

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1710

Short Title: Adult Care Homes Staff Ratio/Funds.

(Public)

Sponsors: Representatives Luebke, Earle, (Cosponsors); Adams, Alexander, Bowie, Boyd-McIntyre, Clary, Dedmon, Easterling, Goodwin, Hackney, Hightower, Insko, Jarrell, Jeffus, Kinney, McAllister, Michaux, Miller, Miner, Moore, Mosley, Redwine, Rogers, Wainwright, Watson, C. Wilson, Wright, and Yongue.

Referred to: Appropriations.

June 1, 1998

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE CERTAIN STAFFING RATIOS FOR ADULT CARE HOMES
2 AND TO APPROPRIATE FUNDS THEREFOR.
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4 Whereas, the purpose of adult care homes is to provide residents assistance in
5 attending to their personal care and safety; and

6 Whereas, the health and safety of residents in adult care homes is of paramount
7 concern to the State; and

8 Whereas, the staff-to-resident ratios in adult care homes have a significant
9 impact on the quality of care for the health and safety of residents; and

10 Whereas, the majority of penalty review cases in adult care homes involve
11 staffing requirements; and

12 Whereas, on January 14, 1998, the Social Services Commission recommended
13 that staffing ratios for adult care homes be increased to one staff person for each 15
14 residents for the first and second shifts, and one staff person for 30 or fewer residents for
15 the third shift; and

16 Whereas, increasing the staffing ratios for the evening (third) shift to one staff
17 person for 30 or fewer residents will not only improve quality of care but will also help

1 ensure that sufficient staff are available to attend to the safety of all residents in the event
2 of an emergency; and

3 Whereas, the General Assembly recognizes that staffing represents a
4 significant portion of the cost of operating adult care homes; Now, therefore,
5 The General Assembly of North Carolina enacts:

6 Section 1. There is appropriated from the General Fund to the Department of
7 Health and Human Services the sum of one million two hundred twenty-seven thousand
8 seven hundred seventy-three dollars (\$1,227,773) for the 1998-99 fiscal year to increase
9 the adult care home reimbursement rate effective January 1, 1999. These funds are
10 appropriated for the purpose of increasing third shift staffing ratios in certain adult care
11 homes to one staff person per 30 or fewer residents, as provided under Section 2 of this
12 act, for the six-month period January 1-June 30, 1999. Funds appropriated under this
13 section represent fifty percent (50%) of the total amount necessary to increase staffing as
14 required under Section 2 of this act. The remaining fifty percent (50%) of the funds
15 needed to increase staffing shall be provided by the county share as required by law.

16 Section 2. Effective January 1, 1999, G.S. 131D-4.3 reads as rewritten:
17 **"§ 131D-4.3. Adult care home rules.**

18 (a) Pursuant to G.S. 143B-153, the Social Services Commission shall adopt rules
19 to ensure at a minimum, but shall not be limited to, the provision of the following by
20 adult care homes:

- 21 (1) Client assessment and independent case management;
- 22 (2) A minimum of 75 hours of training for personal care aides performing
23 heavy care tasks and a minimum of 40 hours of training for all personal
24 care aides. The training for aides providing heavy care tasks shall be
25 comparable to State-approved Certified Nurse Aide I training. For those
26 aides meeting the 40-hour requirement, at least 20 hours shall be
27 classroom training to include at a minimum:
 - 28 a. Basic nursing skills;
 - 29 b. Personal care skills;
 - 30 c. Cognitive, behavioral, and social care;
 - 31 d. Basic restorative services; and
 - 32 e. Residents' rights.

33 A minimum of 20 hours of training shall be provided for aides in family
34 care homes that do not have heavy care residents. Persons who either
35 pass a competency examination developed by the Department of Health
36 and Human Services, have been employed as personal care aides for a
37 period of time as established by the Department, or meet minimum
38 requirements of a combination of training, testing, and experience as
39 established by the Department shall be exempt from the training
40 requirements of this subdivision;

- 41 (3) Monitoring and supervision of residents; and
- 42 (4) Oversight and quality of care as stated in G.S. 131D-4.1.

- 1 (5) Adult care homes shall comply with all of the following staffing
2 requirements:
3 a. First shift (morning): 8.0 hours of aide duty per each 20 residents
4 (licensed capacity or resident census).
5 b. Second shift (afternoon): 8.0 hours of aide duty per each 20
6 residents (licensed capacity or resident census).
7 c. Third shift (evening): 8.0 hours of aide duty per 30 or fewer
8 residents (licensed capacity or resident census).
9 (b) Rules to implement this section shall be adopted as emergency rules in
10 accordance with Chapter 150B of the General Statutes. ~~These rules shall be in effect no later~~
11 ~~than January 1, 1996.~~
12 (c) The Department may suspend or revoke a facility's license, subject to the
13 provisions of Chapter 150B, to enforce compliance by a facility with this section or to
14 punish noncompliance."
15 Section 3. Section 11.70(d) of S.L. 1997-443 reads as rewritten:
16 "(d) Effective July 1, 1998, the maximum monthly rate for residents in adult care
17 home facilities shall be nine hundred fifteen dollars (\$915.00) per month per resident.
18 Effective January 1, 1999, the maximum monthly rate for residents in adult care home
19 facilities shall be nine hundred twenty-nine dollars (\$929.00) per month per resident."
20 Section 4. This act becomes effective July 1, 1998.