

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 736**

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Short Title: Long-Term Care/Post Staffing. (Public)

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Sponsors: Representatives Earle; Alexander, Barefoot, Bell, Bonner, Luebke, Rogers, Wainwright, Warren, Weiss, and Yongue.

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Referred to: Health.

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March 22, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THAT LONG-TERM CARE FACILITIES POST  
3 INFORMATION ABOUT STAFFING LEVELS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 131D-4.3(a) reads as rewritten:

6 "(a) Pursuant to G.S. 143B-165, the North Carolina Medical Care Commission  
7 shall adopt rules to ensure at a minimum, but shall not be limited to, the provision of the  
8 following by adult care homes:

9 (1) Repealed by Session Laws 2000-111, s. 1.

10 (2) A minimum of 75 hours of training for personal care aides performing  
11 heavy care tasks and a minimum of 40 hours of training for all  
12 personal care aides. The training for aides providing heavy care tasks  
13 shall be comparable to State-approved Certified Nurse Aide I training.  
14 For those aides meeting the 40-hour requirement, at least 20 hours  
15 shall be classroom training to include at a minimum:

- 16 a. Basic nursing skills;  
17 b. Personal care skills;  
18 c. Cognitive, behavioral, and social care;  
19 d. Basic restorative services;  
20 e. Residents' rights.

21 A minimum of 20 hours of training shall be provided for aides in  
22 family care homes that do not have heavy care residents. Persons who  
23 either pass a competency examination developed by the Department of  
24 Health and Human Services, have been employed as personal care  
25 aides for a period of time as established by the Department, or meet  
26 minimum requirements of a combination of training, testing, and

1 experience as established by the Department shall be exempt from the  
2 training requirements of this subdivision;

3 (3) Monitoring and supervision of residents;

4 (4) Oversight and quality of care as stated in G.S. 131D-4.1; and

5 (5) Adult care homes shall comply with all of the following staffing  
6 requirements:

7 a. First shift (morning): 0.4 hours of aide duty for each resident  
8 (licensed capacity or resident census), or 8.0 hours of aide duty  
9 per each 20 residents (licensed capacity or resident census) plus  
10 3.0 hours for all other residents, whichever is greater;

11 b. Second shift (afternoon): 0.4 hours of aide duty for each  
12 resident (licensed capacity or resident census), or 8.0 hours of  
13 aide duty per each 20 residents plus 3.0 hours for all other  
14 residents (licensed capacity or resident census), whichever is  
15 greater;

16 c. Third shift (evening): 8.0 hours of aide duty per 30 or fewer  
17 residents (licensed capacity or resident census).

18 In addition to these requirements, the facility shall provide staff to  
19 meet the needs of the facility's heavy care residents equal to the  
20 amount of time reimbursed by Medicaid. As used in this subdivision,  
21 the term "heavy care resident" means an individual residing in an adult  
22 care home who is defined "heavy care" by Medicaid and for which the  
23 facility is receiving enhanced Medicaid payments for such needs. Each  
24 facility shall post in a conspicuous place information about staffing  
25 that enables residents and their families to ascertain each day the  
26 number of direct care staff and supervisors that are on duty for each  
27 shift for that day."

28 **SECTION 2.** Part A of Article 6 of Chapter 131E of the General Statutes is  
29 amended by adding the following new section to read:

30 **"§ 131E-114.1. Posting of information indicating number of staff on duty.**

31 Every nursing home subject to licensure under this Part shall post in a conspicuous  
32 place in the nursing home information about staffing that enables residents and their  
33 families to readily ascertain each day the number of direct care staff and supervisors that  
34 are on duty for each shift for that day."

35 **SECTION 3.** This act becomes effective October 1, 2001.