

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2010-66
HOUSE BILL 1698

AN ACT TO UPDATE AND CLARIFY NORTH CAROLINA'S GENERAL STATUTES ON OLDER ADULTS AND LONG-TERM SERVICES AND SUPPORTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Whereas, the North Carolina General Assembly is committed to having North Carolina recognized as a leader in supporting long-term services and supports; and

Whereas, the State is building on the following federal and State supported person-centered initiatives: aging and disability resource centers or Community Resource Connections for Aging and Disabilities, evidence-based health promotion, caregiver supports for persons with Alzheimer's disease, lifespan respite programs, consumer-directed care, transitional care, and promotion of community living for persons who might otherwise become Medicaid eligible if placed in a skilled nursing facility; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Part 14A, Article 3, Chapter 143B of the General Statutes reads as rewritten:

~~"Part 14A. Policy Act for the Aging. Older Adults.~~

"§ 143B-181.3. Statement of principles. Older adults – findings; policy.

~~To utilize effectively the resources of our State, to provide a better quality of life for our senior citizens, and to assure older adults the right of choosing where and how they want to live, the following principles are hereby endorsed:~~

(a) The North Carolina General Assembly finds the following:

- (1) ~~Older people adults should be able to live as normal a life independently as possible.~~ Older adults should be able to live as normal a life independently as possible, and to live free from abuse, neglect, and exploitation.
- (2) ~~Older adults should have opportunities to be involved in their communities in ways they desire.~~ Older adults should have opportunities to be involved in their communities in ways they desire, a choice of life styles which will allow them to remain contributing members of society for as long as possible.
- (3) ~~Preventive and primary health care are necessary to keep older adults active and contributing members of society.~~ Preventive and primary health care are necessary to assure optimal health and to enable active social and civic engagement by older adults.
- (4) ~~Sufficient opportunities for appropriate training in gerontology and geriatrics should be developed and readily available for individuals serving older adults.~~ Sufficient opportunities for appropriate training in gerontology and geriatrics should be developed and readily available for individuals serving older adults.
- (5) ~~Transportation to meet daily needs and to make accessible a broad range of services should be provided so that older persons may realize their full potential.~~ Older adults should have access to a broad range of services, supports, and opportunities, and they should have transportation options available to allow access to these services and to meet their daily needs and interests.



- (6) ~~Services for older adults should be person-centered and coordinated so that all their an individual's needs can be served efficiently and effectively. met efficiently, effectively, and in the least restrictive environment.~~
- (7) ~~Information should be readily available in each county on all programs and services for older adults. citizens and advocacy for these services should be available in each county.~~
- (8) ~~Increased employment opportunities for older adults should be made available. Older adults should have adequate opportunities for employment.~~
- (9) ~~Each county should have available a variety of housing options, including retirement housing, accessible affordable rental housing, and opportunities for residential home modifications, in order to allow older adults to remain in their communities. Options in housing should be made available.~~
- (10) ~~Older adults and their caregivers should have input in the planning and evaluation of programs and services for older adults, and they should have opportunities to advocate for these programs and services. Planning for programs for older citizens should always be done in consultation with them.~~
- (11) ~~The State should aid assist older people adults who desire to remain as independent as possible to help themselves and should encourage and support families in caring for their older members.~~

(b) It is the policy of the State to effectively utilize its resources to support and enhance the quality of life for older adults in North Carolina."

SECTION 2. Part 14B, Article 3, Chapter 143B of the General Statutes reads as rewritten:

~~"Part 14B. Long-Term Care. Services and Supports.~~

"§ 143B-181.5. Long-term care services and supports – findings. policy."

The North Carolina General Assembly finds that the aging of the population and advanced medical technology have resulted in a growing number of persons who require ~~assistance. long-term services and supports.~~ The primary ~~resource resources~~ for long-term ~~care provision assistance~~ continues to be ~~the~~ family and friends. However, these traditional caregivers are increasingly employed outside the home. There is growing demand for improvement and expansion of home and community-based long-term ~~care services to support and services and supports to complement the services care~~ provided by these informal caregivers.

The North Carolina General Assembly further finds that the public interest would best be served by a broad array of long-term ~~care services and supports that support enable~~ persons who need such services to remain in the home or in the community whenever practicable and that promote individual ~~autonomy, dignity, and choice. autonomy and dignity as these individuals exercise choice and control over their lives.~~

The North Carolina General Assembly finds that as other long-term ~~care service and support~~ options become more readily available, the ~~relative~~ need for institutional care will stabilize or decline relative to the growing ~~aging population. population of older adults and people living with disabilities.~~ The General Assembly recognizes, however, that institutional care will continue to be a critical part of the State's long-term ~~care service and support~~ options and that such ~~services care~~ should promote individual dignity, autonomy, and a home like environment.

"§ 143B-181.6. Purpose and intent."

~~It is the North Carolina General Assembly's intent in the State's development and implementation of long-term care policies that:~~ The development and implementation of policies for long-term services and supports should reflect the intent of the North Carolina General Assembly as follows:

- (1) Long-term ~~care services and supports~~ administered by the Department of Health and Human Services and other State and local agencies shall include

- a balanced array of health, social, and supportive services that are well coordinated to promote individual choice, dignity, and the highest practicable level of independence; independence.
- (2) Home and community-based services shall be developed, expanded, or maintained in order to meet the needs of consumers in the least confusing and least restrictive manner. manner and Services should be based on the desires of the elderly—older adults, persons with disabilities, and their families; families, and others that support them.
 - (3) All services shall be responsive and appropriate to individual need and shall be delivered through a uniform and seamless system that is flexible and responsive regardless of funding source; source. Information and services shall be available through the effective use of Community Resource Connections for Aging and Disabilities as they are developed throughout the State.
 - (4) Services shall be available to all elderly persons who need them—them, but shall be targeted primarily to the—those citizens who are the most frail,—frail and those with the greatest need. needy elderly;
 - (5) State and local agencies shall maximize the use of limited resources by establishing a fee system for persons who have the ability to pay; pay.
 - (6) ~~Institutional care~~ Care provided in facilities shall be provided—offered in such a manner and in such an environment as to promote for each resident, maintenance of health, or—enhancement of the quality of life of each resident life, and timely discharge to a less restrictive care setting when appropriate; and appropriate.
 - (7) State health planning for institutional bed supply shall take into account increased availability of ~~other~~ home and community-based services options.
 - (8) In an effort to maximize the use of limited resources, State and local agencies shall invest in supports for families and other informal caregivers of persons requiring assistance.
 - (9) Emphasis shall be placed on offering evidence-based activities to promote healthy aging, prevent injuries, and manage chronic diseases and conditions.
 - (10) Individuals and families shall be encouraged and supported in planning for and financing their own future needs for long-term services and supports."

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of June,

2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 10:30 a.m. this 8th day of July, 2010