

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 162*

Short Title: Rate Setting/Adult Day Care.

(Public)

Sponsors: Representatives Insko; Earle, Warren, and Alexander.

Referred to: Health.

February 19, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW COUNTIES TO ESTABLISH THE RATES FOR
3 REIMBURSEMENT FOR ADULT DAY SERVICES FROM THE HOME AND
4 COMMUNITY CARE BLOCK GRANT FUND.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143B-181.1(a)(11) reads as rewritten:

7 "(11) To administer a Home and Community Care Block Grant for older
8 adults, effective July 1, 1992. The Home and Community Care Block
9 Grant shall be comprised of applicable Older Americans Act funds,
10 Social Services Block Grant funding in support of the Respite Care
11 Program (G.S. 143B-181.10), State funds for home and community
12 care services administered by the Division of Aging, portions of the
13 State In-Home and Adult Day Care funds (Chapter 1048, 1981 Session
14 Laws) administered by the Division of Social Services which support
15 services to older adults, and other funds appropriated by the General
16 Assembly as part of the Home and Community Care Block Grant.
17 Notwithstanding G.S. 143B-153 or any other State law to the contrary,
18 counties may establish rates for the reimbursement for adult day
19 services from Home and Community Care Block Grant funds. Funding
20 currently administered by the Division of Social Services to be
21 included in the block grant will be based on the expenditures for older
22 adults at a point in time to be mutually determined by the Divisions of
23 Social Services and Aging. The total amount of Older Americans Act
24 funds to be included in the Home and Community Care Block Grant
25 and the matching rates for the block grant shall be established by the
26 Department of Health and Human Services, Division of Aging.
27 Allocations made to counties in support of older adults shall not be
28 less than resources made available for the period July 1, 1990, through

1 June 30, 1991, contingent upon availability of current State and federal
2 funding; and".

3 **SECTION 2.** G.S. 143B-153(2a) reads as rewritten:

4 "(2a) The Social Services Commission shall have the power and duty to
5 establish standards and adopt rules and regulations:

6 a. For social services programs established by federal legislation
7 and by Article 3 of Chapter 108A of the General Statutes;

8 b. For implementation of Title XX of the Social Security Act,
9 except for Title XX services provided solely through the
10 Division of Mental Health, Developmental Disabilities, and
11 Substance Abuse Services, by promulgating rules and
12 regulations in the following areas:

13 1. Eligibility for all services established under a
14 Comprehensive Annual Services Plan, as required by
15 federal law;

16 2. Standards to implement all services established under the
17 Comprehensive Annual Services Plan;

18 3. Except as otherwise provided in G.S. 143B-181.1,
19 ~~Maximum~~-~~maximum~~ rates of payment for provision of
20 social services;

21 4. Fees for services to be paid by recipients of social
22 services;

23 5. Designation of certain mandated services, from among
24 the services established by the Secretary below, which
25 shall be provided in each county of the State; and

26 6. Title XX services for the blind, after consultation with
27 the Commission for the Blind.

28 Provided, that the Secretary is authorized to promulgate all
29 other rules in at least the following areas:

30 1. Establishment, identification, and definition of all
31 services offered under the Comprehensive Annual
32 Services Plan;

33 2. Policies governing the allocation, budgeting, and
34 expenditures of funds administered by the Department;

35 3. Contracting for and purchasing services; and

36 4. Monitoring for effectiveness and compliance with
37 State and federal law and regulations."

38 **SECTION 3.** This act becomes effective July 1, 2001.