

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 920
HOUSE BILL 779

AN ACT TO MODIFY THE CERTIFICATE OF NEED LAW FOR LIFE CARE CENTERS.

The General Assembly of North Carolina enacts:

Section 1. Section 31(f) of Chapter 1127, Session Laws of 1981 and any similar provision which may be enacted by the General Assembly in the Session Laws of 1983 do not apply to construction of skilled nursing facilities or intermediate care facilities as a part of a "life care" or "care for life" institution as defined in G.S. 131A-3(11).

Sec. 2. G.S. 131-181 is amended by adding a new subsection to read:

"(c) In reviewing applications for skilled nursing facilities or intermediate care facilities to be provided within a "life care" or "care for life" institution, the evaluation of the need shall not include the relationship of the proposed project to the need for such services specified in the State Medical Facilities Plan or State Health Plan provided that (1) the use of the proposed facilities is to be limited to resident members of the "life care" or "care for life" institution, (2) the facilities are not to be certified for participation in either the Medicare or Medicaid programs, (3) the ratio of skilled nursing facility beds and intermediate care facility beds to domiciliary care beds and other residential arrangements shall not exceed one to four, and (4) the facilities are to be developed after residential housing has been established or be developed as a part of a total housing construction program which shall document that the entire complex is one inseparable project. Facilities developed under this provision shall not be included in the statewide inventory for purposes of developing the State Medical Facilities Plan."

Sec. 3. This act applies only to facilities owned and operated by a nonprofit organization (including a corporation, association, or religious organization) with a membership of 5,000 or more, or by a corporation which is totally controlled by such an organization, and Section 1 of this act applies only if the use of the proposed facilities is limited to members of the nonprofit organization. Before such a facility obtaining a certificate of need under this act may be operated other than as part of a "life care" or "care for life" institution, a certificate of need must be obtained without regard to Sections 1 or 2 of this act. No certificate of need may be granted under this act after June 30, 1984.

Sec. 4. This act is effective upon ratification except that G.S. 131-181(c)(1) as it appears in Section 2 of this act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 22nd day of July, 1983.