## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

S SENATE BILL 752\*

(Public)

Sponsors: Senators Dannelly, Bingham and Allran.

Short Title: ACH Star Rating Authorization/Funds.

Referred to: Appropriations/Base Budget.

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## March 14, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF STAR-RATED CERTIFICATES TO ADULT CARE HOMES, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES, FOR ADDITIONAL POSITIONS AND DATABASE ENHANCEMENT TO SUPPORT THE PROGRAM, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 131D-4.5 reads as rewritten:

## "§ 131D-4.5. Rules adopted by Medical Care Commission.

The Medical Care Commission shall adopt rules as follows:

- (1) Establishing minimum medication administration standards for adult care homes. The rules shall include the minimum staffing and training requirements for medication aides and standards for professional supervision of adult care homes' medication controls. The requirements shall be designed to reduce the medication error rate in adult care homes to an acceptable level. The requirements shall include, but need not be limited to, all of the following:
  - a. Training for medication aides, including periodic refresher training.
  - b. Standards for management of complex medication regimens.
  - c. Oversight by licensed professionals.
  - d. Measures to ensure proper storage of medication.
- (2) Establishing training requirements for adult care home staff in behavioral interventions. The training shall include appropriate responses to behavioral problems posed by adult care residents. The training shall emphasize safety and humane care and shall specifically include alternatives to the use of restraints.

Establishing minimum training and education qualifications for 1 (3) 2 supervisors in adult care homes and specifying the safety 3 responsibilities of supervisors. 4 Specifying the qualifications of staff who shall be on duty in adult care (4) 5 homes during various portions of the day in order to assure safe and 6 quality care for the residents. The rules shall take into account varied 7 resident needs and population mixes. 8 (5) Implementing the due process and appeal rights for discharge and 9 transfer of residents in adult care homes afforded by G.S. 131D-21. 10 The rules shall offer at least the same protections to residents as State 11 and federal rules and regulations governing the transfer or discharge of 12 residents from nursing homes. 13 Establishing procedures for determining the compliance history of (6) 14 adult care homes' principals and affiliates. The rules shall include 15 criteria for refusing to license facilities which have a history of, or have principals or affiliates with a history of, noncompliance with 16 17 State law, or disregard for the health, safety, and welfare of residents. 18 (7) For the licensure of special care units in accordance with G.S. 131D-4.6, and for disclosures required to be made under 19 20 G.S. 131D-8. 21 (8) For time limited provisional licenses and for granting extensions for 22 provisional licenses. 23 For the issuance to adult care homes of star-rated certificates, which <u>(9)</u> 24 shall contain a rating of one to five stars. The rating shall be based on 25 the following: 26 Inspections and complaint investigations conducted by the a. 27 Department to determine compliance with licensing statutes and 28 rules. 29 Any Type A or Type B penalties, or other administrative <u>b.</u> 30 actions, imposed on the facility by the Department. 31 Participation in any quality improvement programs approved by c. 32 the Department. 33 The facility's attainment of the North Carolina New <u>d.</u> 34 Organizational Vision Award special licensure designation 35 authorized in Part 6 of Article 5 of Chapter 131E of the General 36 Statutes."

**SECTION 2.** There is appropriated from the General Fund to the Department of Health and Human Services, Division of Facility Services, the sum of one hundred fifty-three thousand dollars (\$153,000) for the 2007-2008 fiscal year, and the sum of one hundred eight thousand dollars (\$108,000) for the 2008-2009 fiscal year. These funds shall be used to implement the Star Rating Program in accordance with Section 1 of this act, including two new positions and enhancement and maintenance of a database for the Program.

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SECTION 3. Section 1 of this act is effective when it becomes law and requires the issuance of certificates beginning January 1, 2009. Section 2 of this act becomes effective July 1, 2007. The remainder of this act is effective when it becomes law.