing services.

- (2) Been accused of any of the acts listed in subdivision (1) of this subsection, but only after the Department has screened the allegation and determined that an investigation is required.

The health care personnel registry shall also contain all findings by the Department of neglect of a resident in a nursing facility or abuse of a resident in a nursing facility or misappropriation of the property of a resident in a nursing facility by a nurse aide that are contained in the nurse aide registry under G.S. 131E-255.

(b) For the purpose of this section, the following are considered to be 'health care facilities':

- (1) Adult Care Homes as defined in G.S. 131D-2.
- (2) Hospitals as defined in G.S. 131E-76.
- (3) Home Care Agencies as defined in G.S. 131E-136.
- (4) Nursing Pools as defined by G.S. 131E-154.2.
- (5) Hospices as defined by G.S. 131E-201.
- (6) Nursing Facilities as defined by G.S. 131E-255.
- (7) State-Operated Facilities as set forth in G.S. 122C-22.
- (8) Residential Facilities and Hospitals for the mentally ill, developmentally disabled, or substance abusers licensed pursuant to G.S. 122C-23.

(c) For the purpose of this section, the following are considered to be 'health care personnel':

- (1) In an adult care home, an adult care personal aide who is any person who either performs or directly supervises others who perform task functions in activities of daily living which are personal functions essential for the health and well-being of residents such as bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) A nurse aide.
- (3) An in-home aide or an in-home personal care aide who provides hands-on paraprofessional services.
- (4) Unlicensed assistant personnel who provide hands-on care, including, but not limited to, habilitative aides and health care technicians.

1 (d) Health care personnel who wish to contest ~~a finding~~ findings under  
2 subdivision (a)(1) of this section ~~or the placement of information under subdivision~~  
3 ~~(a)(2) of this section~~ are entitled to an administrative hearing as provided by the  
4 Administrative Procedure Act, Chapter 150B of the General Statutes. A petition for a  
5 contested case shall be filed within 30 days of the mailing of the written notice ~~by~~  
6 ~~certified mail~~ of the Department's intent to place ~~information~~ its findings about the  
7 person in the health care personnel registry.

8 (d1) Health care personnel who wish to contest the placement of information  
9 under subdivision (a)(2) of this section are entitled to an administrative hearing as  
10 provided by the Administrative Procedure Act, Chapter 150B of the General Statutes.  
11 A petition for a contested case hearing shall be filed within 30 days of the mailing of  
12 the written notice of the Department's intent to place information about the person  
13 in the health care personnel registry under subdivision (a)(2) of this section. Health  
14 care personnel who have filed a petition contesting the placement of information in  
15 the health care personnel registry under subdivision (a)(2) of this section are deemed  
16 to have challenged any findings made by the Department at the conclusion of its  
17 investigation.

18 (e) The Department shall provide an employer or potential employer of any  
19 person listed on the health care personnel registry of the nature of the finding or  
20 allegation and the status of the investigation.

21 (f) No person shall be liable for providing any information for the health care  
22 personnel registry if the information is provided in good faith. Neither an employer,  
23 potential employer, nor the Department shall be liable for using any information  
24 from the health care personnel registry if the information is used in good faith for the  
25 purpose of screening prospective applicants for employment or reviewing the  
26 employment status of an employee.

27 (g) Upon investigation and documentation, health care facilities shall ensure that  
28 the Department is notified of all allegations against health care personnel which  
29 appear to a reasonable person to be related to any act listed in subdivision (a)(1) of  
30 this section, and shall promptly report to the Department any resulting disciplinary  
31 action, demotion, or termination of employment of health care personnel.

32 (h) The North Carolina Medical Care Commission shall adopt, amend, and repeal  
33 all rules necessary for the implementation of this section."

34 Section 3. This act becomes effective July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1435

Short Title: Health Care Registry.

(Public)

Sponsors: Representatives Culp and Gardner.

Referred to: Human Resources, if favorable, Appropriations.

May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO INCLUDE STATE-OPERATED  
3 FACILITIES AND RESIDENTIAL FACILITIES AND HOSPITALS FOR THE  
4 MENTALLY ILL, DEVELOPMENTALLY DISABLED, AND SUBSTANCE  
5 ABUSERS IN THE HEALTH CARE PERSONNEL REGISTRY.

6 The General Assembly of North Carolina enacts:

7 Section 1. There is appropriated from the General Fund to the  
8 Department of Health and Human Services the sum of two hundred thirty-three  
9 thousand three hundred sixty-eight dollars (\$233,368) for the 1998-99 fiscal year to  
10 implement the requirements of this act to include in the Health Care Personnel  
11 Registry State-operated facilities and residential facilities and hospitals for the  
12 mentally ill, developmentally disabled, and substance abusers.

13 Section 2. G.S. 131E-256 reads as rewritten:

14 "§ 131E-256. Health Care Personnel Registry.

15 (a) The Department shall establish and maintain a health care personnel registry  
16 containing the names of all health care personnel working in health care facilities in  
17 North Carolina who have:

18 (1) Been subject to findings by the Department of:

19 a. Neglect or abuse of a resident in a health care facility or a  
20 person to whom home care services as defined by G.S.  
21 131E-136 or hospice services as defined by G.S. 131E-201  
22 are being provided.

23 b. Misappropriation of the property of a resident in a health  
24 care facility, as defined in subsection (b) of this section

including places where home care services as defined by G.S. 131E-136 or hospice services as defined by G.S. 131E-201 are being provided.

- c. Misappropriation of the property of a health care facility.
- d. Diversion of drugs belonging to a health care facility or to a patient or client.
- e. Fraud against a health care facility or against a patient or client for whom the employee is providing services.

- (2) Been accused of any of the acts listed in subdivision (1) of this subsection, but only after the Department has screened the allegation and determined that an investigation is required.

The health care personnel registry shall also contain all findings by the Department of neglect of a resident in a nursing facility or abuse of a resident in a nursing facility or misappropriation of the property of a resident in a nursing facility by a nurse aide that are contained in the nurse aide registry under G.S. 131E-255.

(b) For the purpose of this section, the following are considered to be "health care facilities":

- (1) Adult Care Homes as defined in G.S. 131D-2.
- (2) Hospitals as defined in G.S. 131E-76.
- (3) Home Care Agencies as defined in G.S. 131E-136.
- (4) Nursing Pools as defined by G.S. 131E-154.2.
- (5) Hospices as defined by G.S. 131E-201.
- (6) Nursing Facilities as defined by G.S. 131E-255.
- (7) State-Operated Facilities as set forth in G.S. 122C-22.
- (8) Residential Facilities and Hospitals for the mentally ill, developmentally disabled, or substance abusers licensed pursuant to G.S. 122C-23.

(c) For the purpose of this section, the following are considered to be 'health care personnel':

- (1) In an adult care home, an adult care personal aide who is any person who either performs or directly supervises others who perform task functions in activities of daily living which are personal functions essential for the health and well-being of residents such as bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) A nurse aide.
- (3) An in-home aide or an in-home personal care aide who provides hands-on paraprofessional services.

(d) Health care personnel who wish to contest a finding under subdivision (a)(1) of this section or the placement of information under subdivision (a)(2) of this section are entitled to an administrative hearing as provided by the Administrative Procedure Act, Chapter 150B of the General Statutes. A petition for a contested case shall be filed within 30 days of the mailing of the written notice by certified mail of the

1 Department's intent to place information about the person in the health care  
2 personnel registry.

3 (e) The Department shall provide an employer or potential employer of any  
4 person listed on the health care personnel registry of the nature of the finding or  
5 allegation and the status of the investigation.

6 (f) No person shall be liable for providing any information for the health care  
7 personnel registry if the information is provided in good faith. Neither an employer,  
8 potential employer, nor the Department shall be liable for using any information  
9 from the health care personnel registry if the information is used in good faith for the  
10 purpose of screening prospective applicants for employment or reviewing the  
11 employment status of an employee.

12 (g) Upon investigation and documentation, health care facilities shall ensure that  
13 the Department is notified of all allegations against health care personnel which  
14 appear to a reasonable person to be related to any act listed in subdivision (a)(1) of  
15 this section, and shall promptly report to the Department any resulting disciplinary  
16 action, demotion, or termination of employment of health care personnel.

17 (h) The North Carolina Medical Care Commission shall adopt, amend, and repeal  
18 all rules necessary for the implementation of this section."

19 Section 3. This act becomes effective July 1, 1998.

May 25, 1998

**H 1435. HEALTH CARE REGISTRY. TO APPROPRIATE FUNDS TO INCLUDE STATE-OPERATED FACILITIES AND RESIDENTIAL FACILITIES AND HOSPITALS FOR THE MENTALLY ILL, DEVELOPMENTALLY DISABLED, AND SUBSTANCE ABUSERS IN THE HEALTH CARE PERSONNEL REGISTRY.** Amends GS 131E-256 to extend health care personnel registry to state-operated facilities as set forth in GS 122C-22 and to residential facilities and hospitals for the mentally ill, developmentally disabled, or substance abusers licensed pursuant to GS 122C-23. Appropriates \$233,368 for 1998-99 from General Fund to Dep't of Health & Human Services to implement act. Effective July 1, 1998.

**Intro. by Culp and Gardner.**

Ref. to Human Resources

GS 131E, APPROP

Recipients who state they are unable to work are referred to family physicians and agencies such as Social Security Administration, Vocational Rehabilitation, etc., for verification and further assessment. Participants who are unemployable will be encouraged to apply for Supplemental Security Income, Social Security Disability, Veteran's Benefits, etc. As needed, participants will be referred to the local Mental Health Agency for further assessment of substance abuse and/or mental health.

Sanctions are imposed accordingly for participants who fail to cooperate or comply with Cash Assistance or Employment Services requirements.

All Work First staff will make direct referrals of WFFA applicants and on-going recipients to Employment Security Commission via a referral form. They are also referred to the agency's employment bulletin board for current job listings. Persons only requesting employment information will also be referred to ESC and the agency's bulletin board.

Bertie County Department of Social Services will be more effective in getting the message to potential applicants and on-going recipients that welfare is now temporary assistance with a 5-year lifetime limit. The message will begin with the receptionist and emanate throughout the agency. All Bertie Social Services staff should encourage employment and explore other income sources. Each worker within DSS has been asked to bring in job leads.

Work First Transportation is handled by each Work First Employment Services Social Worker for their active cases.

All Child Care, including Transitional, is handled by a Day Care Social Worker. Adult Day Care is handled by an Adult Services Social Worker. Both positions are within the Services Unit.

The Martin County JobLink Center, located in Williamston serves Bertie County and includes the following partners: Martin County Department of Social Services, Martin Community College, JobReady (Martin County Schools), Mid-East (JTPA and Title V), Vocational Rehabilitation, Services to the Blind, and the Employment Security Commission (Lead Agency). Efforts are underway to hook up electronically with the Martin County JobLink Center and/or develop a physical site in Bertie County. Currently the Work First Human Services Coordinator has access to the JIST system.

Industry Based Training provided through JobLink provides "hands-on" training through contracts with area employers in skill shortage occupations.

JobLink also provides the Older Worker Program which assists with job placement and job seeking skills training to individuals 55 and older.



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June 17, 1998

**MEMORANDUM**

**TO:** House Human Resources Committee

**FROM:** John Young, Committee Staff

**RE:** House Bill-1435  
Representative Culp and Gardner

**BACKGROUND**

Chapter 713 (S 855) of the 1995 Session Laws required DHHS to establish a health care personnel registry pursuant to rules established by the Medical Care Commission. The registry must list all health care personnel (adult care personal aides, nurse's aides, in-home aides or in-home personal care aides) whom DHHS finds to have committed one of the following offenses: (1) neglect or abuse or a person residing in a health care facility or receiving home-care or hospice services; (2) misappropriation of the property of a person residing in a health care facility or receiving home-care or hospice services; (3) misappropriation of the property of a health care facility; (4) diversion of drugs belonging to a health care facility or to a patient or client; or (5) fraud against a health care facility or a patient or client. Any employees who have been accused of such misconduct must also be named in the registry if DHHS has screened the allegation and determined that an investigation is warranted.

Health care facilities covered by the act passed in 1995 are adult care homes, hospitals, home care agencies, nursing pools, hospices, and nursing facilities. These facilities are obligated to notify DHHS of all allegations against their personnel which relate to the acts set out in (1) through (5) above; and they must also report any resulting disciplinary action, demotion, or termination. In return DHHS must provide them with information about any employee or perspective employee against whom a finding or allegation has been made. Neither DHHS or the facility will be liable for providing or for using any information from the registry if the information is given or used in good faith.



***House Bill 1435***

House Bill 1435 would amend the health care registry statute (G.S. 131E-256) to extend the requirements of the health care personnel registry to state-operated facilities (G.S. 122C-22) and to residential facilities and hospitals for the mentally ill, developmentally disabled, or substance abusers (G.S. 122C-23) It further appropriates \$233,368 for 1998-99 to DHHS to implement the act.

H.B. 1435

SESSION LAW \_\_\_\_\_

## A BILL TO BE ENTITLED

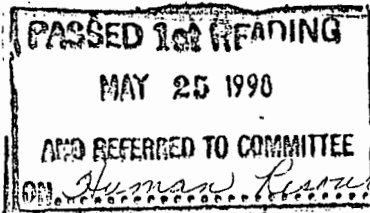
AN ACT TO APPROPRIATE FUNDS TO INCLUDE STATE-OPERATED FACILITIES AND RESIDENTIAL FACILITIES AND HOSPITALS FOR THE MENTALLY ILL, DEVELOPMENTALLY DISABLED, AND SUBSTANCE ABUSERS IN THE HEALTH CARE PERSONNEL REGISTRY.

Introduced by Representative(s)

Culp

Gardner

Principal Clerk's Use Only



MINUTES  
HOUSE HUMAN RESOURCES COMMITTEE  
July 7, 1998

The House Committee on Human Resources met in Room 643 at 11:00 a.m. on July 7, 1998. Members present were Reps. Julia Howard and Henry Aldridge, co-chairs, and Representatives Adams, Bowie, Clary, Culp, Earle, Easterling, Esposito, Gardner, Hunter, Insko, Ives, Nesbitt, Ramsey, Watson, and Wilson.

Rep. Aldridge opened with prayer. Rep. Howard, presiding chair, called the meeting to order at 11:09 a.m. She recognized the pages for the day, Elizabeth Partin of Wake and George Peterson of Buncombe.

The first bill that was presented was HB 1376 "Clarified Child Care Publication" sponsored by Rep. Sherrill. Rep. Sherrill explained that this was recommended by the Legislative Child Care Study Commission, and she went over the provisions of the bill. Presently there is a "piecemeal" publication that is printed on no regular basis. This bill would put all the rules and laws into one publication in a readable format.

Rep. Aldridge made a motion to give the bill a favorable report. Stephanie Fanjul, with the Division of Child Care, spoke briefly, and after further discussion, a voice vote gave the bill a favorable report.

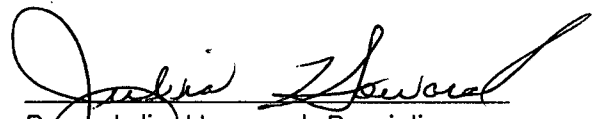
HB 1392 "Child Care Changes," also sponsored by Rep. Sherrill, was next on the agenda. She stated that this bill, also, was a result of the Legislative Child Care Study Commission. Copies of the report of the Legislative Study Commission on Child Care were handed out to members of the committee; this report is included as part of the minutes. Staff member Susan Sabre aided in answering questions from the committee. Rep. Nesbitt stated his intent to develop an amendment that would delete all of the underlined wording on Page 2 of the bill under discussion bill.

There was much discussion on the bill, and then Rep. Nesbitt sent forth his amendment and explained it. No copies were handed out. There was a lot of discussion about the amendment, but no vote was taken because of the time factor.

Rep. Howard adjourned the meeting at 11:50 a.m.

  
\_\_\_\_\_  
Gail Stewart, Committee Clerk

7/21/98

  
\_\_\_\_\_  
Rep. Julia Howard, Presiding  
Co-Chair

NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE

You are hereby notified that the Committee on HUMAN RESOURCES will meet as follows:

DAY & DATE: Tuesday, July 7, 1998

TIME: 11:00 a.m.

LOCATION: Room 643

The following bills will be considered:

HB 1376 "Clarified Child Care Publication"

*Sponsor: Rep. Sherrill*

HB 1392 ""Child Care Changes"

*Sponsor: Rep. Sherrill*

HB 1583 "Domestic Violence/Admin. Of Grants"

*Sponsor: Rep. Ives and Rep. Justus*

SB 1149 "Out-of-Home Respite Care Program"

*Sponsor: Senator Carpenter*

Respectfully,

Representatives Aldridge and Howard  
CoChairs

I hereby certify this notice was filed by the committee clerk at the following offices at 10:30 a.m. on Thursday, July 2, 1998.

\_\_\_Principal Clerk  
\_\_\_Reading Clerk - House Chamber

Gail Stewart  
Judy Lowe  
Committee Clerks

## AGENDA

House Standing Committee  
on  
HUMAN RESOURCES

Tuesday, July 7, 1998

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 1376 "Clarified Child Care Publication"  
Representative Sherrill, Sponsor

Discussion/Vote

Presentation of HB 1392 "Child Care Changes"  
Representative Sherrill, Sponsor

Discussion/Vote

Presentation of HB 1583 "Domestic Violence/Admin. Of Grants"  
Representatives Ives and Justus, Sponsors

Discussion/Vote

Presentation of SB 1149 "Out-of-Home Respite care Program"  
Senator Carpenter, Sponsor

Discussion/Vote

Announcements

Adjournment

# VISITOR REGISTRATION SHEET

HOUSE HUMAN RESOURCES COMMITTEE

July 7, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Lorone Bradley	Sr. Tax Heal Legislature
Ben Douglas Speaker	Senior Tax Heal Legislature
Horis Kieck	Senior Tax Heal Legislator
Willie Bunn	Sr Tax Heal Legislature
Mary H. Odom	Senior Tax Heal Legislature
Quana Summers	NC Equity
George Reed	AK Council of Churches
Paula A. Wolf	Covenant w/ NC's Children
Beryl S. Wake	Gov's Off
Ram Seamano	United Way of NC / Covenant w/ NC's Children
Christina Medlin	Covenant w/ NC's Children
by farone	DHHS- DCD
Cathie Shuler	Riddie Kolge Smithfield NC
Karen Gattori	Division of Aging
Stacy Flannery	Non-Profit Homes for the Aging
John R. R. R.	NC FDC
Amy Fullbright	Hunton : Williams
Patricia Wooten	Comm. Colleges
Amy D. Bain	Smith Anderson et al.
Stephen W. (Gene)	NCHS
Al Stewart	CCPS
Barry Bryant	Governor's Game Commission
Quanita Bryant	DOA - Council for Women
Jeffrey	DOA of the Gov.
Patricia A. Yancey	ADPCW/ FOR / SCSL
Nice Goman	NC Social Services
Joyce Allen	DOA - Council for Women

## VISITOR REGISTRATION SHEET

**HOUSE HUMAN RESOURCES COMMITTEE**

July 7, 1998

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

**FIRM OR AGENCY AND ADDRESS**

Jean Carrole	DOA - Council for Women
Joanne Schoen	NCNA
Martha Glass	DOA
Peggy Ball	DED-DHHS
<del>Stephanie Fungul</del>	DED-DHHS
<del>Donna</del>	BC
Melanie Brown	NCNA
<del>Sharon</del>	we
<del>Sharon Brown</del>	DS
<del>Robert</del>	SHARK

PUBLIC USE

H.B. 1376

SESSION LAW

**A BILL TO BE ENTITLED**

AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP AND ISSUE A SINGLE, CLARIFIED, PUBLICATION FOR ALL CHILD CARE PROVIDERS ON CHILD CARE LAW, RULES, AND POLICY, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE.

Introduced by Representative(s)

Sherrill

*Co Janner*

*Coppe*

Principal Clerk's Use Only

PASSED 1st READING  
MAY 21 1993  
AND REFERRED TO COMMITTEE  
ON *Human Resources*





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June 30, 1998

**MEMORANDUM**

**TO:** House Committee on Human Resources

**FROM:** John Young, Committee Staff

**RE:** House 1376- Clarified Child Care Publication  
Rep. Wilma Sherrill

At the end of the 1997 Regular Session, a very complicated piece of child care legislation was passed as S.L. 1997-506. The Legislative Study Commission on Child Care was established as part of this legislation to study the substantive issues of the new law and the rules proposed to be adopted pursuant to it. Senate Bill 1232 is a recommendation of this Commission.

1376

The Commission in its review of the new child care law and the rules, determined that many of the problems providers are having could be directly attributed to confusion over what laws and rules actually applied to them. The Division of Child Development's publications have not, recently, been regular. To help correct this problem, the Commission recommended that providers be furnished a single publication, containing everything they need to stay in compliance with the child care laws. House Bill 1376 would require this publication which must be updated annually. This publication must be in a form that is accessible to all providers and in language that is clear and concise as possible. The Division of Child Development must present this publication to the Commission prior to issuing it to providers. The act becomes effective July 1, 1998

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1376\*

Short Title: Clarified Child Care Publication.

(Public)

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Sponsors: Representatives Sherrill; Warner and Capps.

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Referred to: Human Resources.

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May 21, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT,  
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP AND  
4 ISSUE A SINGLE, CLARIFIED, PUBLICATION FOR ALL CHILD CARE  
5 PROVIDERS ON CHILD CARE LAW, RULES, AND POLICY, AS  
6 RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD  
7 CARE.

8 The General Assembly of North Carolina enacts:

9 Section 1. (a) The Division of Child Development, Department of  
10 Health and Human Services, shall ensure that a single, clarified publication is sent to  
11 all child care providers that includes the specifics of the laws, rules, and policies  
12 necessary for the providers' understanding compliance, and shall update this  
13 publication annually by January 1 of each year.

14 (b) This publication shall be in a form that is accessible to all providers  
15 and in language that is as clear and concise as possible.

16 (c) The Division of Child Development shall present this publication to  
17 the Legislative Study Commission on Child Care prior to issuing it to providers.

18 Section 2. This act becomes effective July 1, 1998.

**1998 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

---

☐ Committee Substitute for

H.B. 1376 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP AND ISSUE A SINGLE, CLARIFIED, PUBLICATION FOR ALL CHILD CARE PROVIDERS ON CHILD CARE LAW, RULES, AND POLICY, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on  
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (# ), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill # ), (and recommendation that the committee substitute bill # ) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (# ), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

3/25/98

PUBLIC BILL

H.B. 1392

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT STATE REGULATION OF CHILD CARE IS DEVELOPED AND ADMINISTERED FAIRLY AND EFFECTIVELY AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE.

Introduced by Representative(s)	Sherrill	Warner	Coyne

Principal Clerk's Use Only

PASSED 1st READING  
MAY 21 1998  
AND REFERRED TO COMMITTEE  
ON Human Resources

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1392\*

Short Title: Child Care Changes.

(Public)

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Sponsors: Representatives Sherrill; Warner and Capps.

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Referred to: Human Resources.

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May 21, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ENSURE THAT STATE REGULATION OF CHILD CARE IS  
3 DEVELOPED AND ADMINISTERED FAIRLY AND EFFECTIVELY AS  
4 RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD  
5 CARE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 110-91(6) reads as rewritten:

8 "(6) Space and Equipment Requirements. -- There shall be no less than  
9 25 square feet of indoor space for each child for which a child care  
10 center is licensed, exclusive of closets, passageways, kitchens, and  
11 bathrooms, and this floor space shall provide during rest periods  
12 200 cubic feet of airspace per child for which the center is  
13 licensed. There shall be adequate outdoor play area for each child  
14 under rules adopted by the Commission which shall be related to  
15 the size of center and the availability and location of outside land  
16 area. In no event shall the minimum required exceed 75 square  
17 feet per child. The outdoor area shall be protected to assure the  
18 safety of the children receiving child care by an adequate fence or  
19 other protection. A center operated in a public school shall be  
20 deemed to have adequate fencing protection. A center operating  
21 exclusively during the evening and early morning hours, between  
22 6:00 P.M. and 6:00 A.M., need not meet the outdoor play area  
23 requirements mandated by this subdivision.

Each child care facility shall provide indoor area equipment and furnishings that are child size, sturdy, safe, and in good repair. Each child care facility that provides outdoor area equipment and furnishings shall provide outdoor area equipment and furnishings that are child size, sturdy, free of hazards that pose a threat of serious ~~injury~~ injury, as determined by the prescription in this subdivision, to children while engaged in normal play activities, and in good repair.

The Commission shall determine whether a particular piece of outdoor area equipment poses a threat of serious injury (i) on the basis of current statewide and other states' data of equipment-related serious injuries or (ii) on the basis that the equipment is or has been subject to a manufacturer's recall. The Commission shall not consider any injury as a serious injury if it resulted solely in splinters, bumps, bruises, or other minor injury or solely in a trip to the doctor.

The Commission shall adopt standards to establish minimum requirements pursuant to the prescriptions in this subdivision for equipment appropriate for the size of child care facility.

Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings."

Section 2. G.S. 110-91(8) reads as rewritten:

"(8) Qualifications for Staff. -- All child care center administrators shall be at least 21 years of age. All child care center administrators shall have the North Carolina Early Childhood Administration Credential or its equivalent as determined by the Department. All child care administrators performing administrative duties as of the date this act becomes law and child care administrators who assume administrative duties at any time after this act becomes law and until September 1, 1998, shall obtain the required credential by September 1, 2000. Child care administrators who assume administrative duties after September 1, 1998, shall begin working toward the completion of the North Carolina Early Childhood Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a credentialed staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood

Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming employed as a lead teacher or within six months after this act becomes law, whichever is later, and shall complete the credential or its equivalent within 18 months after enrollment. The North Carolina Early Childhood Credential or any educational equivalent shall be a basic, generic introduction to early childhood education that is grounded in sound child development practices.

For child care centers licensed to care for 200 or more children, the Department, in collaboration with the North Carolina Institute for Early Childhood Professional Development, shall establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions. The Department shall use these categories to establish appropriate staffing based on the size of the center and the individual staff responsibilities.

Effective January 1, 1998, an operator of a licensed family child care home shall be at least 21 years old and have a high school diploma or its equivalent. Operators of a family child care home licensed prior to January 1, 1998, shall be at least 18 years of age and literate. Literate is defined as understanding licensing requirements and having the ability to communicate with the family and relevant emergency personnel. Any operator of a licensed family child care home shall be the person on-site providing child care.

No person shall be an operator of nor be employed in a child care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

The Commission shall adopt standards to establish appropriate qualifications for all other staff in child care centers. These standards shall reflect training, experience, education and credentialing and shall be appropriate for the size center and the level of individual staff responsibilities. It is the intent of this provision to guarantee that all children in child care are cared for by qualified people. No requirements may interfere with the teachings or doctrine of any established religious organization."

Section 3. Section 28.2 of S.L. 1997-506 reads as rewritten:

"Section 28.2. (a) There is established the Legislative Study Commission on Child Care. The Commission shall study ~~the substantive issues contained in Part 1 of this~~

1 ~~aet. the statutes, rules, and policies relating to child care and shall serve as a~~  
2 ~~legislative oversight body to review these statutes, rules, and policies and the State~~  
3 ~~agencies and the public-private agencies involved in administering and enforcing~~  
4 ~~them.~~ There shall be 20 members of the Commission as follows:

5 (1) Ten members appointed by the Speaker of the House of  
6 Representatives, seven of whom shall be members of the House of  
7 Representatives at the time of their appointment, and three of  
8 whom shall be members of the general public interested in child  
9 care;

10 (2) Ten members appointed by the President Pro Tempore of the  
11 Senate, seven of whom shall be members of the Senate at the time  
12 of their appointment, and three of whom shall be members of the  
13 general public interested in child care.

14 (b) Commission members shall receive no salary for serving, but shall  
15 receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1,  
16 138-5, and 138-6 as applicable. Staff to the Commission shall be provided as  
17 authorized by the Legislative Services Commission. The Commission may meet in  
18 the Legislative Building or the Legislative Office Building upon approval of the  
19 Legislative Services Officer.

20 (c) The Division of Child Development, Department of Health and  
21 Human Services, the Child Care Commission of the Department of Health and  
22 Human Services, and any other State or public-private agency charged with  
23 rulemaking for child care programs and services shall present to the Commission for  
24 its oversight review all documentation and data on which new child care rules and  
25 standards that are being considered to be developed are based, prior to their  
26 development. The Commission shall regularly review child care programs and  
27 services as well as the functioning of the State and public-private agencies involved in  
28 administering these child care programs and services. The Commission shall report  
29 its findings and recommendations, including proposed legislation, to the 1997 General  
30 Assembly, Regular Session 1998, and shall make its final report to the 1999 General  
31 Assembly upon its convening. Upon issuing its final report, the Commission shall  
32 expire. General Assembly within a week of the convening of every regular session.  
33 The Commission shall continue in existence until the General Assembly acts to  
34 terminate it."

35 Section 4. (a) The Division of Child Development, Department of Health  
36 and Human Services, when it uses the internet to make facilities' compliance history  
37 available to the public, shall provide for the facilities' providers to submit a statement  
38 relevant to the compliance history. This statement's limits shall be no less than 100  
39 words.

40 (b) If the Division of Child Development, Department of Health and  
41 Human Services, makes complaints from persons who have signed a complaint to the  
42 Division against facilities available to the public on the internet, the Division shall  
43 provide for the facilities' providers to submit a statement relevant to the complaint.  
44 This statement's limits shall be no less than 100 words. The Division shall not make



1 complaints from persons who have not signed the complaint available to the public  
2 on the internet.

3           Section 5. This act becomes effective June 30, 1998.



**North Carolina General Assembly  
Legislative Services Office**

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June 30, 1998

**MEMORANDUM**

**TO:** House Committee on Human Resources

**FROM:** John Young, Committee Staff

**RE:** House Bill 1392-Child Care Changes  
Rep Sherrill

At the end of the 1997 Regular Session, a very complicated piece of child care legislation was passed as S.L. 1997-506. The Legislative Study Commission on Child Care was established as part of this legislation to study the substantive issues of the new law and the rules proposed to be adopted pursuant to it. House Bill 1392 is a recommendation of this Commission.

Much of the Commission's review and discussion focused on the rules that will become effective July 1, 1998, absent legislative action. The Commission heard testimony both in favor and opposed to rules and to the process that, some testified, left them out of the process. The Commission considered a number of proposals to address the issues that related to the rules, and to the general rulemaking process of the Division of Child development and the Child Care Commission.

At the recommendation of the Commission, House Bill 1392 would do the following:

1. require that playground equipment be regulated in terms of safety only if it poses a threat of serious injury, spelled out in the proposal as excluding injuries that result in bumps, bruises, or splinters or that result only in a trip to the doctor, or if it is or has been subject to a manufacturer's recall. The agency determination of "serious injury" would have to be based on State-wide and other state's data of this injury;

2. requires that the newly required North Carolina Early Childhood Credential or any education equivalent be a basic, generic introduction to early childhood education that is grounded in sound child development practices;
3. changes the nature of the Commission to have it continue on past this year as an oversight commission and to require that any agency, whether State, local, or private-public, charged with rulemaking for child care regularly present to the Commission all documentation and data on which any new rules are being considered to be developed, prior to their development.
4. requires fairness of access for providers when the Division uses Internet to publish compliance histories and complaints against providers.

The act becomes effective June 30, 1998.

# LEGISLATIVE STUDY COMMISSION

ON

## CHILD CARE



REPORT TO THE  
1998 SESSION OF THE  
1997 GENERAL ASSEMBLY  
OF NORTH CAROLINA



**North Carolina General Assembly  
Legislative Services Office**

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Raleigh, NC 27  
(919) 733-2578

**May 20, 1998**

**To the honorable Harold Brubaker, Speaker of the House of Representatives; and the Honorable Marc Basnight, President Pro Tempore of the Senate; and the Members of the 1997 General Assembly ( Regular Session 1998):**

The Legislative Study Commission on Child Care submits for your consideration the following report on its study of the newly enacted child care legislation contained in Part I of S.L. 1997-506, The Commission was established pursuant to Section 28.2 of S.L. 1997-506

At the end of the 1997 Regular Session a very complicated piece of child care legislation was passed as S.L. 1997-506. The Legislative Study Commission on Child Care met February 10, 1998, March 24, 1998, May 6, 1998, and May 19, 1998, to study the substantive issues of the new law and of the rules proposed to be adopted pursuant to it.

Much of the Commission's review and discussion focused on the rules that will become effective July 1, 1998, absent legislative action. The Commission heard testimony both in favor of and opposed to the rules and to the process that, some testified, left them out of the process.

Most of the testimony received by the Commission that opposed the rules opposed two rules in particular, the rules on playground equipment and on credentialing.

The Commission considered a number of proposals to address the issues that related to the rules, and to the general rulemaking process of the Division of Child Development, Department of Health and Human Services and of the Child Care Commission of the Department of Health and Human Services as this process affected the child care provider public and the public in general. It voted to recommend two legislative proposals to the 1998 Regular Session of the 1997 General Assembly. Drafts of both bills are attached to this letter.

The proposals are reviewed on the following pages of this letter.

The first proposal is titled "AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP AND ISSUE A SINGLE, CLARIFIED PUBLICATION FOR ALL CHILD CARE PROVIDERS ON CHILD CARE LAW, RULES, AND POLICY, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE.

The Commission, in its review of the new child care law and the rules, determined that many of the problems providers were having could be directly attributed to confusion over what actually applied to them. The Division's publications have not, recently, been regular. Providers need a single publication, containing everything they need to stay in compliance with the child care laws. They need this publication to be updated annually, perhaps, as the Division suggested, by loose-leaf supplements. Most importantly, they need this publication to be in a form that is accessible to all and in language that is as clear and as concise as possible.

The second proposal is titled "AN ACT TO ENSURE THAT STATE REGULATION OF CHILD CARE IS DEVELOPED AND ADMINISTERED FAIRLY AND EFFECTIVELY AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE.

The concerns the Commission heard expressed over the playground rules, that they are inequitable and based on insufficient data, and the credentialing rules, that they permit the teaching of a single, biased philosophy of early childhood education, are addressed in this proposal as are two other issues the Commission determined to be necessary for the General Assembly to consider.

The proposal requires that playground equipment be regulated in terms of safety only if it poses a threat of serious injury, spelled out in the proposal as excluding injuries that result only in bumps, bruises, or splinters or that result only in a trip to the doctor, or if it is or has been subject to a manufacturer's recall. The agency determination of "serious injury" would have to be based on State-wide and other states' data of this injury. The proposal also requires that the newly required North Carolina Early Childhood Credential or any educational equivalent be a basic, generic introduction to early childhood education that is grounded in sound child development practices.

The proposal also changes the nature of this Legislative Study Commission on Child Care to have it continue on past this year as an oversight commission and to require that any agency, whether State, local, or private-public, charged with rulemaking for child care regularly present to the commission all documentation and data on which any new rules are being considered to be developed, prior to their development. The Commission accepted this part of the proposal with some concern of its own. A true oversight commission needs a different membership and appointment provisions than those applicable to the Commission. There was not time for the Commission to rewrite these provisions in time to make its recommendations to the 1998 General Assembly.

The Commission wishes to advise the General Assembly of its intention to rework this part of this proposal as part of the committee process.

A final part of this proposal requires fairness of access for providers when the Division uses the Internet to publish compliance histories and complaints against providers.

Respectfully submitted,



Representative Wilma Sherrill



Senator Jim Phillips

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE DRS3535\*-LFZ020(5.5)

Short Title: Clarified Child Care Publication.

(Public)

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Sponsors: Senator Phillips.

---

Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT,  
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP AND  
4 ISSUE A SINGLE, CLARIFIED, PUBLICATION FOR ALL CHILD CARE  
5 PROVIDERS ON CHILD CARE LAW, RULES, AND POLICY, AS  
6 RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD  
7 CARE.

8 The General Assembly of North Carolina enacts:

9 Section 1. (a) The Division of Child Development, Department of  
10 Health and Human Services, shall ensure that a single, clarified publication is sent to  
11 all child care providers that includes the specifics of the laws, rules, and policies  
12 necessary for the providers' understanding compliance, and shall update this  
13 publication annually by January 1 of each year.

14 (b) This publication shall be in a form that is accessible to all providers  
15 and in language that is as clear and concise as possible.

16 (c) The Division of Child Development shall present this publication to  
17 the Legislative Study Commission on Child Care prior to issuing it to providers.

18 Section 2. This act becomes effective July 1, 1998.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE DRS1929\*-LFZ024(5.13)

Short Title: Child Care Changes.

(Public)

---

Sponsors: Senator Phillips.

---

Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO ENSURE THAT STATE REGULATION OF CHILD CARE IS  
3 DEVELOPED AND ADMINISTERED FAIRLY AND EFFECTIVELY AS  
4 RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD  
5 CARE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 110-91(6) reads as rewritten:

8 "(6) Space and Equipment Requirements. -- There shall be no less than  
9 25 square feet of indoor space for each child for which a child care  
10 center is licensed, exclusive of closets, passageways, kitchens, and  
11 bathrooms, and this floor space shall provide during rest periods  
12 200 cubic feet of airspace per child for which the center is  
13 licensed. There shall be adequate outdoor play area for each child  
14 under rules adopted by the Commission which shall be related to  
15 the size of center and the availability and location of outside land  
16 area. In no event shall the minimum required exceed 75 square  
17 feet per child. The outdoor area shall be protected to assure the  
18 safety of the children receiving child care by an adequate fence or  
19 other protection. A center operated in a public school shall be  
20 deemed to have adequate fencing protection. A center operating  
21 exclusively during the evening and early morning hours, between  
22 6:00 P.M. and 6:00 A.M., need not meet the outdoor play area  
23 requirements mandated by this subdivision.

24 Each child care facility shall provide indoor area equipment and  
25 furnishings that are child size, sturdy, safe, and in good repair.

Each child care facility that provides outdoor area equipment and furnishings shall provide outdoor area equipment and furnishings that are child size, sturdy, free of hazards that pose a threat of serious ~~injury~~ injury, as determined by the prescription in this subdivision, to children while engaged in normal play activities, and in good repair.

The Commission shall determine whether a particular piece of outdoor area equipment poses a threat of serious injury (i) on the basis of current statewide and other states' data of equipment-related serious injuries or (ii) on the basis that the equipment is or has been subject to a manufacturer's recall. The Commission shall not consider any injury as a serious injury if it resulted solely in splinters, bumps, bruises, or other minor injury or solely in a trip to the doctor.

The Commission shall adopt standards to establish minimum requirements pursuant to the prescriptions in this subdivision for equipment appropriate for the size of child care facility.

Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings."

Section 2. G.S. 110-91(8) reads as rewritten:

"(8) Qualifications for Staff. -- All child care center administrators shall be at least 21 years of age. All child care center administrators shall have the North Carolina Early Childhood Administration Credential or its equivalent as determined by the Department. All child care administrators performing administrative duties as of the date this act becomes law and child care administrators who assume administrative duties at any time after this act becomes law and until September 1, 1998, shall obtain the required credential by September 1, 2000. Child care administrators who assume administrative duties after September 1, 1998, shall begin working toward the completion of the North Carolina Early Childhood Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a credentialed staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early

1 Childhood Credential coursework or its equivalent as determined  
2 by the Department within six months after becoming employed as  
3 a lead teacher or within six months after this act becomes law,  
4 whichever is later, and shall complete the credential or its  
5 equivalent within 18 months after enrollment. The North Carolina  
6 Early Childhood Credential or any educational equivalent shall be  
7 a basic, generic introduction to early childhood education that is  
8 grounded in sound child development practices.

9 For child care centers licensed to care for 200 or more children,  
10 the Department, in collaboration with the North Carolina Institute  
11 for Early Childhood Professional Development, shall establish  
12 categories to recognize the levels of education achieved by child  
13 care center administrators and teachers who perform  
14 administrative functions. The Department shall use these categories  
15 to establish appropriate staffing based on the size of the center and  
16 the individual staff responsibilities.

17 Effective January 1, 1998, an operator of a licensed family child  
18 care home shall be at least 21 years old and have a high school  
19 diploma or its equivalent. Operators of a family child care home  
20 licensed prior to January 1, 1998, shall be at least 18 years of age  
21 and literate. Literate is defined as understanding licensing  
22 requirements and having the ability to communicate with the  
23 family and relevant emergency personnel. Any operator of a  
24 licensed family child care home shall be the person on-site  
25 providing child care.

26 No person shall be an operator of nor be employed in a child  
27 care facility who has been convicted of a crime involving child  
28 neglect, child abuse, or moral turpitude, or who is an habitually  
29 excessive user of alcohol or who illegally uses narcotic or other  
30 impairing drugs, or who is mentally or emotionally impaired to an  
31 extent that may be injurious to children.

32 The Commission shall adopt standards to establish appropriate  
33 qualifications for all other staff in child care centers. These  
34 standards shall reflect training, experience, education and  
35 credentialing and shall be appropriate for the size center and the  
36 level of individual staff responsibilities. It is the intent of this  
37 provision to guarantee that all children in child care are cared for  
38 by qualified people. No requirements may interfere with the  
39 teachings or doctrine of any established religious organization."

40 Section 3. Section 28.2 of S.L. 1997-506 reads as rewritten:

41 "Section 28.2. (a) There is established the Legislative Study Commission on Child  
42 Care. The Commission shall study ~~the substantive issues contained in Part 1 of this~~  
43 ~~act, the statutes, rules, and policies relating to child care and shall serve as a~~  
44 legislative oversight body to review these statutes, rules, and policies and the State

1 agencies and the public-private agencies involved in administering and enforcing  
2 them. There shall be 20 members of the Commission as follows:

3 (1) Ten members appointed by the Speaker of the House of  
4 Representatives, seven of whom shall be members of the House of  
5 Representatives at the time of their appointment, and three of  
6 whom shall be members of the general public interested in child  
7 care;

8 (2) Ten members appointed by the President Pro Tempore of the  
9 Senate, seven of whom shall be members of the Senate at the time  
10 of their appointment, and three of whom shall be members of the  
11 general public interested in child care.

12 (b) Commission members shall receive no salary for serving, but shall  
13 receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1,  
14 138-5, and 138-6 as applicable. Staff to the Commission shall be provided as  
15 authorized by the Legislative Services Commission. The Commission may meet in  
16 the Legislative Building or the Legislative Office Building upon approval of the  
17 Legislative Services Officer.

18 (c) The Division of Child Development, Department of Health and  
19 Human Services, the Child Care Commission of the Department of Health and  
20 Human Services, and any other State or public-private agency charged with  
21 rulemaking for child care programs and services shall present to the Commission for  
22 its oversight review all documentation and data on which new child care rules and  
23 standards that are being considered to be developed are based, prior to their  
24 development. The Commission shall regularly review child care programs and  
25 services as well as the functioning of the State and public-private agencies involved in  
26 administering these child care programs and services. The Commission shall report  
27 its findings and recommendations, including proposed legislation, to the 1997 General  
28 Assembly, Regular Session 1998, and shall make its final report to the 1999 General  
29 Assembly upon its convening. Upon issuing its final report, the Commission shall  
30 expire. General Assembly within a week of the convening of every regular session.  
31 The Commission shall continue in existence until the General Assembly acts to  
32 terminate it."

33 Section 4. (a) The Division of Child Development, Department of Health  
34 and Human Services, when it uses the internet to make facilities' compliance history  
35 available to the public, shall provide for the facilities' providers to submit a statement  
36 relevant to the compliance history. This statement's limits shall be no less than 100  
37 words.

38 (b) If the Division of Child Development, Department of Health and  
39 Human Services, makes complaints from persons who have signed a complaint to the  
40 Division against facilities available to the public on the internet, the Division shall  
41 provide for the facilities' providers to submit a statement relevant to the complaint.  
42 This statement's limits shall be no less than 100 words. The Division shall not make  
43 complaints from persons who have not signed the complaint available to the public  
44 on the internet.

1 Section 5. This act becomes effective June 30, 1998.

July 7'98

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill HB 1376  
Favorable ✓  
Unfavorable \_\_\_\_\_  
Amended \_\_\_\_\_  
Comm. Sub. \_\_\_\_\_  
Original Bill \_\_\_\_\_  
Re-referred \_\_\_\_\_  
Other Action \_\_\_\_\_

Sponsor \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_

Rep. Sherrill  
Aldridge  
Carried  
Vote

\*\*\*\*\*

Bill HB 1392  
Favorable \_\_\_\_\_  
Unfavorable \_\_\_\_\_  
Amended \_\_\_\_\_  
Comm. Sub. \_\_\_\_\_  
Original Bill \_\_\_\_\_  
Re-referred \_\_\_\_\_  
Other Action \_\_\_\_\_

Sponsor \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_

Rep. Sherrill  
not voted on

\*\*\*\*\*

Bill HB 1583  
Favorable \_\_\_\_\_  
Unfavorable \_\_\_\_\_  
Amended \_\_\_\_\_  
Comm. Sub. \_\_\_\_\_  
Original Bill \_\_\_\_\_  
Re-referred \_\_\_\_\_  
Other Action \_\_\_\_\_

Sponsor \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_

Love/Quintero

\*\*\*\*\*

Bill SB 1149  
Favorable \_\_\_\_\_  
Unfavorable \_\_\_\_\_  
Amended \_\_\_\_\_  
Comm. Sub. \_\_\_\_\_  
Original Bill \_\_\_\_\_  
Re-referred \_\_\_\_\_  
Other Action \_\_\_\_\_

Sponsor \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_  
Motion by \_\_\_\_\_

Sen. Carpenter

## MINUTES

### HOUSE COMMITTEE ON HUMAN RESOURCES

July 14, 1998

11:00 a.m.

The House Human Resources Committee met on July 14, 1998, in Room 643. Members present were Rep. Howard and Rep. Aldridge, Co-Chairs; and Representatives Adams, Culp, Cunningham, Earle, Easterling, Gulley, Insko, Ives, Nesbitt, Ramsey, Rayfield, Watson, Wilson, and Womble.

Rep. Howard, presiding co-chair, called the meeting to order at 11:05 a.m. She introduced the pages for the day, who were Amy Webster of Mecklenburg, and Katie Webb of Haywood.

The first bill on the agenda was SB 1149 "Out-of-Home Respite Care Funds" and was presented and explained by Senator Robert Carpenter, the sponsor. Rep. Culp moved that the proposed committee substitute be distributed and placed before the committee for consideration. Voice vote was unanimous for consideration of the proposed committee substitute. John Young, staff, explained the difference in the committee substitute. Former Representative Karen Gattovi with the NC Division of Aging spoke from the audience in response to questions.

Rep. Nesbitt moved for a favorable report for the proposed committee substitute, and unfavorable to the original bill. Voice vote was unanimous for acceptance; it is noted on the bill jacket that it is to be referred to Appropriations.

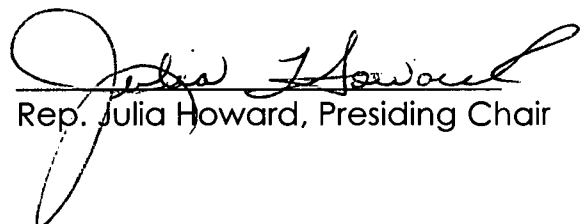
Rep. Ives presented the second bill, HB 1583 "Domestic Violence/Admin. Of Grants," and explained it. Joe Stewart, Special Assistant to the Secretary of Crime Control, explained that their money is all federal money and they have to follow federal guidelines, and answered questions from members. Joyce Allen, Grants Administrator for the Council for Women, also answered questions from the audience.

After much discussion, Rep. Aldridge moved for a favorable report for the bill. Voice vote indicated a favorable report, but it was not unanimous.

Rep. Howard adjourned the meeting at 11:55 a.m.

  
Gail Stewart, Committee Clerk

8.18.98  
Date Adopted

  
Rep. Julia Howard, Presiding Chair

## **AGENDA**

House Standing Committee  
on  
**HUMAN RESOURCES**

**Tuesday, July 14, 1998**  
**11:00 a.m.**  
**Room 643**

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of **SB 1149 "Out-Of-Home Respite Care Funds"**  
Senator Carpenter, Sponsor

Discussion/Vote

Presentation of **HB 1583 "Domestic Violence/Admin. Of Grants"**  
Representatives Justus/Ives, Sponsors

Discussion/Vote

Announcements

Adjournment



NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE

You are hereby notified that the Committee on HUMAN RESOURCES will meet as follows:

DAY & DATE: Tuesday, July 14, 1998

TIME: 11:00 a.m.

LOCATION: Room 643

The following bills will be considered:

HB 1583 "Domestic Violence/Admin. Of Grants"  
Rep. Justus/Ives, Sponsors

SB 1149. "Out-of-Home Respite Care Funds"  
Senator Carpenter, Sponsor

Respectfully,

Representatives Aldridge and Howard  
CoChairs

I hereby certify this notice was filed by the committee clerk at the following offices at 9:15 a.m. on Thursday, July 9, 1998.

\_\_\_Principal Clerk  
\_\_\_Reading Clerk - House Chamber

Gail Stewart  
Judy Lowe  
Committee Clerks

## VISITOR REGISTRATION SHEET

## Human Resources

**July 14, 1998**

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME**

**FIRM OR AGENCY AND ADDRESS**

Yvonne Nigro	NC Division of Aging
Julie Purcell	Student - UNC + Duke
Karen Hollar	NC Div. of Aging
Roslyn Sayett	NC Coalition Against Domestic Violence
Ben Douglas, Speaker	Senior Tax Help Legislation
Stacy Plannery	NCA/NPHA
Patrice Kaulin	NMA CC
Jenni Owen	DHHS/DSS
Joann Schoen	NCN/A
Brenda Summers	NC Equity
Nice Coleman	NC Social Services
Ashley Tennent	NC Coalition Against Sexual Assault
Joe Stewart	CCPS
Dugan Alexander	N.C. Council for Women
Jean Carroll	"
Joyce Allen	DOA - CFW
Kenneth Walker	444
Katie Orselt	DOA
John R. R. R.	Comm. College
Cheryl Cox	H-Sun/Durham

S.B. **1149**

SESSION LAW \_\_\_\_\_

**A BILL TO BE ENTITLED**AN ACT TO REPEAL THE REQUIREMENT PERTAINING TO THE REIMBURSEMENT RATE FOR THE  
RESPIRE CARE PROGRAM.

Introduced by Senator(s)

Carpenter

Carpenter

Cochran

Tamm

Pursell

Hagler

Mark

Dennis

Clark

Fox

Pay

Principal Clerk's Use Only

**FILED MAY 14 1998****REPORTED FAVORABLY JUN 11 1998****PASSED 1st READING**

MAY 18 1998

AND REFERRED TO COMMITTEE

ON

*Appro.***File Note Attached**

MAY 27 1998

WITH UNANIMOUS CONSENT  
WITHDRAWN FROM*Appro.*

JUN 2 1998

RE-REFERRED TO

*Commerce*The Committee on *Commerce* to whom this bill  
was referred, a majority being present and  
voting, has carefully considered the same and  
recommended that it do *pass*.*R C Soler Jr*

For the Committee

**PASSED 2nd & 3rd  
READINGS**45-0 (VV)  
JUN 15 1998ORDERED SENT TO  
HOUSE OF REPRESENTATIVE*Janet Pruitt***RECEIVED**

JUN 16 1998

*pm 340***PASSED 1st READING**

JUN 17 1998

AND REFERRED TO COMMITTEE

ON *Human Resources**of favorable Appropriation*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1149

Proposed House Committee Substitute S1149-PCS9768-LN001

Short Title: Out-of-Home Respite Care Funds.

(Public)

Sponsors:

Referred to:

May 18, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE REQUIREMENT PERTAINING TO THE  
3 REIMBURSEMENT RATE FOR THE RESPITE CARE PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 143B-181.10(c) reads as rewritten:  
6 "(c) Respite care services provided by the programs established by this section  
7 may include:  
8 (1) Counseling and training in the caregiving role, including coping  
9 mechanisms and behavior modification techniques;  
10 (2) Counseling and accessing available local, regional, and State  
11 services;  
12 (3) Support group development and facilitation;  
13 (4) Assessment and care planning for the patient of the caregiver;  
14 (5) Attendance and companion services for the patient in order to  
15 provide release time to the caregiver;  
16 (6) Personal care services, including meal preparation, for the patient  
17 of the caregiver;  
18 (7) Temporarily placing the person out of his home to provide the  
19 caregiver total respite when the mental or physical stress on the  
20 caregiver necessitates this type of respite.  
21 ~~Program funds may provide no more than the current adult care reimbursement rate~~  
22 ~~for out of home placement.~~ An out of home placement is defined as placement in a  
23 hospital, skilled or intermediate nursing facility, adult care home, adult day health

1 center, or adult day care center. Duration of the service period may extend beyond a  
2 year."

3           Section 2. The Division of Aging of the Department of Health and  
4 Human Services shall report to the North Carolina Study Commission on Aging no  
5 later than October 1, 1999, the impact on Respite Care Program services and funds of  
6 the repeal of the statutory limitation on the reimbursement rate for out-of-home  
7 placement which limits reimbursement to the current adult care reimbursement rate.

8           Section 3. This act is effective when it becomes law and expires July 1,  
9 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1149

Short Title: Out-of-Home Respite Care Funds.

(Public)

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Sponsors: Senators Carpenter; Clark, Cochrane, Dannelly, Forrester, Foxx, Garwood, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, Page, and Purcell.

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Referred to: Appropriations.

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May 18, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE REQUIREMENT PERTAINING TO THE  
3 REIMBURSEMENT RATE FOR THE RESPITE CARE PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 143B-181.10(c) reads as rewritten:  
6 "(c) Respite care services provided by the programs established by this section  
7 may include:  
8 (1) Counseling and training in the caregiving role, including coping  
9 mechanisms and behavior modification techniques;  
10 (2) Counseling and accessing available local, regional, and State  
11 services;  
12 (3) Support group development and facilitation;  
13 (4) Assessment and care planning for the patient of the caregiver;  
14 (5) Attendance and companion services for the patient in order to  
15 provide release time to the caregiver;  
16 (6) Personal care services, including meal preparation, for the patient  
17 of the caregiver;  
18 (7) Temporarily placing the person out of his home to provide the  
19 caregiver total respite when the mental or physical stress on the  
20 caregiver necessitates this type of respite.  
21 ~~Program funds may provide no more than the current adult care reimbursement rate~~  
22 ~~for out of home placement.~~ An out of home placement is defined as placement in a

1 hospital, skilled or intermediate nursing facility, adult care home, adult day health  
2 center, or adult day care center. Duration of the service period may extend beyond a  
3 year."

4           Section 2. This act is effective when it becomes law.

## *MEMO*

TO: House Human Resources Committee

FROM: John Young

SUBJECT: HB 1149- Respite Care

The General Assembly in 1986 established the Respite Care Program in GS 143B-181.10 as one of the in-home services that the counties may choose as part of the of the Community Care Block Grant. The purpose of respite care services was to give some help to family members who provide most of the care for the elderly. All too frequently these caregivers bear the total burden of providing care. This leads to potential caregiver burnout and premature institutionalization of the disabled person. From a cost effectiveness perspective, the caregiver's persistence in providing care is an important substitute for institutionalization. It is estimated that 60-80% of care received by the impaired person is provided by family members or friends.

One of the options allowed in the Respite Care Program is the temporary placement of a person out of his home. An out-of-home placement is defined as a placement in a hospital, a nursing home, a rest home or adult day care. The cost of this institutional care is limited by the statute so that the cost of this placement can be no more than the current rest home rate.

Since little institutional respite care exist in some of the counties (primarily rural), Macon County is trying a new approach by essentially leasing a single room in a rest home to try to offer a predictable setting that is appealing to caregivers and comfortable to the occupants. A barrier to the experiment is the statutory language (G.S. 143B-181.10) which sets a lesser rate of reimbursement than required to test this new approach..

Therefore SB 1149 would delete the restrictive language in GS 143B-181.10 with the effect that the Division of Aging could set the reimbursement rate so long as those rates are reasonable and the services provided meet the required guidelines of the Division. The bill would not change the amount of funds that are being currently appropriated, just the method of how the county spends the money already allocated.

The proposed committee substitute would place a "sunset" on the experiment so that the General Assembly could evaluate the impact on the limited amount of funds available for respite care.



**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 1149 (First Edition)

**SHORT TITLE:** Out-of-Home Respite Care Funds

**SPONSOR(S):** Senator Carpenter, et. al.

*John  
W. Committee  
Subcommittee  
w/ Submittal Provision*

**FISCAL IMPACT**

Yes ( )      No (X)      No Estimate Available ( )

FY 1998-99    FY 1999-00    FY 2000-01    FY 2001-02    FY 2002-03

**REVENUES**

**EXPENDITURES**

**No Fiscal Impact**

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM(S) AFFECTED:**

Department of Health and Human Services, Division of Aging  
Area Agencies on Aging

**EFFECTIVE DATE:** Upon ratification

**BILL SUMMARY:**

The proposed legislation amends GS 143B-181.10(c0 to delete the requirement that respite program funds provide no more than the current adult care reimbursement rate for out-home placement.

**1998 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

---

☐ Committee Substitute for

S.B. 1149 A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT  
PERTAINING TO THE REIMBURSEMENT RATE FOR THE RESPITE CARE  
PROGRAM.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on  
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the  
Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to <sup>HOUSE</sup> committee substitute bill (# \_\_\_\_\_), ☐ which changes the title,  
unfavorable as to original bill (Committee Substitute Bill # \_\_\_\_\_), (and recommendation  
that the committee substitute bill # \_\_\_\_\_) be re-referred to the Committee on \_\_\_\_\_.)
- ☐ With a favorable report as to House committee substitute bill (# \_\_\_\_\_), ☐ which changes  
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

3/25/98

1583

H.B. \_\_\_\_\_

SESSION LAW \_\_\_\_\_

**A BILL TO BE ENTITLED**

AN ACT TO REQUIRE THAT GRANT FUNDS ADMINISTERED BY THE STATE FOR DOMESTIC  
VIOLENCE PROGRAMS BE ADMINISTERED BY ONE STATE AGENCY.

Introduced by Representative(s)

Ives



Principal Clerk's Use Only

PASSED 1st READING

MAY 28 1998

AND REFERRED TO COMMITTEE

ON Human Resources



**North Carolina General Assembly  
Legislative Services Office**

George R. Hall, Legislative Services Officer  
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Raleigh, NC 27603-5925  
(919) 733-2578

**MEMORANDUM**

**TO:** Representative Howard

**FROM:** Jo B. McCants

**DATE:** June 30, 1998

**RE:** HOUSE BILL 1583 - DOMESTIC VIOLENCE GRANT FUNDS

House Bill 1583 was introduced by Representatives Ives and Justus on May 28, 1998.

**Section 1.**

The bill requires the Department of Administration, North Carolina Council for Women, the Division of Social Services of the Department of Health and Human Services, and the Department of Crime Control and Public Safety to provide a process whereby public and private entities may apply to a single state agency to obtain domestic violence grant funds.

**Section 2.**

The effective date is July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1583

Short Title: Domestic Violence/Admin. of Grants.

(Public)

---

Sponsors: Representatives Ives and Justus.

---

Referred to: Human Resources.

---

May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THAT GRANT FUNDS ADMINISTERED BY THE  
3 STATE FOR DOMESTIC VIOLENCE PROGRAMS BE ADMINISTERED BY  
4 ONE STATE AGENCY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. The Department of Administration, North Carolina Council  
7 for Women, the Division of Social Services of the Department of Health and Human  
8 Services, and the Department of Crime Control and Public Safety shall work together  
9 to develop a simplified process whereby eligible public and private entities may apply  
10 to a single State agency for domestic violence grant funds received by State agencies  
11 from all sources.  
12 Section 2. This act becomes effective July 1, 1998.

May 28, 1998

**H 1583. DOMESTIC VIOLENCE/ADMIN. OF GRANTS. TO REQUIRE THAT GRANT FUNDS ADMINISTERED BY THE STATE FOR DOMESTIC VIOLENCE PROGRAMS BE ADMINISTERED BY ONE STATE AGENCY.** Requires Dep't of Administration, NC Council for Women, DHHS Division of Social Services, and Dep't of Crime Control and Public Safety to work together to develop simplified process to apply for domestic violence grant funds. Effective July 1, 1998.

**Intro. by Ives.**

Ref. to Human Resources

UNCODIFIED

**1998 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

---

☐ Committee Substitute for

H.B. 1583 A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT GRANT FUNDS  
ADMINISTERED BY THE STATE FOR DOMESTIC VIOLENCE PROGRAMS BE  
ADMINISTERED BY ONE STATE AGENCY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on  
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the  
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (# ), ☐ which changes the title,  
unfavorable as to original bill (Committee Substitute Bill # ), (and recommendation  
that the committee substitute bill # ) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (# ), ☐ which changes  
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

3/25/98

MINUTES  
HOUSE HUMAN RESOURCES COMMITTEE  
July 21, 1998

The House Committee on Human Resources met in Room 643 at 11:00 a.m. on July 21, 1998. Members present were Reps. Henry Aldridge, Co-chair and Representatives Adams, Clary, Easterling, Esposito, Gardner, Gulley, Insko, Ives, Nesbitt, Rayfield, Wilson, and Womble. Representatives Howard and Ramsey had excused absences.

Rep. Aldridge opened with prayer. Rep. Aldridge, presiding chair, called the meeting to order at 11:05 a.m. He recognized the pages for the day, Jason Deitch of Wake and Katie Redden of Iredell.

The only bill on the agenda was HB 1757 "Disapproval of Certain Rules" sponsored by Representative Capps. Rep. Capps explained that last Session Senate Bill 929 was passed.. Since that time the Chalker Commission has met and has put together a number of proposed rules. Most of the rules have met with satisfaction but two of the rules have met with major controversy. The two rules that Representative Capps has taken objection to involve playground equipment and credentialing requirements because they present a financial burden to 80% of the providers at a cost which will have to be passed on to the parents. Representative Capps asked that exception be taken to two of these rules to give more time to study the rules and be sure that they are right to protect the daycare operators throughout the State and not run them out of business.

Rosalyn Savitt, representing the North Carolina Child Care Coalition, stated that her organization was in opposition to Representative Capps' bill. She said this issue has been addressed in one form or another four times between the time the General Assembly left last August and today. Her group also conducted a petition drive to see if providers and parents approved of SB 929 and stated that Representative Easterling had the petitions at her desk along with the totals and which counties were represented. She indicated that over 50% if the providers in the State are already in compliance with this Bill and urged that the Bill not be supported.

Representative Womble then requested that staff give a more concise response to the proposal that is before the committee. Susan Saber, Committee Staff, stated the Study Commission heard pro and con testimony that the playground and credentialing rules were confusing and onerous..

Representative Nesbitt asked if there was a statute that specifically allows these bills to be introduced. Susan Sabre stated that in the end of the authorizing resolution there is space reserved to allow bills disapproving rules pursuant to 150B-21.3.

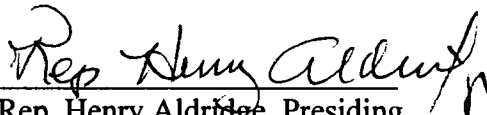


A request was made to have someone from the Department speak and Stephanie Fanjul, Director of the Division of Child Development, indicated she would be happy to respond to specific questions and also to offer a bit of background. She stated the Child Daycare Commission passed these rules and she would be speaking on their behalf to clarify specific questions. Senate Bill 929 was passed at the end of the Session last year and the Daycare Commission believed it was necessary at that point to clarify for the providers and inspectors the details of this particular bill. The Department and the Commission followed to the letter the Administrative Procedures Act Rules.

There was significant discussion on the bill but no vote was taken because of the time factor. Representative Aldridge asked members to come prepared to discuss the bill further at a subsequent meeting.

Representative Aldridge adjourned the meeting at 11:55 A.M.

  
Judy Lowe, Committee Clerk

  
Rep. Henry Aldridge, Presiding  
Co-Chair

NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE

You are hereby notified that the Committee on HUMAN RESOURCES will meet as follows:

DAY & DATE: Tuesday, July 21, 1998

TIME: 11:00 a.m.

LOCATION: Room 643

The following bill will be considered:

HB 1757 "Disapproval of Certain Rules"  
*Sponsor: Rep. Capps*

Respectfully,

Representatives Aldridge and Howard  
CoChairs

I hereby certify this notice was filed by the committee clerk at the following offices at 4:30 p.m. on Thursday, July 16, 1998.

\_\_\_Principal Clerk  
\_\_\_Reading Clerk - House Chamber

Gail Stewart  
Judy Lowe  
Committee Clerks

# VISITOR REGISTRATION SHEET

HUMAN RESOURCES COMMITTEE

JULY 21, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

#	NAME	FIRM OR AGENCY
1.	Roslyn Savitt	NC Child Care Coalition
2.	Gary	DHHS - DCD
3.	Mark Sisk	NC CC
4.	C. Medlin	OSBM
5.	Dorothy Byers	Covenant w/ NC's Children
6.	Ann Fullbright	RRC
7.	Hal Miller	Autton: Williams
8.	Sharon Williams	NC AECT
9.	Brenda Leemon	NCCCS
10.	Alan Miles	NCEquality
11.	Paul Lander	Barlow & Dixon LLP
12.	Annette Ethridge	Lander Consulting
13.	by Farmer	Governor's Office
14.	Rob Schiffl	DHHS / DCD
15.	Donna	NCJEDC
16.	George Young	<del>Johnson &amp; Johnson</del>
17.	Janis Ranzquist	PAC
18.		Johnson & Johnson
19.		NCADA
20.		
21.		

*Handed out  
in Committee*

10 NCAC 3U .0704, PRESERVICE REQUIREMENTS FOR ADMINISTRATORS, is amended with changes as published January 2, 1998 in Vol. #12 NCR Issue #13, page 1110-1111:

.0704 PRESERVICE REQUIREMENTS FOR ADMINISTRATORS

(a) A child care administrator who has not met the staff qualifications required by G.S. 110-91(8) shall meet the requirements in this Rule prior to exercising any child caring responsibilities.

(a) ~~The on-site administrator who has overall responsibility for planning and administering the child care program~~ shall meet the following requirements:

(1) ~~Be at least 21 years of age, and be literate; and~~

(2) ~~(1) Have either a high school or general education diploma; diploma or its equivalent; and~~

(3) ~~(2) Have two years of full-time verifiable work experience in a child day care center or early childhood work experience; or an undergraduate, graduate, or associate degree, with at least 12 semester hours in child development, child psychology, early childhood education or directly related field; or a Child Development Associate Credential; or completion of a community or technical college curriculum program in the area of child care or early childhood; or one year of full-time verifiable child day care or early childhood work experience and a North Carolina Early Childhood Credential; and~~

(4) ~~(3) Have verification of having successfully completed, or be currently enrolled in, 2 semester credit hours, or 32 clock hours, of training in the area of early childhood child care program administration; or, have one year experience performing administrative responsibilities; or, have one year experience performing administrative responsibilities and have another full-time staff person, who meets (1) through (3) of this Paragraph who is responsible for planning and implementing the daily program at the center to comply with Sections .0500 and .0600 of this Subchapter.~~

(b) ~~The~~ An administrator of a child day care program who does not meet the requirements of (a) of this Rule may share the requirements in (a) of this Rule with another individual, provided that prior to exercising child caring responsibilities, the individual who is responsible for planning and implementing the daily program at the center to comply with Sections .0500 and .0600 of this Rule shall be a full-time staff person on-site who meets (a) (1) and (2) of this Rule, and the other individual shall meet (a) (3) of this Rule and be either on-site or off-site, routinely work on-site, or who is responsible for more than one child day care arrangement, shall have verification of having successfully completed, or be currently enrolled in, 2 semester hours, or 32 clock hours, of training in child care program administration; or, have one year experience performing administrative responsibilities and have at least one full-time staff person on-site at each center who meets the requirements of (1) through (3) of Paragraph (a) of this Rule.

1

2

(c) Any person who is at least 21 years old and literate who was employed as an on-site administrator in a day child care program on or before September 1, 1986, shall be exempt from the provisions of Paragraphs (a) and

5 (b) of this Rule. Rule, as long as the person is employed by the same operator.

6

7 *History Note: Authority G.S. 110-91(8); 143B-168.3;*

8 *Eff. January 1, 1986;*

9 *Amended Eff. July 1, 1998; April 1, 1997; November 1, 1989; July 1, 1988; January 1, 1987.*

1 10 NCAC 3U .0605, CONDITION OF OUTDOOR PLAY EQUIPMENT, is adopted as published with changes  
2 January 2, 1998 in Vol. #12 NCR Issue #13, pages 1107-1109:

3 .0605 CONDITION OF OUTDOOR PLAY EQUIPMENT

5 (a) All equipment shall be in good repair and shall be maintained in useable condition. All commercially  
6 manufactured equipment shall be assembled and installed according to procedures specified by the manufacturer.

7 (b) Equipment shall be sturdy, stable, and free of hazards that are accessible to children during normal  
8 supervised play including sharp edges, lead based paint, loose nails, splinters, protrusions (excluding nuts and bolts  
9 on sides of fences), pinch and crush points.

10 (c) All broken equipment shall be removed from the premises immediately or made inaccessible to the children.

11 (d) Any openings in equipment, steps, decks and handrails shall be smaller than 3 1/2" or greater than 9" to  
12 prevent entrapment.

13 (e) All upright angles shall be greater than 55° to prevent entrapment and entanglement.

14 (f) All stationary outdoor equipment shall be installed over a resilient surface. Footings  
15 which anchor equipment shall not be exposed. Loose surfacing material shall not be installed over concrete.  
16 Acceptable materials to be used for surfacing include the following: wood mulch, double shredded bark mulch,  
17 uniform wood chips, fine sand, coarse sand, and pea gravel. Other materials that have been certified by the  
18 manufacturer to be shock-absorbing resilient material in accordance with the American Society for Testing and  
19 Materials (ASTM) Standard 1292, may be used only if installed, maintained and replaced according to the  
20 manufacturer's instructions. ~~Pea gravel shall not be used if the area will be used by children under three years of~~

21 age. The depth of the surfacing that is required shall be based on the critical height of the  
22 equipment. The critical height is defined as the maximum height a child may climb, sit  
23 or stand.

31 (1) Equipment with a critical height of five feet or less shall have six inches of any of the surfacing materials  
32 listed.

33 (2) Equipment with a critical height of more than five feet but less than seven feet shall have six inches of  
34 any of the surfacing materials listed, except for sand.

35 (3) Equipment with a critical height of seven feet to ten feet shall have nine inches of any of the surfacing  
materials listed, except for sand.

(4) When sand is used as a surfacing material for equipment with a critical height of more than five feet, twelve inches is required.

(g) The resilient surfacing shall extend beyond the external limits of the equipment for a minimum of six feet. The area which is required to have the resilient surfacing is the area under and around the equipment where the child is likely to fall and it is called the fall zone. Fall zones may overlap in three situations: between two swing structures, around spring rockers, or around equipment that is less than 30 inches in height. *currently 24*

(h) Swings shall have resilient surfacing that extends two times the length of the pivot point to the surface below. The surfacing shall be to the front and rear of the swing. Enclosed tot swings shall have resilient surfacing that extends two times the length of the pivot point to the bottom of the swing seat. The surfacing shall be to the front and rear of the swing. Tot swings are defined as swings with enclosed seats. Tire swings shall have resilient surfacing that extends a distance of six feet plus the measurement from the pivot point to the swing seat and six feet to the side of the support structure.

(i) Swing seats shall be made of plastic or soft or flexible material.

(j) Elevated platforms shall have a guardrail or protective barrier, depending upon the height of the platform and the age of children that will have access to the piece of equipment. All sides of platforms shall be protected except for the area which allows entry or exit. Guardrails shall prevent inadvertent or unintentional falls off the platform. Protective barriers shall prevent children from climbing over or through the barrier. The critical height for a platform with a protective barrier is the platform surface; the critical height for a platform with a guardrail is the top of the guardrail. Measurements for the guardrails and protective barriers are stated below:

(1) Equipment used by preschool and school-age children:

(A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be at least 38 inches high and the lower edge shall be no more than 23 inches above the platform.

(B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be at least 38 inches high.

(2) Equipment used exclusively by preschool children:

(A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be at least 29 inches high and the lower edge shall be no more than 23 inches above the platform.

(B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be at least 29 inches high.

(3) Equipment used exclusively by school-age children:

(A) Guardrails - an elevated surface that is more than 30 inches and no more than 48 inches above the underling surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be at least 38 inches high and the lower edge shall be no more than 26 inches above the platform.

(B) Protective Barriers - an elevated surface that is more than 48 inches above the underling surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be at least 38 inches high.

(k) All equipment and surfacing ordered, constructed or installed on or after October 1, 1997 shall conform to all the requirements in this Rule. All equipment and surfacing ordered, constructed, or installed prior to October 1, 1997 shall conform to Paragraphs (a) through (c) of this Rule.

(l) All equipment and surfacing ordered, constructed, or installed prior to October 1, 1997 shall conform with (d) through (j) by January 1, 2000. *Current rule same*

(1) Any operator who is unable to comply by this date due to hardship may contact the Division by July 1, 1999 to apply for an extension until January 1, 2001.

(2) In cases where a large composite structure was installed after January 1, 1989 until January 1, 1996 according to manufacturer's instructions and met existing safety standards for playground equipment at the time of installation, an operator may contact the Division to apply for approval for continued use of the structure. Approval shall be based upon:

(A) Documentation submitted that verifies the structure was installed according to manufacturer's instructions; and

(B) Documentation submitted that verifies the structure met existing safety standards at the time of installation; and

(C) An inspection from a representative of the Division to determine the structure remains in good repair and in a useable condition.

History Note: Statutory Authority G.S. 110-91(6); 143B-168.3:

Temporary Adoption Eff. October 1, 1997:

Eff. July 1, 1998.



1 10 NCAC 3U .0703, GENERAL STATUTORY REQUIREMENTS, is amended with changes as published January  
2 2, 1998 in Vol. #12 NCR Issue #13, pages 1109-1110:

4 .0703 GENERAL STATUTORY REQUIREMENTS

5 (a) Staff counted toward meeting the staff/child ratio requirements set forth in Rules .0712 and .0713 of this  
6 Section shall meet the requirements of G.S. 110-91(8). No one under 18 years of age shall have full responsibility  
7 for or be left in charge of a group of children.

8 (b) Anyone who is at least 13 years of age, but less than 16 years of age, may work in a day child care center on  
9 a volunteer basis, as long as he or she is supervised by and works with a required staff person who is at least 21  
10 years of age, and also meets the health standards for volunteers found in Rule .0702 of this Section. No one  
11 younger than 16 years old shall be left alone with children nor counted toward meeting the required staff/child ratio.

12 (c) The provisions of G.S. 110-91(8) which exclude persons with certain criminal records or personal habits or  
13 behavior which may be harmful to children from operating or being employed in a day child care ~~facility~~ center are  
14 hereby incorporated by reference ~~in accordance with G.S. 150B-14(e)~~ and shall also apply to any person on the  
15 premises with the operator's permission when the children are present. This exclusion does not include parents or  
16 other persons who enter the facility center only for the purpose of performing parental responsibilities; nor does it  
17 include persons who enter the facility center for brief periods for the purpose of conducting business with the  
18 operator and who are not left alone with the children.

19 (d)

20  
21 Within six months of an individual assuming lead teacher or child care administrator duties, each center shall  
22 maintain the following information in the individual's staff record:

23 (1) a copy of the credential certificate; or

24 (2) a copy of notification from the Division that the individual meets the equivalency or that the individual  
25 does not meet the equivalency and must enroll in coursework; or

26 (3) a dated copy of the request submitted by the individual to the Division for the assessment of equivalency  
27 status or the opportunity to test out of the credential coursework; or

28 (4) documentation of enrollment in credential coursework.

29 (e) If the individual does not yet meet the staff qualifications required by G.S. 110-91(8) when assuming lead  
30 teacher or administrative duties, the individual shall submit the following information to the Division within six  
31 months of assuming the duties:

32 (1) a request to test out of credential coursework on a form provided by the Division; or

33 (2) application for equivalency on a form provided by the Division, with documentation of completion of  
34 the coursework or credential to be considered for equivalency as required by the Division.

1     (f) For centers with a licensed capacity of three to twelve children, when an individual has responsibility  
2     both for administering the child care program and for planning and implementing the daily activities of a group of  
3     children, the requirements for                     lead teacher in this Section shall

4  
5     apply to this individual. If the program has more than one group of children the requirement regarding lead teacher  
6     shall apply to each group of children.

7  
8     *History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;*

9             *Eff. January 1, 1986;*

10            *Amended Eff. July 1, 1998; January 1, 1990; July 1, 1988; January 1, 1987.*

1 10 NCAC 3U .0707, IN-SERVICE TRAINING REQUIREMENTS, is amended with changes as published January  
2 2, 1998 in Vol. #12 NCR Issue #13, pages 1112-1113:

3  
4 .0707 IN-SERVICE TRAINING REQUIREMENTS

5 (a) Each ~~day~~ child care center shall provide, or arrange for the provision of, training for staff to assure that each  
6 new staff person who has contact with the children will receive a minimum of 10 clock hours of on-site orientation  
7 within the first six weeks of employment. This orientation shall include training in their job-specific duties and  
8 responsibilities; a review of the child ~~day~~ care licensing law and regulations; a review of the individual center's  
9 personnel and operational policies, purpose, and goals; an explanation of the role of state and local government  
10 agencies, their effect on the center, their availability as a resource, and individual staff responsibilities to  
11 representatives of State and local government agencies; observation of center operations; maintaining a safe and  
12 healthy environment; and training to recognize symptoms of child abuse and neglect.

13 (b) The ~~center director~~ child care administrator and any staff who have responsibility for planning and  
14 supervising a ~~day~~ child care program, as well as staff who work directly with children, shall participate in in-service  
15 training activities annually, according to the individual's assessed needs. Staff may choose one of the following  
16 options for meeting the in-service requirement:

- 17 (1) Each staff person shall complete in-service training activities which are related to  
18 ~~child care or to the person's job responsibilities~~ required in G.S. 110-91(11) as specified in the following  
19 Subparagraphs:

20 (A) persons with a four-year degree or higher advanced degree in a child care-related field of study from  
21 a regionally accredited college or university shall complete five clock hours of training ~~annually;~~  
22 annually.

23 (B) persons with a two-year degree in a child care-related field of study from a regionally accredited  
24 college or university, ~~or persons with at least fifteen years documented, professional experience as a~~  
25 ~~teacher, director or caregiver in a licensed or registered child care arrangement~~ or persons with a  
26 North Carolina Early Childhood Administration Credential or its equivalent ~~and a~~  
27 ~~cumulative total of more than 50 hours of approved in-service training~~ shall complete eight clock  
28 hours of training ~~annually;~~ annually.

29 (C) persons with a ~~one-year~~ certificate or diploma in a child care-related field of study from a regionally  
30 accredited college or university, ~~or persons with at least 10 years documented, professional~~  
31 ~~experience as a teacher, director or caregiver in a licensed or registered child care arrangement and a~~  
32 ~~cumulative total of more than 50 hours of approved in-service training,~~ or persons with a Child  
33 Development Associate North Carolina Early Childhood Credential or its equivalent shall complete  
34 ten clock hours of training ~~annually;~~ annually.

NORTH CAROLINA ADMINISTRATIVE CODE

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3U - CHILD DAY CARE STANDARDS

SECTION .0700 - REQUIREMENTS FOR CENTER STAFF

**.0707 IN-SERVICE TRAINING REQUIREMENTS**

(a) Each child care center shall provide, or arrange for the provision of, training for staff to assure that each new staff person who has contact with the children will receive a minimum of 10 clock hours of on-site orientation within the first six weeks of employment. This orientation shall include training in their job-specific duties and responsibilities; a review of the child care licensing law and regulations; a review of the individual center's personnel and operational policies, purpose, and goals; an explanation of the role of state and local government agencies, their effect on the center, their availability as a resource, and individual staff responsibilities to representatives of State and local government agencies; observation of center operations; maintaining a safe and healthy environment; and training to recognize symptoms of child abuse and neglect.

(b) The child care administrator and any staff who have responsibility for planning and supervising a child care program, as well as staff who work directly with children, shall participate in in-service training activities annually, according to the individual's assessed needs. Staff may choose one of the following options for meeting the in-service requirement:

- (1) Each staff person shall complete in-service training required in G.S. 110-91(11) as specified in the following Parts:

- (A) persons with a four-year degree or higher advanced degree in a child care-related field of study from a regionally accredited college or university shall complete five clock hours of training annually.
- (B) persons with a two-year degree in a child care-related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Administration Credential or its equivalent shall complete eight clock hours of training annually.
- (C) persons with a certificate or diploma in a child care-related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Credential or its equivalent shall complete 10 clock hours of training annually.
- (D) persons employed on or after September 1, 1986 with at least 10 years documented, professional experience as a teacher, director, or caregiver in a licensed child care arrangement shall complete 15 clock hours of training annually.
- (E) all other persons shall complete 20 clock hours of training annually.

- (2) For staff listed in Parts (b)(1), (A), (B), (C) and (D) of this Rule, basic cardiopulmonary resuscitation (CPR) training required in Rule .0705 of this Section shall not be counted toward meeting annual in-service training. First aid training may be counted once every three years.

- (3) If a child care administrator or lead teacher is currently enrolled in coursework to meet the staff qualification requirements in G.S. 110-91(8), the coursework may be counted toward meeting the annual in-service training requirement.

(c) For staff working less than 40 hours per week on a regular basis and choosing the option for 20 hours of in-service training, the training requirement may be prorated as follows:

WORKING HOURS PER WEEK	CLOCK HOURS REQUIRED
0-10	5
11-20	10
21-30	15
31-40	20

*History Note: Authority G.S. 110-91(11); 143B-168.3;*

*Eff. January 1, 1986;*

*Amended Eff. July 1, 1998; October 1, 1991; November 1, 1989; July 1, 1988; January 1, 1987.*

1 10 NCAC 3U .0708, MEETING IN-SERVICE REQUIREMENTS, is amended with changes as published January  
2 2, 1998 in Vol. #12 NCR Issue #13, page 1112-1113:

3  
4 **.0708 MEETING IN-SERVICE REQUIREMENTS**

5 Staff may meet the in-service training requirements by attending child-care workshops, conferences, seminars,  
6 or ~~courses~~ courses, provided each training activity satisfies the following criteria:

- 7 (1) Prior approval from the ~~section~~ Division is not required for training offered by an accredited college or  
8 university, government agency, or state or national professional organization or ~~its~~ its recognized  
9 affiliates, provided the content complies with ~~the provisions of Rule .0707(b)~~ G.S. 110-91(11).
- 10 (2) Prior approval from the ~~section~~ Division is required on an annual basis for training provided by agencies  
11 and organizations which have staff who provide, or who arrange for the provision of, training for child  
12 care operators and staff. To obtain such approval, the agency or organization shall submit its annual  
13 training plan to the ~~section~~ Division. Approval shall be determined based upon the qualifications of the  
14 trainer(s).
- 15 (3) Prior approval for ~~each training event must~~ shall be obtained from the ~~section~~ Division by any  
16 organization, association, or individual not included in Paragraphs (1) and (2) of this Rule. Approval  
17 shall be determined based upon the qualifications of the trainer(s).
- 18 (4) No more than five clock hours of the 20 clock hours of training required annually shall be provided on  
19 site by center staff. This restriction shall not apply if the center staff providing the training have been  
20 approved according to the criteria outlined in either Paragraph (1) or (2) of this Rule.

21  
22 *History Note: Authority G.S. 110-91(11); 143B-168.3;*

23 *Eff. January 1, 1986;*

24 *Amended Eff. July 1, 1998; November 1, 1989; July 1, 1988; January 1, 1987.*

10 NCAC 3U .0710, PRESERVICE REQUIREMENT FOR TEACHERS AND AIDES, is amended with changes as published January 2, 1998 in Vol. #12 NCR Issue #13, page 1113:

.0710 PRESERVICE REQUIREMENTS FOR LEAD TEACHERS, TEACHERS AND AIDES

If an individual already has a North Carolina Early Childhood Credential or its equivalent, none of the requirements of this rule shall apply. If an individual does not have a North Carolina Early Childhood Credential or its equivalent, the requirements of this rule shall be met.

(a) A lead teacher or a teacher shall be at least 18 years of age, literate, have a high school diploma or its equivalent, and have at least one of the following:

~~(1) A high school or general education diploma and one of the following:~~

~~(A) One year of verifiable experience working in a child day care center; or~~

~~(B) Twenty additional hours of training within the first six months of employment; or~~

~~(C) Successful completion of the Department of Public Instruction's Child Care Services Occupational Home Economics Program; or~~

~~(D) A passing grade in at least the equivalent of four semester hours in child development at a regionally accredited college or university; or~~

~~(E) A North Carolina Early Childhood Credential.~~

(1) One year of verifiable child care experience working in a child care center or two years of verifiable experience as a licensed family child care home operator; or

(2) Successful completion of a two year high school Child Care Services Occupational Home Economics Program; or

(2) A Child Development Associate Credential.

(3) Graduation from a child care or early childhood curriculum program at a community college or technical college.

(4) An undergraduate or graduate degree with at least the equivalent of four semester hours in child development.

~~(5) Five years of verifiable experience working in child day care.~~

(3) Twenty hours of training in child development, which could include the North Carolina Early Childhood Credential coursework, within the first six months of employment in addition to the number of annual inservice training hours required in Rule .0707 of this Section.

(b) An aide is a person responsible to who assists the lead teacher or the teacher for assisting with in planning and implementing the daily ~~program~~ program, and shall be at least 16 years old and literate.

(c) Individuals employed prior to July 1, 1998 are exempted from the requirements of this Rule, as long as they remain employed by the same operator.

COPY

1 *History Note: Authority G.S. 110-91(8); 143B-168.3;*

2 *Eff. July 1, 1988;*

*Amended Eff. July 1, 1998; April 1, 1997; October 1, 1991; November 1, 1989.*

LOG

MINUTES  
HOUSE HUMAN RESOURCES COMMITTEE

July 28, 1998  
11:00 a.m.

The House Human Resources Committee met on July 28, 1998, in Room 643. The following members were present: Rep. Julia Howard and Rep. Henry Aldridge, co-chairs; Representatives Adams, Bowie, Clary, Culp, Cunningham, Earle, Easterling, Gardner, Gulley, Hunter, Insko, Ives, Nesbitt, Ramsey, Rayfield, Watson, Wilson, and Womble. There were no pages present.

Rep. Howard, presiding chair, called the meeting to order at 11:10 a.m. and Rep. Aldridge opened with prayer. John Young, staff, recapped the meeting last week in which HB 1757 "Disapproval of Certain Rules" was first discussed. The bill would disapprove two sections of the day care rules. One sections deals with playground equipment, and the other with in-service and pre-service training for child care workers. This bill would delay the implementation of these two rules until the committee acts on the bill or the General Assembly adjourns. (A copy of the permanent rules is part of the minutes.)

Susan Sabre, committee counsel, stated that "the temporary rules that were adopted after last session and after your statutes changed the earlier rules, are in effect. They will terminate, you've got a number of different earlier dates they can terminate. The earliest date they will terminate in this case will be, first if Rep. Capps' bill passes. Then the temporary rules that are in existence until the permanent rules that he disapproves, until that bill is effective, at that point the temporary rules will go out of existence and there will be, in effect, no rules that will carry playground safety and credentialling through, because the earlier rules were so substantially changed by the bill you enacted last year. So, as of this point in time, you do have temporary rules enacted after last session, but they will terminate at a particular point in time, and they will definitely terminate at the same date as Rep. Capps' bill becomes effective."

"The temporary rules then expire on the day that the permanent rules become effective. The permanent rules were due to become effective July 1. Your commission approved the rules, but Rep. Capps' bill has sort of held the permanent rules in abeyance until you take action on his bill. The instant you take action on his bill because the rules were due to be effective July 1, the permanent ones, the permanent rules will come into effect and the temporary rules will expire."

She went on to explain that, if Rep. Capps' bill is enacted, "the temporary rules expire. There will be no rules. Well, you have the old rules that you saw last week in your folder. They, however, have been so substantially changed or repealed by last year's session that in effect you would have no rules, and the



Department could start temporary rule-making again. Could start permanent rule-making again."

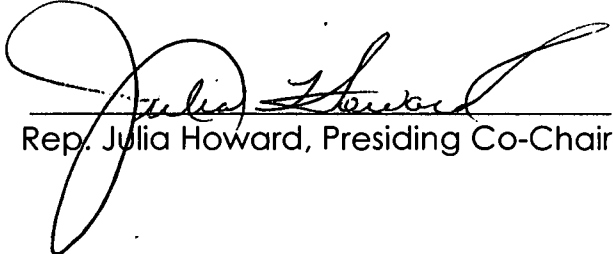
Rep. Capps asked for a clarification that if you took exception to two of the rules, that the rest of the rules would not go into effect? Ms. Sabre stated that it would be just the rules that his bill specifically handled, that "the rest of the rules are marching on." She further stated that "the statutory language is clear. The Department would have to work very carefully with its lawyers, however, to determine whether the language is so clear that it does not require rule-making to protect both itself and the public, as it is mandated to enforce the law." The Department would have to determine whether it can enforce the statutory law without additional rules.

Nancy Radcliffe, NC Voice for Child Care, spoke from the audience and answered questions for committee members. There was much discussion.

Rep. Howard appointed a sub-committee to work on the bill. Its members are Reps. Clary, Nesbitt, and Gardner, with Rep. Gardner as the chair. The meeting was adjourned at 11:52 a.m.

  
\_\_\_\_\_  
Gail Stewart, Committee Clerk

8.18.78  
\_\_\_\_\_  
Date Adopted

  
\_\_\_\_\_  
Rep. Julia Howard, Presiding Co-Chair

Addendum to minutes:

Later in the afternoon, Rep. Gardner let the co-chairs know that she would be unable to be on the sub-committee for HB 1757. Rep. Rayfield was appointed in her place, and Rep. Clary was appointed to chair it.

NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE

You are hereby notified that the Committee on HUMAN RESOURCES will meet as follows:

DAY & DATE: Tuesday, July 28, 1998

TIME: 11:00 a.m.

LOCATION: Room 643

The following bill will be considered:

HB 1757 "Disapproval of Certain Rules"

*Sponsor: Rep. Capps*

Respectfully,

Representatives Aldridge and Howard  
CoChairs

I hereby certify this notice was filed by the committee clerk at the following offices at 10:30 a.m. on Thursday, July 23, 1998.

\_\_\_Principal Clerk  
\_\_\_Reading Clerk - House Chamber

Gail Stewart  
Judy Lowe  
Committee Clerks

## **AGENDA**

House Standing Committee  
on  
**HUMAN RESOURCES**

**Tuesday, July 28, 1998**  
**11:00 a.m.**  
**Room 643**

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of **HB 1757 "Disapproval of Certain Rules"**

Discussion/Vote

Announcements

Adjournment

HUMAN RESOURCES COMMITTEE

JULY 28, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

CPMedlin	Covenant w/ NC's Children
Farmer	DHHS / CD
Rogin Ball	DAHS / DCD
Roslyn Savitt	NC Child Care Coalition
Boland Ennett	—
Amy Fullbright	Tanton : Williams
Brenda Summers	NC Equity
Hal Miller	NC AECT
Billy Bryan	ERC
Beryl E. Wade	Gov
Laney Batcliff	NCVCC
Sue Newsome	Northside Child Care Preschool
Risa Lamy	Grandma's T.L. Christian Adult/Child Daycare Inc
Ruth Priest	ABC Learning Center P.O. Box 1264 Lumberton, N.C.
Jeni Howell	NC Child Care Commission
Sharon Cooney	Verse of The Day

## VISITOR REGISTRATION SHEET

## Human Resources

JULY 28, 1998

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME**

**FIRM OR AGENCY AND ADDRESS**[illegible]

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1757

Short Title: Disapproval of Certain Rules.

(Public)

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Sponsors: Representatives Capps; and Davis.

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Referred to: Rules, Calendar and Operations of the House.

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June 22, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND  
3 EQUIPMENT AND CERTIFICATION THAT ARE TO BECOME EFFECTIVE  
4 JULY 1, 1998.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. (a) Pursuant to G.S. 150B-21.3(b), 10 NCAC 3U .0605, A  
7 CONDITION OF OUTDOOR PLAY EQUIPMENT, adopted by the Child Care  
8 Commission of the Department of Health and Human Services and approved by the  
9 Rules Review Commission on March 19, 1998, is disapproved.  
10 (b) Pursuant to G.S. 150B-21.3(b), 10 NCAC 3U .0703, GENERAL  
11 STATUTORY REQUIREMENTS; 10 NCAC 3U .0707, IN-SERVICE TRAINING  
12 REQUIREMENTS; and 10 NCAC 3U .0708, MEETING IN-SERVICE  
13 REQUIREMENTS, amended by the Child Care Commission of the Department of  
14 Health and Human Services and approved by the Rules Review Commission on  
15 March 19, 1998, are disapproved.  
16 (c) Pursuant to G.S. 150B-21.3(b), 10 NCAC 3U .0704, PRESERVICE  
17 REQUIREMENTS FOR ADMINISTRATORS, and 10 NCAC 3U .0710,  
18 PRESERVICE REQUIREMENTS FOR TEACHERS AND AIDES, amended by the  
19 Child Care Commission of the Department of Health and Human Services and  
20 approved by the Rules Review Commission on April 15, 1998, are disapproved.  
21 Section 2. This act is effective when it becomes law.

*Handed out  
in committee*

10 NCAC 3U .0704, PRESERVICE REQUIREMENTS FOR ADMINISTRATORS, is amended with changes as published January 2, 1998 in Vol. #12 NCR Issue #13, page 1110-1111:

.0704 PRESERVICE REQUIREMENTS FOR ADMINISTRATORS

(a) A child care administrator who has not met the staff qualifications required by G.S. 110-91(8) shall meet the requirements in this Rule prior to exercising any child caring responsibilities.

(a) ~~The on-site administrator who has overall responsibility for planning and administering the child care program shall meet the following requirements:~~

(1) ~~Be at least 21 years of age, and be literate; and~~

(2) ~~(1) Have either a high school or general education diploma; diploma or its equivalent; and~~

(2) ~~(2) Have two years of full-time verifiable work experience in a child day care center or early childhood work experience; or an undergraduate, graduate, or associate degree, with at least 12 semester hours in child development, child psychology, early childhood education or directly related field; or a Child Development Associate Credential; or completion of a community or technical college curriculum program in the area of child care or early childhood; or one year of full-time verifiable child day care or early childhood work experience and a North Carolina Early Childhood Credential; and~~

(3) ~~Have verification of having successfully completed, or be currently enrolled in, 2 semester credit hours, or 32 clock hours, of training in the area of early childhood child care program administration; or, have one year experience performing administrative responsibilities; or, have one year experience performing administrative responsibilities and have another full-time staff person, who meets (1) through (3) of this Paragraph who is responsible for planning and implementing the daily program at the center to comply with Sections .0500 and .0600 of this Subchapter.~~

(b) ~~The~~ An administrator of a child day care program who does not meet the requirements of (a) of this Rule may share the requirements in (a) of this Rule with another individual, provided that prior to exercising child caring responsibilities, the individual who is responsible for planning and implementing the daily program at the center to comply with Sections .0500 and .0600 of this Rule shall be a full-time staff person on-site who meets (a) (1) and (2) of this Rule, and the other individual shall meet (a) (3) of this Rule and be either on-site or off-site, routinely work on-site, or who is responsible for more than one child day care arrangement, shall have verification of having successfully completed, or be currently enrolled in, 2 semester hours, or 32 clock hours, of training in child care program administration; or, have one year experience performing administrative responsibilities and have at least one full-time staff person on-site at each center who meets the requirements of (1) through (3) of Paragraph (a) of this Rule.

1

2

(c) Any person who is at least 21 years old and literate who was employed as an on-site administrator in a day child care program on or before September 1, 1986, shall be exempt from the provisions of Paragraphs (a) and (b) of this Rule. ~~Rule, as long as the person is employed by the same operator.~~

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*History Note: Authority G.S. 110-91(8); 143B-168.3;*

8

*Eff. January 1, 1986;*

9

*Amended Eff. July 1, 1998; April 1, 1997; November 1, 1989; July 1, 1988; January 1, 1987.*



10 NCAC 3U .0605, CONDITION OF OUTDOOR PLAY EQUIPMENT, is adopted as published with changes  
January 2, 1998 in Vol. #12 NCR Issue #13, pages 1107-1109:

.0605 CONDITION OF OUTDOOR PLAY EQUIPMENT

(a) All equipment shall be in good repair and shall be maintained in useable condition. All commercially manufactured equipment shall be assembled and installed according to procedures specified by the manufacturer.

(b) Equipment shall be sturdy, stable, and free of hazards that are accessible to children during normal supervised play including sharp edges, lead based paint, loose nails, splinters, protrusions (excluding nuts and bolts on sides of fences), pinch and crush points.

(c) All broken equipment shall be removed from the premises immediately or made inaccessible to the children.

(d) Any openings in equipment, steps, decks and handrails shall be smaller than 3 1/2" or greater than 9" to prevent entrapment.

(e) All upright angles shall be greater than 55° to prevent entrapment and entanglement.

(f) All stationary outdoor equipment shall be installed over a resilient surface. Footings which anchor equipment shall not be exposed. Loose surfacing material shall not be installed over concrete. Acceptable materials to be used for surfacing include the following: wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel. Other materials that have been certified by the manufacturer to be shock-absorbing resilient material in accordance with the American Society for Testing and Materials (ASTM) Standard 1292, may be used only if installed, maintained and replaced according to the manufacturer's instructions. ~~Pea gravel shall not be used if the area will be used by children under three years of age.~~

The depth of the surfacing that is required shall be based on the critical height of the equipment. The critical height is defined as the maximum height a child may climb, sit or stand.

(1) Equipment with a critical height of five feet or less shall have six inches of any of the surfacing materials listed.

(2) Equipment with a critical height of more than five feet but less than seven feet shall have six inches of any of the surfacing materials listed, except for sand.

(3) Equipment with a critical height of seven feet to ten feet shall have nine inches of any of the surfacing materials listed, except for sand.

(4) When sand is used as a surfacing material for equipment with a critical height of more than five feet twelve inches is required.

(g) The resilient surfacing shall extend beyond the external limits of the equipment for a minimum of six feet. The area which is required to have the resilient surfacing is the area under and around the equipment where the child is likely to fall and it is called the fall zone. Fall zones may overlap in three situations: between two swing structures, around spring rockers, or around equipment that is less than 30 inches in height.

(h) Swings shall have resilient surfacing that extends two times the length of the pivot point to the surface below. The surfacing shall be to the front and rear of the swing. Enclosed tot swings shall have resilient surfacing that extends two times the length of the pivot point to the bottom of the swing seat. The surfacing shall be to the front and rear of the swing. Tot swings are defined as swings with enclosed seats. Tire swings shall have resilient surfacing that extends a distance of six feet plus the measurement from the pivot point to the swing seat and six feet to the side of the support structure.

(i) Swing seats shall be made of plastic or soft or flexible material.

(j) Elevated platforms shall have a guardrail or protective barrier, depending upon the height of the platform and the age of children that will have access to the piece of equipment. All sides of platforms shall be protected except for the area which allows entry or exit. Guardrails shall prevent inadvertent or unintentional falls off the platform. Protective barriers shall prevent children from climbing over or through the barrier. The critical height for a platform with a protective barrier is the platform surface; the critical height for a platform with a guardrail is the top of the guardrail. Measurements for the guardrails and protective barriers are stated below:

(1) Equipment used by preschool and school-age children:

(A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be at least 38 inches high and the lower edge shall be no more than 23 inches above the platform.

(B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be at least 38 inches high.

(2) Equipment used exclusively by preschool children:

(A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be at least 29 inches high and the lower edge shall be no more than 23 inches above the platform.

(B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be at least 29 inches high.

(3) Equipment used exclusively by school-age children:

- (A) Guardrails - an elevated surface that is more than 30 inches and no more than 48 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be at least 38 inches high and the lower edge shall be no more than 26 inches above the platform.
- (B) Protective Barriers - an elevated surface that is more than 48 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be at least 38 inches high.
- (k) All equipment and surfacing ordered, constructed or installed on or after October 1, 1997 shall conform to all the requirements in this Rule. All equipment and surfacing ordered, constructed, or installed prior to October 1, 1997 shall conform to Paragraphs (a) through (c) of this Rule.
- (l) All equipment and surfacing ordered, constructed, or installed prior to October 1, 1997 shall conform with (d) through (i) by January 1, 2000. *Current rule same as (d) through (i)*
- (1) Any operator who is unable to comply by this date due to hardship may contact the Division by July 1, 1999 to apply for an extension until January 1, 2001.
- (2) In cases where a large composite structure was installed after January 1, 1989 until January 1, 1996 according to manufacturer's instructions and met existing safety standards for playground equipment at the time of installation, an operator may contact the Division to apply for approval for continued use of the structure. Approval shall be based upon:
- (A) Documentation submitted that verifies the structure was installed according to manufacturer's instructions; and
- (B) Documentation submitted that verifies the structure met existing safety standards at the time of installation; and
- (C) An inspection from a representative of the Division to determine the structure remains in good repair and in a useable condition.

History Note: Statutory Authority G.S. 110-91(6): 143B-168.3:  
Temporary Adoption Eff. October 1, 1997:  
Eff. July 1, 1998.

10 NCAC 3U .0703, GENERAL STATUTORY REQUIREMENTS, is amended with changes as published January 2, 1998 in Vol. #12 NCR Issue #13, pages 1109-1110:

.0703 GENERAL STATUTORY REQUIREMENTS

(a) Staff counted toward meeting the staff/child ratio requirements set forth in Rules .0712 and .0713 of this Section shall meet the requirements of G.S. 110-91(8). No one under 18 years of age shall have full responsibility for or be left in charge of a group of children.

(b) Anyone who is at least 13 years of age, but less than 16 years of age, may work in a day child care center on a volunteer basis, as long as he or she is supervised by and works with a required staff person who is at least 21 years of age, and also meets the health standards for volunteers found in Rule .0702 of this Section. No one younger than 16 years old shall be left alone with children nor counted toward meeting the required staff/child ratio.

(c) The provisions of G.S. 110-91(8) which exclude persons with certain criminal records or personal habits or behavior which may be harmful to children from operating or being employed in a day child care facility center are hereby incorporated by reference ~~in accordance with G.S. 150B-14(e)~~ and shall also apply to any person on the premises with the operator's permission when the children are present. This exclusion does not include parents or other persons who enter the facility center only for the purpose of performing parental responsibilities; nor does it include persons who enter the facility center for brief periods for the purpose of conducting business with the operator and who are not left alone with the children.

(d)

Within six months of an individual assuming lead teacher or child care administrator duties, each center shall maintain the following information in the individual's staff record:

- (1) a copy of the credential certificate; or
- (2) a copy of notification from the Division that the individual meets the equivalency or that the individual does not meet the equivalency and must enroll in coursework; or
- (3) a dated copy of the request submitted by the individual to the Division for the assessment of equivalency status or the opportunity to test out of the credential coursework; or
- (4) documentation of enrollment in credential coursework.

(e) If the individual does not yet meet the staff qualifications required by G.S. 110-91(8) when assuming lead teacher or administrative duties, the individual shall submit the following information to the Division within six months of assuming the duties:

- (1) a request to test out of credential coursework on a form provided by the Division; or
- (2) application for equivalency on a form provided by the Division, with documentation of completion of the coursework or credential to be considered for equivalency as required by the Division.

1       (f) For centers with a licensed capacity of three to twelve children, when       an individual has responsibility  
2       both for administering the child care program and for planning and implementing the daily activities of a group of  
3       children, the requirements for                               lead teacher in this Section shall  
4  
5       apply to this individual. If the program has more than one group of children the requirement regarding lead teacher  
6       shall apply to each group of children.

7  
8       *History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;*

9               *Eff. January 1, 1986;*

10              *Amended Eff. July 1, 1998; January 1, 1990; July 1, 1988; January 1, 1987.*

1 10 NCAC 3U .0707, IN-SERVICE TRAINING REQUIREMENTS, is amended with changes as published January  
2 2, 1998 in Vol. #12 NCR Issue #13, pages 1112-1113:

4 .0707 IN-SERVICE TRAINING REQUIREMENTS

5 (a) Each ~~day~~ child care center shall provide, or arrange for the provision of, training for staff to assure that each  
6 new staff person who has contact with the children will receive a minimum of 10 clock hours of on-site orientation  
7 within the first six weeks of employment. This orientation shall include training in their job-specific duties and  
8 responsibilities; a review of the child ~~day~~ care licensing law and regulations; a review of the individual center's  
9 personnel and operational policies, purpose, and goals; an explanation of the role of state and local government  
10 agencies, their effect on the center, their availability as a resource, and individual staff responsibilities to  
11 representatives of State and local government agencies; observation of center operations; maintaining a safe and  
12 healthy environment; and training to recognize symptoms of child abuse and neglect.

13 (b) The ~~center director~~ child care administrator and any staff who have responsibility for planning and  
14 supervising a ~~day~~ child care program, as well as staff who work directly with children, shall participate in in-service  
15 training activities annually, according to the individual's assessed needs. Staff may choose one of the following  
16 options for meeting the in-service requirement:

- 17 (1) Each staff person shall complete in-service training activities ~~which are related to~~  
18 ~~child care or to the person's job responsibilities~~ required in G.S. 110-91(11) as specified in the following  
Subparagraphs:

- 19 (A) persons with a four-year degree or higher advanced degree in a child care-related field of study from  
20 a regionally accredited college or university shall complete five clock hours of training ~~annually;~~  
21 annually.  
22  
23 (B) persons with a two-year degree in a child care-related field of study from a regionally accredited  
24 college or university, ~~or persons with at least fifteen years documented, professional experience as a~~  
25 ~~teacher, director or caregiver in a licensed or registered child care arrangement~~ or persons with a  
26 North Carolina Early Childhood Administration Credential or its equivalent ~~and a~~  
27 ~~cumulative total of more than 50 hours of approved in-service training~~ shall complete eight clock  
28 hours of training ~~annually;~~ annually.  
29  
30 (C) persons with a ~~one-year~~ certificate or diploma in a child care-related field of study from a regionally  
31 accredited college or university, ~~or persons with at least 10 years documented, professional~~  
32 ~~experience as a teacher, director or caregiver in a licensed or registered child care arrangement and a~~  
33 ~~cumulative total of more than 50 hours of approved in-service training~~, or persons with a Child  
34 Development Associate North Carolina Early Childhood Credential or its equivalent shall complete  
ten clock hours of training ~~annually;~~ annually.

NORTH CAROLINA ADMINISTRATIVE CODE

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3U - CHILD DAY CARE STANDARDS

SECTION .0700 - REQUIREMENTS FOR CENTER STAFF

.0707 IN-SERVICE TRAINING REQUIREMENTS

(a) Each child care center shall provide, or arrange for the provision of, training for staff to assure that each new staff person who has contact with the children will receive a minimum of 10 clock hours of on-site orientation within the first six weeks of employment. This orientation shall include training in their job-specific duties and responsibilities; a review of the child care licensing law and regulations; a review of the individual center's personnel and operational policies, purpose, and goals; an explanation of the role of state and local government agencies, their effect on the center, their availability as a resource, and individual staff responsibilities to representatives of State and local government agencies; observation of center operations; maintaining a safe and healthy environment; and training to recognize symptoms of child abuse and neglect.

(b) The child care administrator and any staff who have responsibility for planning and supervising a child care program, as well as staff who work directly with children, shall participate in in-service training activities annually, according to the individual's assessed needs. Staff may choose one of the following options for meeting the in-service requirement:

- (1) Each staff person shall complete in-service training required in G.S. 110-91(11) as specified in the following Parts:
  - (A) persons with a four-year degree or higher advanced degree in a child care-related field of study from a regionally accredited college or university shall complete five clock hours of training annually.
  - (B) persons with a two-year degree in a child care-related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Administration Credential or its equivalent shall complete eight clock hours of training annually.
  - (C) persons with a certificate or diploma in a child care-related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Credential or its equivalent shall complete 10 clock hours of training annually.
  - (D) persons employed on or after September 1, 1986 with at least 10 years documented, professional experience as a teacher, director, or caregiver in a licensed child care arrangement shall complete 15 clock hours of training annually.
  - (E) all other persons shall complete 20 clock hours of training annually.
- (2) For staff listed in Parts (b)(1), (A), (B), (C) and (D) of this Rule, basic cardiopulmonary resuscitation (CPR) training required in Rule .0705 of this Section shall not be counted toward meeting annual in-service training. First aid training may be counted once every three years.
- (3) If a child care administrator or lead teacher is currently enrolled in coursework to meet the staff qualification requirements in G.S. 110-91(8), the coursework may be counted toward meeting the annual in-service training requirement.

(c) For staff working less than 40 hours per week on a regular basis and choosing the option for 20 hours of in-service training, the training requirement may be prorated as follows:

WORKING HOURS PER WEEK	CLOCK HOURS REQUIRED
9-10	5
11-20	10
21-30	15
31-40	20

*History Note:* Authority G.S. 110-91(11); 143B-168.3;

*Eff. January 1, 1986;*

*Amended Eff. July 1, 1998; October 1, 1991; November 1, 1989; July 1, 1988; January 1, 1987.*

1 10 NCAC 3U .0708, MEETING IN-SERVICE REQUIREMENTS, is amended with changes as published January  
2 2, 1998 in Vol. #12 NCR Issue #13, page 1112-1113:

3  
4 .0708 MEETING IN-SERVICE REQUIREMENTS

5 Staff may meet the in-service training requirements by attending child-care workshops, conferences, seminars,  
6 or ~~courses~~ courses, provided each training activity satisfies the following criteria:

- 7 (1) Prior approval from the ~~section~~ Division is not required for training offered by an accredited college or  
8 university, government agency, or state or national professional organization or ~~its~~ its recognized  
9 affiliates, provided the content complies with ~~the provisions of Rule .0707(b)~~ G.S. 110-91(11).
- 10 (2) Prior approval from the ~~section~~ Division is required on an annual basis for training provided by agencies  
11 and organizations which have staff who provide, or who arrange for the provision of, training for child  
12 care operators and staff. To obtain such approval, the agency or organization shall submit its annual  
13 training plan to the ~~section~~ Division. Approval shall be determined based upon the qualifications of the  
14 trainer(s).
- 15 (3) Prior approval for ~~each training event must~~ shall be obtained from the ~~section~~ Division by any  
16 organization, association, or individual not included in Paragraphs (1) and (2) of this Rule. Approval  
17 shall be determined based upon the qualifications of the trainer(s).
- 18 (4) No more than five clock hours of the 20 clock hours of training required annually shall be provided on  
19 site by center staff. This restriction shall not apply if the center staff providing the training have been  
20 approved according to the criteria outlined in either Paragraph (1) or (2) of this Rule.

21  
22 *History Note: Authority G.S. 110-91(11); 143B-168.3;*

23 *Eff. January 1, 1986;*

24 *Amended Eff. July 1, 1998; November 1, 1989; July 1, 1988; January 1, 1987.*



10 NCAC 3U .0710, PRESERVICE REQUIREMENT FOR TEACHERS AND AIDES, is amended with changes as published January 2, 1998 in Vol. #12 NCR Issue #13, page 1113:

.0710 PRESERVICE REQUIREMENTS FOR LEAD TEACHERS, TEACHERS AND AIDES

If an individual already has a North Carolina Early Childhood Credential or its equivalent, none of the requirements of this rule shall apply. If an individual does not have a North Carolina Early Childhood Credential or its equivalent, the requirements of this rule shall be met.

(a) A lead teacher or a teacher shall be at least 18 years of age, literate, have a high school diploma or its equivalent, and have at least one of the following:

~~(1) A high school or general education diploma and one of the following:~~

~~(A) One year of verifiable experience working in a child day care center; or~~

~~(B) Twenty additional hours of training within the first six months of employment; or~~

~~(C) Successful completion of the Department of Public Instruction's Child Care Services Occupational Home Economics Program; or~~

~~(D) A passing grade in at least the equivalent of four semester hours in child development at a regionally accredited college or university; or~~

~~(E) A North Carolina Early Childhood Credential.~~

(1) One year of verifiable child care experience working in a child care center or two years of verifiable experience as a licensed family child care home operator; or

(2) Successful completion of a two year high school Child Care Services Occupational Home Economics Program; or

~~(2) A Child Development Associate Credential.~~

~~(3) Graduation from a child care or early childhood curriculum program at a community college or technical college.~~

~~(4) An undergraduate or graduate degree with at least the equivalent of four semester hours in child development.~~

~~(5) Five years of verifiable experience working in child day care.~~

(3) Twenty hours of training in child development, which could include the North Carolina Early Childhood Credential coursework, within the first six months of employment in addition to the number of annual inservice training hours required in Rule .0707 of this Section.

(b) An aide ~~is a~~ or person responsible to who assists the lead teacher or the teacher for assisting with in planning and implementing the daily ~~program~~ program, and shall be at least 16 years old and literate.

(c) Individuals employed prior to July 1, 1998 are exempted from the requirements of this Rule, as long as they remain employed by the same operator.

COPY

1 History Note: Authority G.S. 110-91(8); 143B-168.3;

2 Eff. July 1, 1988;

Amended Eff. July 1, 1998; April 1, 1997; October 1, 1991; November 1, 1989.

LOG

vides that this act shall be known and cited as the Expansion and Capital Improvements Appropriations Act of 1995.

Session Laws 1995, c. 507, s. 28.12 is a severability clause.

Session Laws 1995, c. 507, which amended this section, in s. 27.8(z) provides that the amendment is effective December 1, 1995, and is applicable to all rules for which a notice of rule making is published in the North Carolina Register on or after that date and to rule and Building Code changes that are initiated on or after that date and that are not subject to the rule-making procedures set out in Article 2A of Chapter 150B of the General Statutes.

**Effect of Amendments.** — The 1995 amendment, effective December 1, 1995, rewrote subsection (a); added present subsections (b) and (c); redesignated former subsections (b) and (c) as present subsections (d) and (e); in the second sentence of present subsection (d) deleted "a rule-making notice" following "publishes", added "a notice of rule-making proceedings or the text of a proposed rule", inserted "or text" preceding "to each person", deleted "rule or the" pre-

ceding "subject matter", deleted "for rule making" following "subject matter", and added "or the rule affected"; rewrote present subsection (e); deleted former subsection (d), regarding the publication of the text of a proposed rule before and after the public hearing; redesignated former subsections (e) through (h) as present subsections (f) through (i); in present subsection (f) added the first and second sentences, substituted "any other" for "a" following "on the text of", and deleted the next to last sentence, regarding comments on a statement of the subject matter of proposed rule making; and in present subsection (g) substituted "shall" for "may" throughout the subsection, substituted "subsection (f) of this section" for "subsection (e)" in the last sentence of the first paragraph, and substituted "either the notice of rule-making proceedings or the proposed text of the rule published in the North Carolina Register" for "the notice published in the North Carolina Register or the proposed text of the rule" in subdivision (g)(1). For applicability of this amendment, see editor's note.

#### CASE NOTES

**Editor's Note.** — *The case below was decided under corresponding provisions of former Chapter 150A.*

**Notice and Opportunity to Be Heard Required.** — Substantial compliance under former § 150A-9, among other things, requires notice and the

opportunity to be heard, as provided by former § 150A-12, before the adoption of a rule. *American Guar. & Liab. Ins. Co. v. Ingram*, 32 N.C. App. 552, 233 S.E.2d 398, cert. denied, 292 N.C. 729, 235 S.E.2d 782 (1977).

#### OPINIONS OF ATTORNEY GENERAL

**Notice Provisions of Other Statutes Controlled over Former § 150A-12.** — See opinion of Attorney General to Mr. Gary K. Berman, Administrative

Procedures Office, Department of Human Resources, 45 N.C.A.G. 217 (1976), issued under corresponding provisions of former Chapter 150A.

#### § 150B-21.3. Effective date of rules.

(a) **Temporary Rule.** — A temporary rule becomes effective on the date the Codifier of Rules enters the rule in the North Carolina Administrative Code.

(b) **Permanent Rule.** — A permanent rule approved by the Commission becomes effective on the thirty-first legislative day of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule, unless a later effective date applies under this subsection. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either the day an unfavorable

final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency adopting the rule specifies a later effective date than the date that would otherwise apply under this subsection, the later date applies. A permanent rule that is not approved by the Commission or that is specifically disapproved by a bill ratified by the General Assembly before it becomes effective does not become effective.

A bill specifically disapproves a rule if it contains a provision that refers to the rule by appropriate North Carolina Administrative Code citation and states that the rule is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove a rule that has been approved by the Commission and that either has not become effective or has become effective by executive order under subsection (c) of this section.

(c) Executive Order Exception. — The Governor may, by executive order, make effective a permanent rule that has been approved by the Commission and has not become effective under subsection (b) of this section upon finding that it is necessary that the rule become effective in order to protect public health, safety, or welfare. A rule made effective by executive order becomes effective on the date the order is issued or at a later date specified in the order. When the Codifier of Rules enters in the North Carolina Administrative Code a rule made effective by executive order, the entry must reflect this action.

A rule that is made effective by executive order remains in effect unless it is specifically disapproved by the General Assembly in a bill ratified on or before the day of adjournment of the regular session of the General Assembly that begins at least 25 days after the date the executive order is issued. A rule that is made effective by executive order and that is specifically disapproved by a bill ratified by the General Assembly is repealed as of the date specified in the bill. If a rule that is made effective by executive order is not specifically disapproved by a bill ratified by the General Assembly within the time set by this subsection, the Codifier of Rules must note this in the North Carolina Administrative Code.

(d) Legislative Day and Day of Adjournment. — As used in this section:

- (1) A "legislative day" is a day on which either house of the General Assembly convenes in regular session.
- (2) The "day of adjournment" of a regular session held in an odd-numbered year is the day the General Assembly adjourns by joint resolution for more than 10 days.
- (3) The "day of adjournment" of a regular session held in an even-numbered year is the day the General Assembly adjourns sine die.

(e) OSHA Standard. — A permanent rule concerning an occupational safety and health standard that is adopted by the Occupational Safety and Health Division of the Department of Labor and is identical to a federal regulation promulgated by the Secretary of the United States Department of Labor becomes effective on the date the Division delivers the rule to the Codifier of Rules, unless the Division specifies a later effective date. If the Division specifies a later effective date, the rule becomes effective on that date. (1991, c. 418, s. 1; 1995, c. 507, s. 27.8(e).)



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July 17, 1998

**MEMORANDUM**

**TO:** House Committee on Human Resources

**FROM:** John Young, Committee Staff

**RE:** House Bill 1757-Child Care Changes  
Rep Capps

At the end of the 1997 Regular Session, a very complicated piece of child care legislation was passed as S.L. 1997-506. Pursuant to this legislation, the Child Care Commission revised and rewrote a number of the rules affecting child care. These rules were reviewed by the Rules Review Commission and were to go into effect July 1, 1998.

G.S. 150B-21.3(b) allows a rule to be delayed if a member of the General Assembly introduces a bill to specifically disapprove a rule. HB 1757 meets this provision and delays the rules covered by the bill either until unfavorable final action is taken on the bill or the General Assembly adjourns without ratifying the bill.

House Bill 1757 would disapprove the following child care rules:

1. 10 NCAC 3U .0605-Condition of Outdoor Play Equipment;
2. 10 NCAC 3U .0703-General Statutory Requirements;
3. 10 NCAC 3U .0704-Preservice Requirements for Administrators;
4. 10 NCAC 3U .0707-In-Service Training Requirements;
5. 10 NCAC 3U .0708-Meeting In-Service Requirements; and
6. 10 NCAC 3U .0710-Preservice Requirements for Teachers and Aides.

A copy of the statutes and rules is attached.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1757

Short Title: Disapproval of Certain Rules.

(Public)

Sponsors: Representatives Capps; and Davis.

Referred to: Rules, Calendar and Operations of the House.

June 22, 1998

A BILL TO BE ENTITLED

1  
2 AN ACT TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND  
3 EQUIPMENT AND CERTIFICATION THAT ARE TO BECOME EFFECTIVE  
4 JULY 1, 1998.

5 The General Assembly of North Carolina enacts:

6 Section 1. (a) Pursuant to G.S. 150B-21.3(b), 10 NCAC 3U .0605, A  
7 CONDITION OF OUTDOOR PLAY EQUIPMENT, adopted by the Child Care  
8 Commission of the Department of Health and Human Services and approved by the  
9 Rules Review Commission on March 19, 1998, is disapproved.

10 (b) Pursuant to G.S. 150B-21.3(b), 10 NCAC 3U .0703, GENERAL  
11 STATUTORY REQUIREMENTS; 10 NCAC 3U .0707, IN-SERVICE TRAINING  
12 REQUIREMENTS; and 10 NCAC 3U .0708, MEETING IN-SERVICE  
13 REQUIREMENTS, amended by the Child Care Commission of the Department of  
14 Health and Human Services and approved by the Rules Review Commission on  
15 March 19, 1998, are disapproved.

16 (c) Pursuant to G.S. 150B-21.3(b), 10 NCAC 3U .0704, PRESERVICE  
17 REQUIREMENTS FOR ADMINISTRATORS, and 10 NCAC 3U .0710,  
18 PRESERVICE REQUIREMENTS FOR TEACHERS AND AIDES, amended by the  
19 Child Care Commission of the Department of Health and Human Services and  
20 approved by the Rules Review Commission on April 15, 1998, are disapproved.

21 Section 2. This act is effective when it becomes law.

These  
are the  
CRS  
rules

(5)

**July 20, 1998**

**MEMO**

**TO: Rep. Julia Howard, Chairman, Human Resources Comm.**

**FROM: Russell Capps**

**SUBJECT: Bill before the Committee**

**Last Thursday the Rules Committee referred to your Committee my Bill which would take exception to Certain Rules - Child Day Care Commission.**

**This is our only chance to make an effort to stop two of the very controversial proposed Rules from taking effect.**

**Last Session we passed controversial Senate Bill 929 on Day Care. In that Bill we made some significant changes, with Leo's help, including the establishment of a Study Committee to oversee the proposed Rules.**

**After last Session, the liberal Day Care Commission came up with a series of Rules which were railroaded through. As private, non-government subsidized Day Care operators finally found out about the proposed rules there arose some serious concerns.**

**Speaker Brubaker and Majority Leader Daughtry wrote a letter to the Day Care Commission and asked them not to approve the proposed Rules until the Study Committee had a chance to address the concerns. The Study Committee headed by Co. Chairs Wilma Sherrill and Sen Phillips, met only twice and was very pressed for time each meeting date so that there was never adequate time to address the concerns.**

**The Committee was stacked with liberals and lobbied heavily by Day Care Commission bureaucrats which pretty well kept anything from stopping the railroad job.**

**I went before the Rules Approval Commission, along with other spokespersons for the Day Care operators and requested that two of the Rules not be approved until we could iron out the problems. I read to them the letter from Brubaker and Daughtry and pleaded with them to hold up on two of the Rules. They ignored our concerns and went ahead and rubber stamped the Rules.**

**All of the Rules automatically go into effect unless a Bill is approved in this Session taking exception to one or more of the Rules. My Bill would take exception to the Rules on requirements for playground equipment and on "Credentialing" (required training).**

**The Playground equipment rules show no common sense and would be very expensive (\$30,000 to \$50,000 according to our survey of the Day Care Centers) which is totally unnecessary. The Bill we passed last Session (SB 929 House Committee Substitute) already sets an excellent standard and common sense approach for playground equipment safety and is fully adequate. Most Day Care operators are certain among themselves that this expensive requirement, along with the credentialing requirement is designed to put the non-government controlled operations out of business.**

**The other Rule to which my Bill objects is the credentialing requirement. It is excessive, expensive, and is more than most non-government controlled operations can comply with.**

**To be sure of the grounds for making an attempt to stop these two Rules, I asked that an extensive survey be done to get a true picture of what the Day Care operators concerns are. A very well prepared Survey document went out to 1,000 Day Care operators all across the State.**



**More than 200 responded and I have the responses, and the summary of the survey results, which strongly back our need to put the brakes on these two Rules. I will be prepared to share that with you, either now or before the Committee.**

**I request that you schedule the Bill before your Committee at the earliest possible so we can try to get a favorable report and get it out on the floor for a vote. I'll be happy to explain further or do whatever you say to get it going!**

**Thanks very much for any help you can give me on this.**

June 22, 1998

**H 1757. DISAPPROVAL OF CERTAIN RULES.** *TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND EQUIPMENT AND CERTIFICATION THAT ARE TO BECOME EFFECTIVE JULY 1, 1998.* Disapproves, pursuant to GS 150B-21.3(b), three rules adopted by DHHS Child Care Comm'n relating to condition of outdoor play equipment, in-service training requirements, and preservice requirements for administrators, teachers, and aides.

**Intro. by Capps.**

Ref. to Rules

GS UNCODIFIED

MINUTES  
HOUSE HUMAN RESOURCES COMMITTEES  
September 22, 1998

The House Committee on Human Resources met in Room 643 at 4:00 P.M. on September 22, 1998. Members present were Reps. Julia Howard and Henry Aldridge, Co-chairs, and Representatives Adams, Clary, Culp, Earle, Easterling, Gardner, Gulley, Insko, Ives, Nesbitt, Rayfield, Ramsey, Warwick, Watson and Womble.

Rep. Aldridge opened the meeting with prayer. Rep. Howard, presiding chair, called the meeting to order at 3:55 P.M.

Rep. Howard stated that under House Rule 36 all bills that are still in the committee have to be cleared. Rep. Gardner made a motion that the following bills be postponed indefinitely at the request of the sponsor. HB 235, HB 464, HB 478, HB 1007, HB 1112, HB 1206, HB 1392 and HB1757. Vote was unanimous for approval. The following bills also need to be postponed indefinitely to clear the Box: HB 213, HB 576, HB 1016, HB 1030, HB 1116, HB 1130 and HB 1465. Rep. Gardner moved that these bills be postponed indefinitely. Vote was unanimous for approval.

The bill on the calendar was SB 350 "Supplemental Insurance Benefit" sponsored by Senator Soles. Bernie Cripe, Interim Director for Human Resources, was in charge of handling this bill in the committee. The proposal was for a single Insurance Committee for the Department and its employees to replace the 21 committees that exist in each of the payroll units across the Department. The bill came out of a 1995 Senate Study Commission. Mr. Cripe noted that all other department of state government have one committee and that the department be permitted to draw from the existing employees to staff that committee through the HR Personnel Division and maintain the existing statutes relative to bidding procedures and selections of products. A major concern has been that when employees leave one payroll unit and go to a different payroll unit, the employee may not be able to have portability with their insurance benefits. There was much discussion on the bill and a number of questions for Mr. Cripe from members.

Rep. Gardner moved to amend the Bill on Pg. 2, lines 15 through 18 by rewriting the lines to read Section II, "Effective January 1, 1999 the Employees Insurance Committees of the Department of Health and Human Services are abolished and shall be replaced with a single Employee Insurance Committee appointed by the Secretary of the Department of Health and Human Services to represent all employees of that department" and on Pg. 2, line 19 by rewriting the line to read Section III, "This act becomes effective January 1, 1999." The amendment was given a favorable report by a voice vote.

Rep. Howard then recognized Mr. Glenn Jernigan, representing Colonial Life and Accident. He spoke in opposition to the bill on the grounds that it would not benefit

employees in terms of pricing competitiveness and that state employees will suffer as a result. He stated that one committee is not a good concept for the employee.

Mr. Chuck Stone, President of SEANC and Chair for O'Berry Center Insurance Committee urged support for SB 350 believing it is in the best interest of state employees and taxpayers due to efficiency, expertise, benefits, and competition.

The chair then recognized Mr. Bill Patterson, on behalf of Pearce Insurance Agency, who opposes this Bill on the grounds that the existing system has worked well for 30 years and that there would be little or no savings.

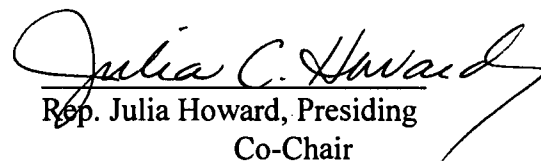
After further discussion, Representative Gardner called for the question on her motion that the bill be given a favorable report as amended. A hand show vote indicated 6 in favor and 8 against. The motion failed.

Representative Womble moved to amend the Bill on Pg 2, between lines 4 and 5 by inserting between these lines the following new sub-division, B I. "The Employee Insurance Committee appointed by the Secretary of the Department of Health and Human Services shall consist of not less than 13 nor more than 21 individuals." Members voted by voice vote and the amendment failed.

Co-chairman Howard then returned to the motion by Rep. Gardner for the original bill, including the amendment on the date change. A hand vote gave the bill a favorable report.

Rep. Howard adjourned the meeting at 5:25 P.M.

  
Judy Lowe, Committee Clerk

  
Rep. Julia Howard, Presiding  
Co-Chair

NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE

You are hereby notified that the Committee on HUMAN RESOURCES will meet as follows:

DAY & DATE: Tuesday, September 22, 1998

TIME: 15 minutes after Session

LOCATION: Room 643

To comply with House Rule 36 and to discuss SB 350  
"Supplemental Insurance Benefits" (Senator Soles, Sponsor)

Respectfully,

Representatives Aldridge and Howard  
CoChairs

I hereby certify this notice was filed by the committee clerk at the following offices at 12:30 p.m. on Friday, September 18, 1998.

\_\_\_Principal Clerk  
\_\_\_Reading Clerk - House Chamber

Gail Stewart  
Judy Lowe  
Committee Clerks

# AGENDA

## HOUSE HUMAN RESOURCES COMMITTEE

September 22, 1998

15 minutes after House Session Adjourns  
Room 643

Call to Order: Rep. Julia Howard, Presiding CoChair

Prayer: Rep. Henry Aldridge, CoChair

Rule 36 procedure

Senate Bill 350 "Supplemental Insurance Benefits"  
Senator Soles, Sponsor

Discussion/Vote

Adjournment



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August 11, 1997

**MEMORANDUM**

**TO:** House Human Resources Committee

**FROM:** John Young, Committee Staff

**RE:** **Senate Bill 350**  
(Supplemental Insurance Benefits)(Agency Bill)

Senate Bill 350 abolishes the more than twenty different employee insurance committees operating within the Department of Human Resources and replaces them with one employee insurance committee that will serve all DHR. The change would take effect January 1, 1998.

Employee insurance committees are responsible for evaluating and selecting the types of supplemental insurance products (such as life insurance, cancer insurance, disability insurance, dental insurance, etc.) that are available to State employees through payroll deduction. The committees also select the vendors that provide these products. Other State agencies are each represented by one employee insurance committee. DHR has over twenty different committees representing its various divisions and institutions. (These products are provided separate and apart from other insurance benefits offered through the State's centralized flexible benefits program).

The consolidation of the DHR employee insurance committees was one of several recommendations made by a select Senate study committee on State Employee Insurance Issues to the 1996 legislative session.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 350

Pensions and Retirement and Insurance Committee Substitute Adopted 3/27/97

Short Title: Supplemental Insurance Benefits/AB.

(Public)

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Sponsors:

---

Referred to:

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March 10, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE  
3 COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE INSURANCE  
4 COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 58-31-60(b) reads as rewritten:  
7 "(b) Appointment of Employee Insurance Committee Members. -- The members  
8 of the Employee Insurance Committee shall be appointed by the head of the payroll  
9 unit. The Committee shall consist of not less than five or more than nine individuals  
10 a majority of whom have been employed in the payroll unit for at least one year. The  
11 committee members shall, except where necessary initially to establish the rotation  
12 herein prescribed, serve three-year terms with approximately one-third of the terms  
13 expiring annually. Committee membership make-up shall fairly represent the work  
14 force in the payroll unit and be selected without regard to any political or other  
15 affiliations. It shall be the duty of the payroll unit head to assure that the Employee  
16 Insurance Committee is completely autonomous in its selection of insurance products  
17 and insurance companies and that no member of the Employee Insurance Committee  
18 has any conflict of interest in serving on the Committee. A committee on employee  
19 benefits elected or appointed by the faculty representative body of a constituent  
20 institution of The University of North Carolina shall be deemed constituted and  
21 functioning as an employee insurance committee in accordance with this section. Any  
22 decision rendered by the Employee Insurance Committee where the autonomy of the  
23 Committee or a conflict of interest is questioned shall be subject to appeal pursuant



1 to the Administrative Procedure Act, or in the case of departments, boards and  
2 commissions which are specifically exempt from the Administrative Procedure Act,  
3 pursuant to the appeals procedure prescribed for such department, board or  
4 commission.

5 ~~All payroll units in existence on May 21, 1985, shall continue to be deemed payroll~~  
6 ~~units, regardless of any subsequent consolidation of such payroll units, for purposes of~~  
7 ~~the appointment of the members of the Employee Insurance Committee in order to~~  
8 ~~assure such units the continuing ability to meet the needs and desires of the~~  
9 ~~employees of such units by having the right to select insurance carriers and insurance~~  
10 ~~products. No Employee Insurance Committee shall be created for employees~~  
11 ~~represented by a previously existing committee. Any such duplicative Employee~~  
12 ~~Insurance Committees are hereby disbanded. In the event of the consolidation of a~~  
13 ~~payroll unit, the head of the former payroll unit shall appoint the members of the~~  
14 ~~Committee in accordance with the provisions of this section."~~

15       Section 2. Effective January 1, 1998, the employee insurance committees  
16 of the Department of Human Resources are abolished and shall be replaced with a  
17 single employee insurance committee, appointed by the Secretary of Human  
18 Resources, to represent all employees of that Department.

19       Section 3. This act becomes effective January 1, 1998.

## **SENATE BILL 350- SUPPLEMENTAL INSURANCE BENEFITS**

(Prepared by Hunton & Williams on behalf of Pierce Insurance Agency, Inc.)

Senate Bill 350, Supplemental Insurance Benefits, proposes to consolidate all of the state employee insurance committees currently under the Department of Human Resources (DHR) into one insurance committee.

### **HISTORY**

For years state employees have had the opportunity to select supplemental insurance benefit programs such as life, dental, cancer, disability, and long term care insurance, through employee insurance committees set up within state employee payroll units. These committees solicit proposals, review policies and premiums, and then select, as a committee, the policies which they prefer. The decisions regarding which policies are chosen are made locally by the committees, and policies are available to members of the respective committees.

### **PROBLEM**

Concerns have been raised in the past regarding a lack of competition in the supplemental insurance benefit market and access to the market by insurance agencies. Additionally, administrative and logistical concerns regarding the procedures by which committees select supplemental insurance policies have been raised.

In April, 1996, the Senate Select Committee on State Employee Insurance Issues, which was created by Senate President Pro Tempore Marc Basnight and chaired by Senator R.C. Soles, extensively reviewed and studied the issue of employee insurance committees and approved the following proposals as found in the Committees' final report:

1. Prohibit political appointees from serving on employee insurance committees;
2. Relieve small agencies from the minimum size requirements for employee insurance committees;
3. Establish a central vendor registry where all interested vendors can provide information about themselves;
4. Require committees to report information to the Department of Administration on their activities;
5. Require the Department of Insurance to provide technical assistance to committees (within available funds);
6. Require contracts to be rebid at least once every three years; and
7. Consolidate DHR's committees into a single committee to represent all of DHR's employees.

### **SOLUTION:**

The above listed proposals, with the exception of item 7, directly address the major concerns with the process as it currently stands. We respectfully recommend that the committee consider legislation that would implement these six reforms. We also strongly request that the committee not approve the consolidation concept, because it not only fails to address the lack of competition in the supplemental insurance benefit market and access to the market by insurance agencies, but it actually promotes reduced competition and reduced access to this market. Consolidation would result in a single statewide committee, which in-turn, results in a limited number of insurance agencies that could realistically bid on and effectively service these policies. Logically, one would assume that fewer agencies involved in the process would result in fewer bids and potentially higher rates as a result of reduced competition, not to mention fewer choices for state employees.

### **ADDITIONALLY**

- o. State employees already have a statewide flexible benefits program, FLEX, which is a cafeteria-style program. The FLEX program offers a variety of types of insurance coverage in which state employees can participate with pre-tax dollars. The local choice of supplemental benefits available through the current benefit committee structure complements the statewide

FLEX program.

- o. Supplemental insurance policies are paid for by state employees with post-tax dollars and state employees should have the opportunity to choose the policies they want on a local basis by a committee that more closely represents their interests than would a statewide committee in Raleigh.
- o. Some argue that a consolidated committee within DHR would provide a larger group size and thus better rates, but this is just not true. Once the group size reaches 1,500 individuals, rates do not differ substantially with increases in the group size.

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## HOUSE COMMITTEE ON HUMAN RESOURCES

JULY, 1998

### Senate 350: Supplemental Insurance Program: DHR

**TOPIC:** Merits of consolidating all of DHHS's payroll units into one employee insurance committee

#### Background:

- The Department of Health and Human Services has 21 insurance committees, one for each payroll unit. Each committee is composed of five to nine members.
- The members are required by statute to be representative of the employees of that payroll unit. There is no requirement that the members be knowledgeable of insurance products.
- The active insurance products in most instances are common types of insurance products that a large percentage of the committees have on payroll deduction, such as disability, cancer, dental, life and accident insurance.
- Even though the types of products are the same, there are different policies with different rates and benefits for the same product throughout the department.

#### Proposal:

- Replace the 21 existing DHHS insurance committees with one departmental employee benefits committee. Offer insurance products through the departmental employee benefits committee that are not presently provided by the state's flexible benefits insurance program (NCFLEX). Do not renew existing insurance contracts in the individual payroll units when they expire. However, as is presently provided, employees would be allowed to continue existing coverage if desired.

#### Benefits:

- **Leverage/Affordability** - Economies of scale. As an example, DHHS presently has eight dental insurance providers. Consolidating these plans into one plan should result in lower premiums, and possibly a higher base level of benefits. Lower premiums would make the insurance products more affordable for lower paid employees, many of whom desire to participate in these optional insurance programs, and are not enrolling because they cannot afford the monthly premiums.
- **Portability** - Employees could transfer from one DHHS agency to another and maintain the same insurance products. Now, unless the receiving agency has the same products, employees lose their payroll deduction for existing coverage when transferring.
- **Productivity/Efficiency** - One committee representing the department's 20,000 plus employees for all benefits programs is more effective and efficient than 21 individual insurance committees with five to nine members each constituting approximately 150 employees time. These committees meet frequently. It takes a considerable amount of time away from regular work assignments to effectively participate in the selection of vendors and the oversight of the optional insurance programs once in place.

# BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill	<u>S 350</u>	Sponsor	<u>Soles</u>
Favorable	<u>✓</u>	Motion by	<u>Gardner</u>
Unfavorable		Motion by	
Amended	<u>✓</u>	Motion by	<u>Gardner</u>
Comm. Sub.		Motion by	
Original Bill			
Re-referred		Motion by	
Other Action			

\*\*\*\*\*

Bill	<u>H 213</u>	Sponsor	<u>Nichols</u>
Favorable		Motion by	<u>Gardner</u>
Unfavorable		Motion by	
Amended		Motion by	
Comm. Sub.		Motion by	
Original Bill			
Re-referred		Motion by	
Other Action	<u>PPI</u>		

\*\*\*\*\*

Bill	<u>H 576</u>	Sponsor	<u>Wright</u>
Favorable		Motion by	<u>Gardner</u>
Unfavorable		Motion by	
Amended		Motion by	
Comm. Sub.		Motion by	
Original Bill			
Re-referred		Motion by	
Other Action	<u>PPI</u>		

\*\*\*\*\*

Bill	<u>H 1016</u>	Sponsor	<u>Earle</u>
Favorable		Motion by	<u>Gardner</u>
Unfavorable		Motion by	
Amended		Motion by	
Comm. Sub.		Motion by	
Original Bill			
Re-referred		Motion by	
Other Action	<u>PPI</u>		

# **BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS**

Bill	<u>H 1030</u>	Sponsor	<u>Mosley</u>
Favorable	_____	Motion by	<u>Gardner</u>
Unfavorable	_____	Motion by	_____
Amended	_____	Motion by	_____
Comm. Sub.	_____	Motion by	_____
Original Bill	_____	Motion by	_____
Re-referred	_____	Motion by	_____
Other Action	<u>PPI</u> ✓		

\*\*\*\*\*

Bill	<u>H 1116</u>	Sponsor	<u>Boyd - McIntyre</u>
Favorable	_____	Motion by	<u>Gardner</u>
Unfavorable	_____	Motion by	_____
Amended	_____	Motion by	_____
Comm. Sub.	_____	Motion by	_____
Original Bill	_____	Motion by	_____
Re-referred	_____	Motion by	_____
Other Action	<u>PPI</u> ✓		

\*\*\*\*\*

Bill	<u>H 1130</u>	Sponsor	<u>Boyd - McIntyre</u>
Favorable	_____	Motion by	<u>Gardner</u>
Unfavorable	_____	Motion by	_____
Amended	_____	Motion by	_____
Comm. Sub.	_____	Motion by	_____
Original Bill	_____	Motion by	_____
Re-referred	_____	Motion by	_____
Other Action	<u>PPI</u> ✓		

\*\*\*\*\*

Bill	<u>H 1465</u>	Sponsor	<u>Aldridge/Earle</u>
Favorable	_____	Motion by	<u>Gardner</u>
Unfavorable	_____	Motion by	_____
Amended	_____	Motion by	_____
Comm. Sub.	_____	Motion by	_____
Original Bill	_____	Motion by	_____
Re-referred	_____	Motion by	_____
Other Action	<u>PPI</u> ✓		



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 350

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 1 of \_\_\_\_

S350-ASE-002

Date \_\_\_\_\_, 1998

Comm. Sub. [YES]  
Amends Title []  
Second Edition

Representative

- 1 moves to amend the bill on page 2, lines 15 through line 18,  
2 by rewriting the lines to read:  
3 "Section 2. Effective January 1, 1999, the employee insurance  
4 committees of the Department of Health and Human Services are  
5 abolished and shall be replaced with a single employee insurance  
6 committee, appointed by the Secretary of the Department of Health  
7 and Human Services, to represent all employees of that Department.";  
8  
9 and on page 2, line 19, by rewriting the line to read:  
10 "Section 3. This act becomes effective January 1, 1999."  
11

SIGNED Charlotte Gardner  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

**1998 COMMITTEE REPORT**  
**HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

---

☒ Committee Substitute for

S.B. 350 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING  
EMPLOYEE INSURANCE COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE  
INSURANCE COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on  
☐ Appropriations ☐ Finance ☐

☒ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the  
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (# ), ☐ which changes the title,  
unfavorable as to original bill (Committee Substitute Bill # ), (and recommendation  
that the committee substitute bill # ) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (# ), ☐ which changes  
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97



## **SENATE BILL 350- SUPPLEMENTAL INSURANCE BENEFITS**

(Prepared by Hunton & Williams on behalf of Pierce Insurance Agency, Inc.)

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# VISITOR REGISTRATION SHEET

HUMAN RESOURCES COMMITTEE

SEPTEMBER 22, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. <u>RALPH C. SCHOTISCH</u>	<u>PRE PAID LEGAL</u>
2. <u>Samela Best</u>	<u>AOC</u>
3. <u>Roni Warrwell</u>	<u>U.S.E.M.S.</u>
4. <u>C. D. Sutton</u>	<u>Doug Sutton Inv. Services</u>
5. <u>Janet Davis</u>	<u>N.C. Food Banks</u>
6. <u>Chuck Stone</u>	<u>SEANC</u>
7. <u>Robert Thornton</u>	<u>Murdoch P.R.</u>
8. <u>Mary Connors</u>	<u>D.H.H.S.</u>
9. <u>HUBERT M. WHITAKER</u>	<u>DIV. MED. ASST.</u>
10. <u>Tommy J. Hunt</u>	<u>Prudential Insurance</u>
11. <u>Bill Patterson</u>	<u>Huntton &amp; Williams / Prudential Agency</u>
12. <u>Amy Fullbright</u>	<u>Huntton &amp; Williams</u>
13. <u>Charles Lane</u>	<u>"</u>
14. <u>Red Rads</u>	<u>Colonial Life</u>
15. <u>Eda J. J. J.</u>	<u>Colonial Life &amp; Accident</u>
16. <u>Otis Carter</u>	<u>Colonial Life</u>
17. <u>Steve Keene</u>	<u>NC Medical Society</u>
18. <u>PERMAYNARD</u>	<u>JPM INC.</u>
19. <u>John Bowditch</u>	<u>Zeb Alley P.A.</u>
20. <u>HUGH TILSON</u>	<u>NCHA</u>
21. _____	_____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

FAILED

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

DATE \_\_\_\_\_

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

COMMITTEE SUBSTITUTE \_\_\_\_\_

Rep. ) Womble  
Sen. ) \_\_\_\_\_

1 moves to amend the bill on page 2, lines 4 and 5

2 ( ) WHICH CHANGES THE TITLE

3 by inserting between those lines the following  
4 new subsection

5 "(b1) The employee insurance committee appointed  
6 by the Secretary of the Department of Health and  
7 Human Services shall consist of not less than  
8 12 or more than 21 individuals."

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

SIGNED Larry Shultz

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

Committee  
file



Sent to  
all individual  
committee  
members

North Carolina General Assembly  
House of Representatives  
State Legislative Building  
Raleigh 27601-1096

REPRESENTATIVE JULIA C. HOWARD  
HOUSE MAJORITY WHIP  
74TH DISTRICT

OFFICE ADDRESS: 1021 LEGISLATIVE BUILDING  
RALEIGH, N.C. 27601-1096

TELEPHONE: (919) 733-5904  
(919) 733-6652 FAX

INTERNET E-MAIL: JULIAH@MS.NCGA.STATE.NC.US

HOME ADDRESS: 203 MAGNOLIA AVENUE  
MOCKSVILLE, NC 27028  
TELEPHONE: (336) 751-3754

October 26, 1998

COMMITTEES:

ETHICS  
CHAIR  
FINANCE  
HUMAN RESOURCES  
COCHAIR  
JOINT LEGISLATIVE ETHICS  
COCHAIR  
WELFARE REFORM

The Honorable John Rayfield  
418-C Legislative Office Building  
Raleigh, NC 27601-1096

Dear John:

We want to thank you so much for your faithful service to the Human Resources Committee for the 1997 and 1998 Sessions. Judging from the amount of time it took to get most of the bills out of committee, we feel that we had full and open debate.

Your timely comments are always welcome and appreciated. Again, thank you for your participation.

Sincerely,

  
Julia C. Howard  
CoChair

  
Henry Aldridge  
CoChair

gs

