

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 248*

Short Title: ACH Star Rating Authorization/Funds. (Public)

Sponsors: Representatives Bordsen, Earle (Primary Sponsors); Alexander, Allen, Carney, Clary, Coates, Coleman, Faison, Fisher, Glazier, Goodwin, Harrison, Insko, Johnson, Justice, Luebke, Martin, McLawhorn, Underhill, Wainwright, and Weiss.

Referred to: Aging, if favorable, Appropriations.

February 19, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT
3 RULES ALLOWING THE ISSUANCE OF STAR-RATED CERTIFICATES TO
4 ADULT CARE HOMES, AND TO APPROPRIATE FUNDS TO THE
5 DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF
6 FACILITY SERVICES, FOR ADDITIONAL POSITIONS AND DATABASE
7 ENHANCEMENT TO SUPPORT THE PROGRAM, AS RECOMMENDED BY
8 THE NORTH CAROLINA STUDY COMMISSION ON AGING.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 131D-4.5 reads as rewritten:

11 **"§ 131D-4.5. Rules adopted by Medical Care Commission.**

12 The Medical Care Commission shall adopt rules as follows:

- 13 (1) Establishing minimum medication administration standards for adult
14 care homes. The rules shall include the minimum staffing and training
15 requirements for medication aides and standards for professional
16 supervision of adult care homes' medication controls. The
17 requirements shall be designed to reduce the medication error rate in
18 adult care homes to an acceptable level. The requirements shall
19 include, but need not be limited to, all of the following:
- 20 a. Training for medication aides, including periodic refresher
21 training.
 - 22 b. Standards for management of complex medication regimens.
 - 23 c. Oversight by licensed professionals.
 - 24 d. Measures to ensure proper storage of medication.
- 25 (2) Establishing training requirements for adult care home staff in
26 behavioral interventions. The training shall include appropriate

1 responses to behavioral problems posed by adult care residents. The
2 training shall emphasize safety and humane care and shall specifically
3 include alternatives to the use of restraints.

4 (3) Establishing minimum training and education qualifications for
5 supervisors in adult care homes and specifying the safety
6 responsibilities of supervisors.

7 (4) Specifying the qualifications of staff who shall be on duty in adult care
8 homes during various portions of the day in order to assure safe and
9 quality care for the residents. The rules shall take into account varied
10 resident needs and population mixes.

11 (5) Implementing the due process and appeal rights for discharge and
12 transfer of residents in adult care homes afforded by G.S. 131D-21.
13 The rules shall offer at least the same protections to residents as State
14 and federal rules and regulations governing the transfer or discharge of
15 residents from nursing homes.

16 (6) Establishing procedures for determining the compliance history of
17 adult care homes' principals and affiliates. The rules shall include
18 criteria for refusing to license facilities which have a history of, or
19 have principals or affiliates with a history of, noncompliance with
20 State law, or disregard for the health, safety, and welfare of residents.

21 (7) For the licensure of special care units in accordance with
22 G.S. 131D-4.6, and for disclosures required to be made under
23 G.S. 131D-8.

24 (8) For time limited provisional licenses and for granting extensions for
25 provisional licenses.

26 (9) For the issuance to adult care homes of star-rated certificates, which
27 shall contain a rating of one to five stars. The rating shall be based on
28 the following:

29 a. Inspections and complaint investigations conducted by the
30 Department to determine compliance with licensing statutes and
31 rules.

32 b. Any Type A or Type B penalties, or other administrative
33 actions, imposed on the facility by the Department.

34 c. Participation in any quality improvement programs approved by
35 the Department.

36 d. The facility's attainment of the North Carolina New
37 Organizational Vision Award special licensure designation
38 authorized in Part 6 of Article 5 of Chapter 131E of the General
39 Statutes."

40 **SECTION 2.** There is appropriated from the General Fund to the
41 Department of Health and Human Services, Division of Facility Services, the sum of
42 one hundred fifty-three thousand dollars (\$153,000) for the 2007-2008 fiscal year, and
43 the sum of one hundred eight thousand dollars (\$108,000) for the 2008-2009 fiscal year.
44 These funds shall be used to implement the Star Rating Program in accordance with

1 Section 1 of this act, including two new positions and enhancement and maintenance of
2 a database for the Program.

3 **SECTION 3.** Section 1 of this act is effective when it becomes law and
4 requires the issuance of certificates beginning January 1, 2009. Section 2 of this act
5 becomes effective July 1, 2007. The remainder of this act is effective when it becomes
6 law.