

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2049*

Short Title: NC NOVA-Special Voluntary Licensure Designat. (Public)

Sponsors: Representatives Earle, Weiss (Primary Sponsors); Clary, Bordsen, England, Alexander, Bell, Carney, Church, Cole, Crawford, Dickson, Farmer-Butterfield, Fisher, Harrell, Jeffus, Ed Jones, Lucas, Luebke, Nye, Parmon, Rapp, Saunders, and Wright.

Referred to: Aging.

May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE NORTH CAROLINA NEW ORGANIZATIONAL
2 VISION AWARD SPECIAL LICENSURE DESIGNATION, AS
3 RECOMMENDED BY THE STUDY COMMISSION ON AGING.
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5 Whereas, "direct care workers" is a nationally recognized term referring to
6 those paraprofessionals that are employed as nurse aides, personal care aides, personal
7 care attendants, home health aides, in-home aides, habilitation aides, and other assistive
8 personnel who provide hands-on care; and

9 Whereas, direct care workers are essential to the provision of care and an
10 enhanced quality of life for long-term care consumers, whether they are receiving
11 services provided in a home or community setting, or in a residential or institutional
12 setting; and

13 Whereas, North Carolina, like many states, is experiencing shortages of direct
14 care workers; and

15 Whereas, the need to attract and retain greater numbers of employees within
16 this occupational category will continue for the foreseeable future; and

17 Whereas, a well-qualified, satisfied, stable, and adequate supply of direct care
18 workers is a shared concern for employers, employees, consumers, families, and private
19 and public payors of long-term care services received in home care agencies, adult care
20 homes, and nursing facilities; and

21 Whereas, long-term care trade associations, providers, direct care workers,
22 consumer advocacy organizations, researchers, the Department of Health and Human
23 Services, and The Carolinas Center for Medical Excellence have worked together to
24 develop a voluntary and comprehensive workplace culture change program known as
25 the North Carolina New Organizational Vision Award (NC NOVA) to address known

1 Care Facilities Association, The Carolinas Center for Medical
2 Excellence, and the University of North Carolina at Chapel Hill –
3 Institute on Aging.

4 (4) NC NOVA Provider Information Manual. – The document developed
5 by the NC NOVA Partner Team that specifies the scope of criteria for
6 NC NOVA designation as well as information and procedures
7 pertaining to the application, review, determination, and termination
8 process.

9 **§ 131E-154.14. NC NOVA Program established.**

10 (a) The Department of Health and Human Services shall establish the NC NOVA
11 program.

12 (b) The Department shall implement the NC NOVA program in accordance with
13 the criteria and protocols established by the NC NOVA Partner Team and detailed in the
14 NC NOVA Provider Information Manual.

15 (c) Any information submitted by applicants or obtained by the independent
16 review organization related to NC NOVA, as well as annual turnover data voluntarily
17 submitted by home care agencies, adult care homes, and nursing facilities for the
18 purposes of assessing statewide turnover trends, shall not be considered a public record
19 under G.S. 132-1.

20 (d) Denial of a NC NOVA designation is not subject to Article 3 of Chapter
21 150B of the General Statutes.

22 (e) Any licensed home care agency, adult care home, or nursing home that is
23 determined not to have met the criteria for NC NOVA designation may reapply at
24 intervals specified by the NC NOVA Partner Team and detailed in the NC NOVA
25 Provider Information Manual.

26 (f) The Department of Health and Human Services, Division of Facility Services,
27 shall issue a NC NOVA special licensure designation document to any licensed home
28 care agency, adult care home, or nursing home that is determined by the independent
29 review organization to have met the criteria for NC NOVA designation. The special
30 licensure designation document shall be in addition to the operating license issued by
31 the Division.

32 (g) The Division of Facility Services shall issue the NC NOVA special licensure
33 document to successful applicants within 30 days of notification by the independent
34 review organization.

35 (h) The NC NOVA special licensure designation shall be in effect for a two-year
36 period unless the provider has a change in ownership.

37 (1) Upon a change in ownership, if the new owner wishes to continue the
38 NC NOVA designation, the new owner must communicate the desire
39 in writing to the independent review organization within 30 days of the
40 effective date of the change of ownership and proceed with an
41 expedited review in accordance with procedures detailed by the NC
42 NOVA Partner Team and included in the NC NOVA Provider
43 Information Manual.

1 a. If the new owner continues to meet the NC NOVA criteria,
2 based upon the expedited review, the special licensure
3 designation will remain in effect for the remainder of the two-
4 year period.

5 b. If the new owner fails to meet NC NOVA criteria, the special
6 designation document shall be immediately returned to the
7 Division of Facility Services. The new owner may reapply for
8 NC NOVA designation under subsection (e) of this section.

9 (2) Within 30 days of the effective date of the change of ownership, if the
10 new owner fails to notify the independent review organization in
11 writing of the desire to retain the special licensure designation by
12 undergoing an expedited review, the designation will become null and
13 void, and the special designation document must be immediately
14 returned to the Division of Facility Services."

15 **SECTION 2.(a)** In order to ensure continuity during the initial statewide
16 implementation phase of NC NOVA, The Carolinas Center for Medical Excellence shall
17 be designated as the independent review organization for NC NOVA through December
18 31, 2010. Beginning in 2009, the Division of Facility Services, with approval from the
19 NC NOVA Partner Team, shall implement a competitive bid process to determine an
20 independent review organization for a minimum of five years beginning in 2011.

21 **SECTION 2.(b)** During the period of the effective date of this act, through
22 December 31, 2010, in the event The Carolinas Center for Medical Excellence
23 determines it cannot continue conducting independent reviews, The Carolinas Center
24 for Medical Excellence shall provide the Partner Team with a 12-month written notice
25 of such intent, in order to ensure sufficient transition time to select another independent
26 review entity without any disruption of the NC NOVA program.

27 **SECTION 3.** This act becomes effective January 1, 2007.