A BILL TO BE ENTITLED

AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO POSTPONE DEPLOYMENT OF THE NORTH CAROLINA FAMILIES ACCESSING SERVICES THROUGH TECHNOLOGY (NC FAST) SYSTEM AS RELATED TO CASE-MANAGEMENT FUNCTIONALITY FOR THE CHILD WELFARE SYSTEM AND AGING AND ADULT SERVICES' PROGRAMS, ENHANCING THE EARLY CHILDHOOD WORKFORCE, POTENTIAL DELAY FOR MEDICAID AND NC HEALTH CHOICE TRANSFORMATION, AUTHORIZING ADULT CARE HOMES TO USE SERVICE PLANS COMPLETED AS THE RESULT OF A MEDICAID PERSONAL CARE SERVICES ASSESSMENT TO FULFILL THE ACTIVITIES OF DAILY LIVING PORTION OF THE REQUIRED SERVICE PLANS OR CARE PLANS FOR ADULT CARE HOME RESIDENTS, AND AMENDING ASSISTED LIVING ADMINISTRATOR CERTIFICATION QUALIFICATIONS.

The General Assembly of North Carolina enacts:

PART I. POSTPONE DEPLOYMENT OF NC FAST CASE-MANAGEMENT FUNCTIONALITY FOR CHILD WELFARE SYSTEM/AGING AND ADULT SERVICES' PROGRAMS

SECTION 1.(a) The Department of Health and Human Services, Division of Social Services, shall postpone deployment of the North Carolina Families Accessing Services through Technology (NC FAST) system as it relates to case-management functionality for the child welfare system and aging and adult services' programs. The Division shall not deploy the child welfare case-management component of the NC FAST system statewide prior to May 1, 2020, but shall instead continue to develop and improve case-management functionality for the child welfare component of NC FAST only in those counties that participated in the initial pilot program prior to January 1, 2019.

SECTION 1.(b) All counties other than the counties that participated in the pilot program prior to January 1, 2019, may elect to utilize the Intake and Assessment functionality of the NC FAST system.

SECTION 1.(c) The Division shall move forward with developing and issuing requests for information (RFIs) to consider a vehicle for improving or replacing the child welfare
case-management component of NC FAST, but shall not issue any contracts without prior approval from the General Assembly.

SECTION 1.(d) The Joint Legislative Program Evaluation Oversight Committee shall revise the biennial 2019-2020 work plan for the Program Evaluation Division to include a study of the case-management functionality of the child welfare component of NC FAST. The Program Evaluation Division shall submit its evaluation to the Joint Legislative Program Evaluation Oversight Committee and to the Joint Legislative Oversight Committee on Health and Human Services no later than May 1, 2020.

PART II. EARLY CHILDHOOD WORKFORCE

SECTION 2.(a) G.S. 110-91(8) reads as rewritten:

"(8) Qualifications for Staff. – All child care center administrators shall be at least 21 years of age. All child care center administrators shall have the North Carolina Early Childhood Administration Credential or its equivalent as determined by the Department. All child care administrators performing administrative duties as of the date this act becomes law and child care administrators who assume administrative duties at any time after this act becomes law and until September 1, 1998, shall obtain the required credential by September 1, 2000. Child care administrators who assume administrative duties after September 1, 1998, shall begin working toward the completion of the North Carolina Early Childhood Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a credentialed staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming employed as a lead teacher or within six months after this act becomes law, whichever is later, and shall complete the credential or its equivalent within 18 months after enrollment. Five college courses earned from a North Carolina Community College, including: Introduction to Early Childhood Education; Child, Family, and Community; Health, Safety and Nutrition; and either Infants, Toddlers, and Twos and Child Development I, or Child Guidance and Child Development II; or either a North Carolina Infant-Toddler Certificate or Preschool Certificate or equivalent as determined by the Department, within 24 months of hire. Lead teachers employed as of January 1, 2020, shall have until January 1, 2022, to complete the specified courses or receive the Certificate or equivalent. Lead teachers hired after January 1, 2020, shall have earned the North Carolina Early Childhood Credential prior to hire and shall complete the additional specified courses, or have the North Carolina Infant-Toddler Certificate or Preschool Certificate, or equivalent as determined by the Department, within 24 months of hire. Equivalencies shall include, but not be limited to, five college courses in Early Childhood Education or Child Development from a regionally accredited college or university, an Associate in Applied Sciences (A.A.S.) degree or higher in Early Childhood Education or Child Development.
For child care centers licensed to care for 200 or more children, the Department, in collaboration with the North Carolina Institute for Early Childhood Professional Development, shall establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions. The Department shall use these categories to establish appropriate staffing based on the size of the center and the individual staff responsibilities.

Effective January 1, 1998, an operator of a licensed family child care home shall be at least 21 years old and have a high school diploma or its equivalent—North Carolina Early Childhood Credential before receiving a license and shall complete the additional specified courses: Child, Family and Community; Health, Safety and Nutrition; and either Infants, Toddlers, and Twos and Child Development I, or Child Guidance and Child Development II; or have the North Carolina Infant-Toddler Certificate or Preschool Certificate, or equivalent as determined by the Department, within 24 months of being licensed. Operators of a family child care home licensed before January 1, 2020, shall have until January 1, 2022, to receive the Certificate or its equivalent. Equivalencies shall include, but not be limited to, five college courses in Early Childhood Education or Child Development from a regionally accredited college or university, an Associate in Applied Sciences (A.A.S.) degree or higher in Early Childhood Education or Child Development. Operators of a family child care home licensed prior to January 1, 1998, shall be at least 18 years of age and literate. Literate is defined as understanding licensing requirements and having the ability to communicate with the family and relevant emergency personnel. Any operator of a licensed family child care home shall be the person on-site providing child care.

The Commission shall adopt standards to establish appropriate qualifications for all staff in child care centers. These standards shall reflect training, experience, education and credentialing and shall be appropriate for the size center and the level of individual staff responsibilities. It is the intent of this provision to guarantee that all children in child care are cared for by qualified people. Pursuant to G.S. 110-106, no requirements may interfere with the teachings or doctrine of any established religious organization. The staff qualification requirements of this subdivision do not apply to religious sponsored child care facilities pursuant to G.S. 110-106."

SECTION 2.(b) To provide financial support for completion of the required courses for lead teachers, T.E.A.C.H. Early Childhood scholarships are available and funded by the Child Care Development Block grant.

SECTION 3.(a) Professional Standards and Competencies. – The Division of Child Development and Early Education (Division) shall define the knowledge requirements for early childhood educators by establishing expected competencies for lead teachers. These competencies shall be based on the latest findings from the National Academy of Sciences report, "Transforming the Workforce for Children from Birth through Age 8," and the newly revised competencies from the National Association for the Education of Young Children (NAEYC). Competencies shall be graduated and tied to the certificates and degrees offered within North Carolina's community colleges and colleges and universities, specifically the Infant-Toddler and Preschool Certificates and the associate and bachelor's degrees in Early Childhood Education.

SECTION 3.(b) The Division shall collaborate with the North Carolina Community College System office to develop, or revise, a standardized process for early childhood educators to demonstrate their ability to meet the competencies found in all courses included in either the Infant-Toddler or Preschool Certificate. This process shall be available to support early childhood...
educators who choose not to attend or return to college to earn the required Certificates or degrees for lead teachers.

SECTION 4. On or after July 1, 2020, the Department of Health and Human Services, Division of Child Development and Early Education (Division), shall develop and implement a program to incentivize higher teacher education and compensation levels by providing subsidy payment enhancements, in addition to established subsidy payments based on star ratings, to child care programs that use a salary scale and only employ lead teachers who have obtained a minimum of an associate degree in child development or a related field. The incentive amount shall be differentiated based on the level of degree attained. The Division shall submit a progress report on the development and implementation of the program required by this section to the Joint Legislative Oversight Committee on Health and Human Services by March 1, 2020.

SECTION 5.(a) The Department of Health and Human Services, Division of Child Development and Early Education (Division), shall conduct a feasibility and cost study for the development of a pilot program modeled after the North Carolina prekindergarten (NC Pre-K) program for classrooms for children birth through three years of age. The model shall focus on criteria that, at a minimum, include each of the following:

1. Teachers with degrees.
2. The use of curriculum and formative assessments.
3. Improved student-teacher ratios.
4. Payment rates for child care programs commensurate with the increased teacher education requirements.
5. The training, program coordination, recruitment, outreach, and monitoring necessary to implement the program.
6. An ongoing evaluation program to measure educational outcomes similar to the evaluation required for the NC Pre-K program.

SECTION 5.(b) The Division shall submit a report on the study required under subsection (a) of this section to the 2020 Regular Session of the 2019 General Assembly by April 1, 2020.

SECTION 6. Early Childhood Workforce Report. – The Division of Child Development and Early Education (Division) shall report on the status of the early childhood workforce established pursuant to the provisions of this act every three years. This report shall include information on the educational status and compensation of all lead teachers and other teaching staff enrolled in licensed child care programs in North Carolina. The Division shall submit the report required by this section to the Joint Legislative Oversight Committee on Health and Human Services by January 1, 2021, and every three years thereafter.

PART III. POTENTIAL DELAY OF MEDICAID AND NC HEALTH CHOICE TRANSFORMATION

SECTION 7. If House Bill 966, 2019 Regular Session, does not become law by July 15, 2019, then the Department of Health and Human Services shall delay, until at least March 1, 2020, the implementation of the Medicaid and NC Health Choice transformation required by S.L. 2015-245, as amended, and by the 1115 demonstration waiver.

PART IV. AUTHORIZE ADULT CARE HOMES TO USE SERVICE PLANS COMPLETED FOR MEDICAID PERSONAL CARE SERVICES ASSESSMENT FOR ACTIVITIES OF DAILY LIVING PORTION OF SERVICE PLANS OR CARE PLANS AND AMEND ASSISTED LIVING ADMINISTRATOR QUALIFICATIONS

SECTION 8. G.S. 131D-2.15 reads as rewritten:

"§ 131D-2.15. Resident assessments."
a) Initial Assessment. – The Department shall ensure that facilities conduct and complete an assessment of each resident within 72 hours of admitting the resident and annually thereafter. In conducting the assessment, the facility shall use an assessment instrument approved by the Secretary upon the advice of the Director of the Division of Aging and Adult Services, approved in accordance with rules adopted by the Medical Care Commission. The Department shall provide ongoing training for facility personnel in the use of the approved assessment instrument.

a1) The Assessment to Develop Service Plans and Care Plans. – Within 30 days of admission, the facility shall use the conduct an assessment to develop appropriate and comprehensive service plans and care plans and to determine the level and type of facility staff that is needed to meet the needs of residents. The assessment shall determine a resident's level of functioning and shall include, but not be limited to, cognitive status and physical functioning in activities of daily living. Activities of daily living are personal functions essential for the health and well-being of the resident. The assessment shall not serve as the basis for medical care. The assessment shall indicate if the resident requires referral to the resident's physician or other appropriate licensed health care professional or community resource.

a2) Medicaid State Plan Personal Care Services Assessment. – To fulfill the activities of daily living portion of any service plan or care plan required under subsection (a1) of this section, or any rules adopted under this Article, the facility may use a service plan that was completed within 35 days of the resident's admission to the facility and represents the result of an assessment to determine the resident's eligibility for personal care services under the Medicaid State Plan. If the facility uses a service plan for personal care services under the Medicaid State Plan developed within 35 days of resident admission, the facility shall be exempt from conducting an assessment of the resident's ability to perform activities of daily living within 30 days of resident admission. For purposes of this subsection, a resident must have received an assessment to develop appropriate and comprehensive service plans and care plans no later than 35 days after resident admission or subsection (a1) of this section applies.

b) Review. – The Department, as part of its inspection and licensing of adult care homes, shall review assessments and related service plans and care plans for a selected number of residents. In conducting this review, the Department shall determine all of the following:

1) Whether the appropriate assessment instrument was administered and interpreted correctly.
2) Whether the facility is capable of providing the necessary services.
3) Whether the service plan or care plan conforms to the results of an appropriately administered and interpreted assessment.
4) Whether the service plans or care plans are being implemented fully and in accordance with an appropriately administered and interpreted assessment.

c) Penalties. – If the Department finds that the facility is not carrying out its assessment responsibilities in accordance with this section, the Department shall notify the facility and require the facility to implement a corrective action plan. The Department shall also notify the resident of the results of its review of the assessment, service plans, and care plans developed for the resident. In addition to administrative penalties, the Secretary may suspend the admission of any new residents to the facility. The suspension shall be for the period determined by the Secretary and shall remain in effect until the Secretary is satisfied that conditions or circumstances merit removing the suspension.

SECTION 9. G.S. 90-288.14 reads as rewritten:


An applicant shall be certified by the Department shall certify as an assisted living administrator if the applicant meets all of the following qualifications:

1) Is at least 21 years old.
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(2) Provides a satisfactory criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of Investigation upon its receiving fingerprints from the applicant. If the applicant has been a resident of this State for less than five years, the applicant shall provide a satisfactory criminal background report from both the State and National Repositories of Criminal Histories.

(2a) Does not have a substantiated finding of neglect, abuse, misappropriation of property, diversion of drugs, or fraud listed on the Health Care Personnel Registry established under G.S. 131E-256.

(3) Successfully Has a high school diploma or its equivalent and successfully completes the equivalent of two years of coursework at an accredited college or university, or has a minimum of 60 months of supervisory experience, or has a combination of education and experience as approved by the Department. For purposes of this section, "supervisory experience" means having full-time, direct management responsibility, including some responsibility for hiring and firing, over the equivalent of at least two full-time employees with direct resident care responsibilities. Such supervisory experience shall have been in a licensed adult care home or licensed nursing home within the seven years preceding the date of application.

(4) Successfully completes a Department approved administrator-in-training program of at least 120 hours of study in courses relating to assisted living residences.

(5) Successfully completes a written examination administered by the Department."

SECTION 10. This act is effective when it becomes law.