

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 964  
Committee Substitute Favorable 5/10/07  
Committee Substitute #2 Favorable 7/24/07

Short Title: Expand Definition of Home Care Services.

(Public)

Sponsors:

Referred to:

March 22, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE DEFINITION OF HOME CARE SERVICES TO  
3 INCLUDE IN-HOME COMPANION, SITTER, AND RESPITE CARE SERVICES  
4 PROVIDED TO AN INDIVIDUAL.

5 The General Assembly of North Carolina enacts:

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

7 "§ 131E-136. Definitions.

8 As used in this Part, unless otherwise specified:

9 (1) "Commission" means the North Carolina Medical Care Commission.

10 (1a) "Geographic service area" means the geographic area in which a  
11 licensed agency provides home care services.

12 (2) "Home care agency" means a private or public organization that  
13 provides home care services.

14 (2a) "Home care agency director" means the person having administrative  
15 responsibility for the operation of the licensed agency site.

16 (2b) "Home care client" means an individual who receives home care  
17 services.

18 (3) "Home care services" means any of the following services and directly  
19 related medical supplies and appliances, which are provided to an  
20 individual in a place of temporary or permanent residence used as an  
21 individual's home:

22 a. Nursing care provided by or under the supervision of a  
23 registered ~~nurse~~; nurse.

24 b. Physical, occupational, or speech therapy, when provided to an  
25 individual who also is receiving nursing services, or any other  
26 of these therapy services, in a place of temporary or permanent  
27 residence used as the individual's ~~home~~; home.

28 c. Medical social ~~services~~; services.

- d. In-home aide services that involve hands-on care to an ~~individual; individual.~~
- e. Infusion nursing ~~services; and~~ services.
- f. Assistance with pulmonary care, pulmonary rehabilitation or ventilation.
- g. In-home companion, sitter, and respite care services provided to an individual.
- h. Homemaker services provided in combination with in-home companion, sitter, respite, or other home care services.

The term does not include: health promotion, preventative health and community health services provided by public health departments; maternal and child health services provided by public health departments, by employees of the Department of Health and Human Services under G.S. 130A-124, or by developmental evaluation centers under contract with the Department of Health and Human Services to provide services under G.S. 130A-124; hospitals licensed under Article 5 of Chapter 131E of the General Statutes when providing follow-up care initiated to patients within six months after their discharge from the hospital; facilities and programs operated under the authority of G.S. 122C and providing services within the scope of G.S. 122C; schools, when providing services pursuant to Article 9 of Chapter 115C; the practice of midwifery by a person licensed under Article 10A of Chapter 90 of the General Statutes; hospices licensed under Article 10 of Chapter 131E of the General Statutes when providing care to a hospice patient; an individual who engages solely in providing his own services to other individuals; incidental health care provided by an employee of a physician licensed to practice medicine in North Carolina in the normal course of the physician's practice; or nursing registries if the registry discloses to a client or the client's responsible party, before providing any services, that (i) it is not a licensed home care agency, and (ii) it does not make any representations or guarantees concerning the training, supervision, or competence of the personnel provided. The term sitter does not include child care facilities licensed in accordance with Chapter 110 of the General Statutes. The term respite care does not include facilities or services licensed in accordance with Chapter 122C of the General Statutes. The terms in-home companion, sitter, homemaker, and respite care services do not include (i) services certified or otherwise overseen by the Department as not providing personal care or (ii) services administered on a voluntary basis for which there is not reimbursement from the recipient or anyone acting on the recipient's behalf.

- (4) "Home health agency" means a home care agency which is certified to receive Medicare and Medicaid reimbursement for providing nursing

1 care, therapy, medical social services, and home health aide services  
2 on a part-time, intermittent basis as set out in G.S. 131E-176(12), and  
3 is thereby also subject to Article 9 of Chapter 131E."

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

6 **SECTION 3.** Section 1 of this act becomes effective January 1, 2009. The  
7 remainder of this act is effective when it becomes law.