

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**SENATE DRS55040-SWz-6B\* (1/15)**

Short Title: Long-Term Care/Enhancement Funds. (Public)

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Sponsors: Senators Swindell and Purcell.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR LABOR ENHANCEMENT PAYMENTS  
FOR NURSE AIDES IN NONINSTITUTIONAL SETTINGS.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Department of Health and Human Services the sum of twenty-eight million five hundred eighty thousand three hundred three dollars (\$28,580,303) for the 2003-2004 fiscal year and the sum of fifty-seven million seven hundred twenty-four thousand three hundred twenty dollars (\$57,724,320) for the 2004-2005 fiscal year. These funds shall be used to match federal Medicaid funds to provide a thirty-two and seven hundredths percent (32.07%) labor enhancement payment for Medicaid-reimbursed long-term care services. These funds shall be in addition to funds provided for routine inflationary increases in Medicaid reimbursements for long-term care services. The funds appropriated in this act shall be used only to increase wages or benefits for long-term care aide workers in noninstitutional settings, or to provide for shift differential payments for long-term care aides in noninstitutional settings who work during hard-to-fill working hours or shifts. Counties shall not be required to pay any of the funds required to match the federal Medicaid funds for the labor enhancement payments authorized by this act.

**SECTION 2.** Funds appropriated in this act shall be allocated in accordance with the following:

- (1) The amount of the labor enhancement benefit shall be allocated equitably among the various care settings.
- (2) Long-term care facilities and agencies that receive labor enhancement funds shall have the flexibility to determine whether labor enhancement funds are used for wages, benefits, or shift differentials, or any combination thereof.

1           (3)    If labor enhancement funds are used to enhance wages, the long-term  
2           care facility or agency shall determine which aides receive wage  
3           increases and the amount of the increase provided. The determination  
4           shall be based on local market wage demands, rewarding longevity of  
5           service by the worker, and other wage-related needs of the agency or  
6           facility.

7           (4)    Long-term care facilities and agencies that receive labor enhancement  
8           funds shall, as a condition of receiving the funds, submit reports and  
9           information required by the Department for the purpose of verifying  
10          use of the labor enhancement funds. Reports and information provided  
11          by facilities and agencies shall include for each facility and agency  
12          information needed to determine annual labor turnover rates in the  
13          agency or facility, including data on prelabor enhancement turnover  
14          rates and turnover rates at the end of each fiscal year for which labor  
15          enhancement funds are received.

16           **SECTION 3.** Not later than January 15, 2004, the Department of Health and  
17          Human Services shall report to the House Appropriations Subcommittee on Health and  
18          Human Services, the Senate Appropriations Committee on Human Resources, and the  
19          North Carolina Study Commission on Aging on the use of labor enhancement funds  
20          appropriated under this act. The report shall include detailed information on:

21           (1)    The amount of funds used for wages, for benefits, and for shift  
22           differentials.

23           (2)    Comparative information on average hourly wages paid to aides and  
24           turnover rates by setting for fiscal year 1999-2000 through fiscal year  
25           2003-2004.

26           **SECTION 4.** This act becomes effective July 1, 2003.