

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 675
HOUSE BILL 405

AN ACT TO ESTABLISH EFFECTIVE PROCEDURES TO ENABLE CERTAIN ELDERLY PERSONS IN NEED OF CARE TO STAY AT HOME AND TO PROVIDE THE IN-HOME SERVICES NECESSARY TO CARE FOR THEM.

Whereas, the aging population in North Carolina presently constitutes over fourteen percent (14%) of the total population and is increasing three times faster than the State population as a whole; and

Whereas, advancements in medical knowledge about aging and an increase in this population have necessitated a review of services to the elderly; and

Whereas, North Carolina has long recognized that elderly persons in need of care are often most desirous of remaining at home, and if properly identified and provided supportive care could remain at home; and

Whereas, the Department of Human Resources recognizes the need to emphasize in-home care and has a rudimentary screening program designed to keep those elderly people at home when needs are not so great as to require institutionalization; but

Whereas, the screening process stresses medical needs only, does not adequately identify those elderly people in need of social services to remain at home, and does not adequately provide for programs of care to permit those people to stay at home; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part 14B to read:

"Part 14B.

"Long Term Care.

"§ 143B-181.5. Department to develop systems of long term care. — The Secretary of the Department of Human Resources shall develop effective systems of long term care with interested counties to the extent that federal, State and local funds are available to support the expanded programs and services.

"§ 143B-181.6. Screening program for elderly. — The Secretary of Human Resources shall develop a comprehensive screening program for elderly people in need of care, to be administered at the local level, focused on providing elderly persons with the least restrictive level of care that meets the medical and social needs of the person. This program shall provide for expansion of the preadmission screening of applicants and recipients in need of long-term care, setting priorities according to immediate need. The process should be made more efficient in identifying those people in need of care who could remain at home if provided the precise program of in-home care each individual requires. Private paying patients may take advantage of the screening services and services necessary to remain in their homes by paying fees for these services, pursuant to G.S. 108-15.1 or G.S. 130-17(e) as appropriate. The screening shall be carried out by a team of at least two people, a social worker and a registered nurse familiar with care of the elderly, each of whom must be experienced in evaluation and provision of in-home services. The process shall include a visit to the home by at least one member of the

screening team. The team in consultation with a physician licensed to practice medicine in North Carolina shall determine if in-home care, whether health, social or both would enable the person to stay at home or in the community. The team shall plan precisely what program of care and support services are available through both public or private agencies. Provision must be made for such care in conformity with established quality assurance procedures for the care so rendered, together with periodic reassessment. Nothing contained in the act shall require counties to participate in the comprehensive screening program.

"§ 143B-181.7. Development and implementation of rules. — The Department of Human Resources shall define by rule the population to be screened, establish a uniform screening and assessment schedule, and promulgate a uniform reporting form. Prior to action by the Department, the Secretary shall convene an implementation committee composed of local providers, representatives of State agencies and organizations with experience and information about in-home services and long-term care to assist in implementation and development of these rules.

"§ 143B-181.8. Utilization of Medicaid funds. — The Secretary of the Department of Human Resources may utilize Medicaid funds to the extent provided for by federal law and regulation for home health and personal care and seek such waivers as may be necessary to implement this act including Medicaid eligibility criteria supporting the provision of in-home care.

"§ 143B-181.9. Reporting. — The Department shall report to the Legislative Research Commission on the implementation of this act, including the eligibility requirements, screening processes, and financial barriers to implementation. Such report shall be made no later than January 1, 1982, but the Legislative Research Commission may require interim progress reports from the Department."

Sec. 2. Effective October 1, 1981, the reference in Section 1 of this act to G.S. 108-15.1 is changed to G.S. 108A-10.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1981.