

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 964**

Short Title: Expand Definition of Home Care Services. (Public)

Sponsors: Representatives Clary, Farmer-Butterfield, Earle (Primary Sponsors);  
Alexander, Bell, Bordsen, Bryant, Crawford, England, Fisher, Howard,  
Insko, Luebke, and Parmon.

Referred to: Health, if favorable, Appropriations.

March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE DEFINITION OF HOME CARE SERVICES TO  
INCLUDE IN-HOME COMPANION, SITTER, AND RESPITE CARE SERVICES  
PROVIDED TO AN INDIVIDUAL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 131E-136 reads as rewritten:

**"§ 131E-136. Definitions.**

As used in this Part, unless otherwise specified:

- (1) "Commission" means the North Carolina Medical Care Commission.
- (1a) "Geographic service area" means the geographic area in which a licensed agency provides home care services.
- (2) "Home care agency" means a private or public organization that provides home care services.
- (2a) "Home care agency director" means the person having administrative responsibility for the operation of the licensed agency site.
- (2b) "Home care client" means an individual who receives home care services.
- (3) "Home care services" means any of the following services and directly related medical supplies and appliances, which are provided to an individual in a place of temporary or permanent residence used as an individual's home:
  - a. Nursing care provided by or under the supervision of a registered ~~nurse~~; nurse.
  - b. Physical, occupational, or speech therapy, when provided to an individual who also is receiving nursing services, or any other of these therapy services, in a place of temporary or permanent residence used as the individual's ~~home~~; home.

- 1 c. Medical social ~~services;~~services.  
2 d. In-home aide services that involve hands-on care to an  
3 ~~individual;~~ individual.  
4 e. Infusion nursing ~~services;~~ and services.  
5 f. Assistance with pulmonary care, pulmonary rehabilitation or  
6 ventilation.  
7 g. In-home companion, sitter, and respite care services provided to  
8 an individual that may or may not involve hands-on care.  
9 h. Homemaker services provided in combination with in-home  
10 companion, sitter, respite, or other home care services.

11 The term does not include: health promotion, preventative health and  
12 community health services provided by public health departments;  
13 maternal and child health services provided by public health  
14 departments, by employees of the Department of Health and Human  
15 Services under G.S. 130A-124, or by developmental evaluation centers  
16 under contract with the Department of Health and Human Services to  
17 provide services under G.S. 130A-124; hospitals licensed under  
18 Article 5 of Chapter 131E of the General Statutes when providing  
19 follow-up care initiated to patients within six months after their  
20 discharge from the hospital; facilities and programs operated under the  
21 authority of G.S. 122C and providing services within the scope of  
22 G.S. 122C; schools, when providing services pursuant to Article 9 of  
23 Chapter 115C; the practice of midwifery by a person licensed under  
24 Article 10A of Chapter 90 of the General Statutes; hospices licensed  
25 under Article 10 of Chapter 131E of the General Statutes when  
26 providing care to a hospice patient; an individual who engages solely  
27 in providing his own services to other individuals; incidental health  
28 care provided by an employee of a physician licensed to practice  
29 medicine in North Carolina in the normal course of the physician's  
30 practice; or nursing registries if the registry discloses to a client or the  
31 client's responsible party, before providing any services, that (i) it is  
32 not a licensed home care agency, and (ii) it does not make any  
33 representations or guarantees concerning the training, supervision, or  
34 competence of the personnel provided. The term sitter does not include  
35 child care facilities licensed in accordance with Chapter 110 of the  
36 General Statutes. The term respite care does not include mental health,  
37 developmental disabilities, or substance abuse facilities or services  
38 licensed in accordance with Chapter 122C of the General Statutes.

- 39 (4) "Home health agency" means a home care agency which is certified to  
40 receive Medicare and Medicaid reimbursement for providing nursing  
41 care, therapy, medical social services, and home health aide services  
42 on a part-time, intermittent basis as set out in G.S. 131E-176(12), and  
43 is thereby also subject to Article 9 of Chapter 131E."

1           **SECTION 2.** The North Carolina Medical Care Commission shall adopt  
2 rules to implement Section 1 of this act.

3           **SECTION 3.** Section 1 of this act becomes effective July 1, 2008. The  
4 remainder of the act is effective when it becomes law.