

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS75209-SHz-10B* (01/09)

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

Sponsors: Senators Dannelly, Bingham and Allran.

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

The Medical Care Commission shall adopt rules as follows:

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

1 training shall emphasize safety and humane care and shall specifically
2 include alternatives to the use of restraints.

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

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

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

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

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

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

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

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

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

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

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

39 **SECTION 2.** There is appropriated from the General Fund to the
40 Department of Health and Human Services, Division of Facility Services, the sum of
41 one hundred fifty-three thousand dollars (\$153,000) for the 2007-2008 fiscal year, and
42 the sum of one hundred eight thousand dollars (\$108,000) for the 2008-2009 fiscal year.
43 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.