

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1698*
Corrected Copy 5/14/10
Committee Substitute Favorable 5/26/10

Short Title: Update Long-Term Care Statutes.

(Public)

Sponsors:

Referred to:

May 13, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE AND CLARIFY NORTH CAROLINA'S GENERAL STATUTES ON
3 OLDER ADULTS AND LONG-TERM SERVICES AND SUPPORTS, AS
4 RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

5 Whereas, the North Carolina General Assembly is committed to having North
6 Carolina recognized as a leader in supporting long-term services and supports; and

7 Whereas, the State is building on the following federal and State supported
8 person-centered initiatives: aging and disability resource centers or Community Resource
9 Connections for Aging and Disabilities, evidence-based health promotion, caregiver supports
10 for persons with Alzheimer's disease, lifespan respite programs, consumer-directed care,
11 transitional care, and promotion of community living for persons who might otherwise become
12 Medicaid eligible if placed in a skilled nursing facility; Now, therefore,
13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** Part 14A, Article 3, Chapter 143B of the General Statutes reads as
15 rewritten:

16 "Part 14A. ~~Policy Act for the Aging. Older Adults.~~
17 **"§ 143B-181.3. Statement of principles. Older adults – findings; policy.**

18 ~~To utilize effectively the resources of our State, to provide a better quality of life for our~~
19 ~~senior citizens, and to assure older adults the right of choosing where and how they want to~~
20 ~~live, the following principles are hereby endorsed:~~

21 (a) The North Carolina General Assembly finds the following:

- 22 (1) ~~Older people-adults~~ should be able to live as ~~normal a life independently as~~
23 ~~possible.~~ possible, and to live free from abuse, neglect, and exploitation.
- 24 (2) Older adults should have opportunities to be involved in their communities
25 in ways they desire.~~a choice of life styles which will allow them to remain~~
26 ~~contributing members of society for as long as possible.~~
- 27 (3) Preventive and primary health care are necessary to~~keep older adults active~~
28 ~~and contributing members of society.~~ assure optimal health and to enable
29 active social and civic engagement by older adults.
- 30 (4) Sufficient opportunities for ~~Appropriate~~ training in gerontology and
31 geriatrics should be developed and readily available for individuals serving
32 older adults.
- 33 (5) ~~Transportation to meet daily needs and to make accessible a broad range of~~
34 ~~services should be provided so that older persons may realize their full~~
35 ~~potential.~~ Older adults should have access to a broad range of services,
36 supports, and opportunities, and they should have transportation options



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- 1 available to allow access to these services and to meet their daily needs and
 2 interests.
 3 (6) Services for older adults should be person-centered and coordinated so that
 4 all their-an individual's needs can be served efficiently and effectively.
 5 efficiently, effectively, and in the least restrictive environment.
 6 (7) Information should be readily available in each county on all programs and
 7 services for older adults. ~~citizens and advocacy for these services should be~~
 8 ~~available in each county.~~
 9 (8) ~~Increased employment opportunities for older adults should be made~~
 10 ~~available.~~ Older adults should have adequate opportunities for employment.
 11 (9) Each county should have available a variety of housing options, including
 12 retirement housing, accessible affordable rental housing, and opportunities
 13 for residential home modifications, in order to allow older adults to remain
 14 in their communities. ~~Options in housing should be made available.~~
 15 (10) Older adults and their caregivers should have input in the planning and
 16 evaluation of programs and services for older adults, and they should have
 17 opportunities to advocate for these programs and services. ~~Planning for~~
 18 ~~programs for older citizens should always be done in consultation with them.~~
 19 (11) The State should ~~aid~~ assist older people-adults who desire to remain as
 20 independent as possible to help themselves ~~and should encourage and~~
 21 support families in caring for their older members.

22 (b) It is the policy of the State to effectively utilize its resources to support and enhance
 23 the quality of life for older adults in North Carolina."

24 **SECTION 2.** Part 14B, Article 3, Chapter 143B of the General Statutes reads as
 25 rewritten:

26 "Part 14B. Long-Term ~~Care.~~ Services and Supports.

27 "**§ 143B-181.5. Long-term ~~care services and supports – findings.~~ policy.**"

28 The North Carolina General Assembly finds that the aging of the population and advanced
 29 medical technology have resulted in a growing number of persons who require ~~assistance.~~
 30 long-term services and supports. The primary ~~resource~~ resources for long-term ~~care provision~~
 31 assistance continues to be ~~the~~ family and friends. However, these traditional caregivers are
 32 increasingly employed outside the home. There is growing demand for improvement and
 33 expansion of home and community-based long-term ~~care services to support and~~ services and
 34 supports to complement the services care provided by these informal caregivers.

35 The North Carolina General Assembly further finds that the public interest would best be
 36 served by a broad array of long-term ~~care services~~ and supports that ~~support~~ enable persons
 37 who need such services to remain in the home or in the community whenever practicable and
 38 that promote individual ~~autonomy, dignity, and choice.~~ autonomy and dignity as these
 39 individuals exercise choice and control over their lives.

40 The North Carolina General Assembly finds that as other long-term ~~care service and~~ service and
 41 support options become more readily available, the ~~relative~~ need for institutional care will
 42 stabilize or decline relative to the growing ~~aging population.~~ population of older adults and
 43 people living with disabilities. The General Assembly recognizes, however, that institutional
 44 care will continue to be a critical part of the State's long-term ~~care service and support~~ service and support
 45 options and that such ~~services care~~ services should promote individual dignity, autonomy, and a home like
 46 environment.

47 "**§ 143B-181.6. Purpose and intent.**"

48 ~~It is the North Carolina General Assembly's intent in the State's development and~~
 49 ~~implementation of long-term care policies that:~~ The development and implementation of
 50 policies for long-term services and supports should reflect the intent of the North Carolina
 51 General Assembly as follows:

- 1 (1) Long-term ~~care~~ services and supports administered by the Department of
2 Health and Human Services and other State and local agencies shall include
3 a balanced array of health, social, and supportive services that are well
4 coordinated to promote individual choice, dignity, and the highest
5 practicable level of independence; independence.
- 6 (2) Home and community-based services shall be developed, expanded, or
7 maintained in order to meet the needs of consumers in the least confusing
8 and least restrictive manner. manner and Services shall be based on the
9 desires of ~~the elderly~~ older adults, persons with disabilities, and their
10 ~~families; families, and others that support them.~~
- 11 (3) All services shall be responsive and appropriate to individual need and shall
12 be delivered through a uniform and seamless system that is flexible and
13 responsive regardless of funding ~~source; source.~~ Information and services
14 shall be available through the effective use of Community Resource
15 Connections for Aging and Disabilities as they are developed throughout the
16 State.
- 17 (4) Services shall be available to all ~~elderly persons~~ who need ~~them~~ them, but
18 shall be targeted primarily to the those citizens who are the most frail, frail
19 and those with the greatest need. needy elderly;
- 20 (5) State and local agencies shall maximize the use of limited resources by
21 establishing a fee system for persons who have the ability to ~~pay; pay.~~
- 22 (6) ~~Institutional care~~ Care provided in facilities shall be ~~provided~~ offered in such
23 a manner and in such an environment as to promote for each resident,
24 maintenance of health, or enhancement of the quality of ~~life of each resident~~
25 life, and timely discharge to a less restrictive care setting when appropriate;
26 and appropriate.
- 27 (7) State health planning for institutional bed supply shall take into account
28 increased availability of ~~other~~ home and community-based services options.
- 29 (8) In an effort to maximize the use of limited resources, State and local
30 agencies shall invest in supports for families and other informal caregivers
31 of persons requiring assistance.
- 32 (9) Emphasis shall be placed on offering evidence-based activities to promote
33 healthy aging, prevent injuries, and manage chronic diseases and conditions.
- 34 (10) Individuals and families shall be encouraged and supported in planning for
35 and financing their own future needs for long-term services and supports."

36 **SECTION 3.** This act is effective when it becomes law.