

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 836
HOUSE BILL 583

AN ACT TO PROVIDE TIME TO STUDY THE NEED FOR NEW INTERMEDIATE
CARE FACILITY BEDS FOR THE MENTALLY RETARDED.

Whereas, the General Assembly finds that there has been a dramatic increase in the number of beds certified as intermediate care facility beds for the mentally retarded in both State and private facilities; and

Whereas, the Department of Human Resources has designated a special task force to address the following issues: (1) the current availability of services for the mentally retarded in both State institutions and community-based programs, (2) the criteria for establishing different levels of services, particularly ICF/MR services, appropriate for mentally retarded individuals, (3) a mechanism for developing a client profile related to the appropriate level of services needed and a mechanism for determining appropriate placement, (4) the number of persons in need of ICF/MR level of services, (5) the appropriate role for the State's mental institutions and psychiatric hospitals and for the public and private community residential settings, including the relationship between the State programs and the non-State programs, and (6) the need for additional ICF/MR beds; and

Whereas, the General Assembly finds that additional time is needed to thoroughly examine the existing service capacity of intermediate care facilities for the mentally retarded and the future need for such beds and services, taking into consideration the effects of a proposed Medicaid Waiver that would allow reimbursement for community services provided to persons presently served by intermediate care facilities for the mentally retarded, changes in the proposed federal funding levels and eligibility criteria, and the costs related to provision of such services; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Article 18 of Chapter 131 of the General Statutes and Section 31 of Chapter 1127, 1981 Session Laws, beginning on the effective date of this act, and until June 30, 1984, the Department of Human Resources shall not issue a certificate of need for:

- (1) any new or additional intermediate care facility bed for the mentally retarded;
- (2) any new intermediate care facility for the mentally retarded; or

- (3) any conversion of an existing bed, whether it is in a health care facility or in a facility that is not a health care facility, to an intermediate care facility bed for the mentally retarded.

The foregoing shall not affect applications for conversion of domiciliary beds to ICF/MR beds that were filed with the Department of Human Resources on or before June 1, 1983; however, the Department shall not issue a certificate of need to an applicant for more than 10 beds. The foregoing shall not prohibit the Department of Human Resources from granting a certificate of need for a project that the General Assembly has authorized and funded by June 1, 1983, or for a project which has both an application submitted for a certificate of need and an approved Housing and Urban Development (HUD) Section 202/8 fund reservation as of January 1, 1983.

Sec. 2. Any person who has applied for a certificate of need and who has not received one due to the limitations of Section 1 of this act shall not be required to file a new application with the Department of Human Resources in order for that proposal to be reviewed after July 1, 1984. Such a person may request the Department to review the application that already has been filed. Nonetheless, the Department of Human Resources may adopt rules requiring an applicant to review the application and update it where appropriate.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of July, 1983.