

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 445
HOUSE BILL 133

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

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-183(c) is rewritten 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 determination of need for beds shall not include a relationship of the proposed project to the need for such services specified in the State Medical Facilities Plan or State Health Plan provided that (i) the use of the proposed facilities is to be limited to resident members of the 'life care' or 'care for life' institution, (ii) the facilities are not to be certified for participation in either the Medicare or Medicaid programs, (iii) the ratio of skilled nursing facility beds and intermediate care facility beds to domiciliary and other residential arrangements shall not exceed one to three, and (iv) 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 result in the complex being one inseparable project. Facilities developed under this provision shall not alter the need for nursing home beds for the general population that exists now or at any time in the future."

Sec. 2. This act applies only to facilities owned and operated by a nonprofit organization with a membership of 5,000 or more, including a corporation, association, or religious organization, or by a corporation which is totally controlled by such an organization; provided, however, that any autonomous religious society or organization which is a member of a nonprofit convention, conference or association whose member organizations in the aggregate, have 5,000 or more members, within the State of North Carolina may be included under the provisions of this act and provide and operate the facilities herein authorized. Before a facility obtaining a certificate of need under this act may be operated as other than 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 application under this act shall be accepted by the Department for a review date beginning after June 30, 1986.

Sec. 3. The Department of Human Resources shall study the feasibility and impact of applying the provisions of this act to all nonprofit and for-profit life care facilities, and the Secretary of the Department of Human Resources shall submit a report on the findings and recommendations to the Speaker, the Lieutenant Governor and the fiscal staff of the General Assembly on or before June 1, 1986.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.