

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1190\*

Short Title: Update Long-Term Care Statutes. (Public)

Sponsors: Senators Swindell, Forrester, Bingham, Queen, Dorsett; Atwater, Davis, Goss, Purcell, Snow, and Vaughan.

Referred to: Health Care.

May 18, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO UPDATE AND CLARIFY NORTH CAROLINA'S GENERAL STATUTES ON  
3 OLDER ADULTS AND LONG-TERM SERVICES AND SUPPORTS, AS  
4 RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

5 Whereas, the North Carolina General Assembly is committed to having North  
6 Carolina recognized as a leader in supporting long-term services and supports; and

7 Whereas, the State is building on the following federal and State supported  
8 person-centered initiatives: aging and disability resource centers or Community Resource  
9 Connections for Aging and Disabilities, evidence-based health promotion, caregiver supports  
10 for persons with Alzheimer's disease, lifespan respite programs, consumer-directed care,  
11 transitional care, and promotion of community living for persons who might otherwise become  
12 Medicaid eligible if placed in a skilled nursing facility: Now, therefore,  
13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** Part 14A, Article 3, Chapter 143B of the General Statutes reads as  
15 rewritten:

16 "Part 14A. ~~Policy Act for the Aging. Older Adults.~~

17 "**§ 143B-181.3. ~~Statement of principles. Older adults findings; policy.~~**

18 ~~To utilize effectively the resources of our State, to provide a better quality of life for our~~  
19 ~~senior citizens, and to assure older adults the right of choosing where and how they want to~~  
20 ~~live, the following principles are hereby endorsed:~~

21 (a) The North Carolina General Assembly finds the following:

- 22 (1) ~~Older people-adults~~ should be able to live as ~~normal a life independently as~~  
23 ~~possible. possible, and to live free of abuse, neglect, and exploitation.~~
- 24 (2) Older adults should have a choice of ~~life-styles-lifestyles~~ which will allow  
25 them to remain contributing members of society for as long as possible.
- 26 (3) Preventive and primary health care are necessary to keep older adults active  
27 and contributing members of society.
- 28 (4) Sufficient opportunities for ~~Appropriate~~ training in gerontology and  
29 geriatrics should be developed and readily available for individuals serving  
30 older adults.
- 31 (5) Transportation to meet daily needs and to make accessible a broad range of  
32 services should be ~~provided-available~~ so that older ~~persons-adults~~ may  
33 realize their full potential.
- 34 (6) Services for older adults should be person-centered and coordinated so that  
35 all—their—an individual's needs can be served efficiently—and  
36 effectively, efficiently, effectively, and in the least restrictive environment.



- 1 (7) Information should be readily available in each county on all programs and  
 2 services for older adults. ~~citizens and advocacy for these services should be~~  
 3 ~~available in each county.~~
- 4 (8) Increased employment opportunities for older adults should be made  
 5 available.
- 6 (9) A variety of housing options should be available in each county. ~~Options in~~  
 7 ~~housing should be made available.~~
- 8 (10) Older adults and their caregivers should have input in the planning and  
 9 evaluation of programs and services for older adults, and they should have  
 10 opportunities to advocate for these programs and services. ~~Planning for~~  
 11 ~~programs for older citizens should always be done in consultation with them.~~
- 12 (11) The State should ~~aid~~ assist older people ~~adults who desire to remain as~~  
 13 independent as possible to help themselves ~~and should encourage and~~  
 14 support families in caring for their older members.

15 (b) It is the policy of the State to effectively utilize its resources to support and enhance  
 16 the quality of life for older adults in North Carolina."

17 **SECTION 2.** Part 14B, Article 3, Chapter 143B of the General Statutes reads  
 18 as rewritten:

19 "Part 14B. Long-Term ~~Care~~ Services and Supports.

20 "**§ 143B-181.5. Long-term ~~care~~ services and supports – findings, policy.**

21 The North Carolina General Assembly finds that the aging of the population and advanced  
 22 medical technology have resulted in a growing number of persons who require ~~assistance.~~  
 23 long-term services and supports. The primary resource for long-term ~~care provision~~ assistance  
 24 continues to be the family and friends. However, these traditional caregivers are increasingly  
 25 employed outside the home. There is growing demand for improvement and expansion of home  
 26 and community-based long-term ~~care services to support and~~ services and supports to  
 27 complement the ~~services care~~ provided by these informal caregivers.

28 The North Carolina General Assembly further finds that the public interest would best be  
 29 served by a broad array of long-term ~~care~~ services and supports that ~~support~~ enable persons  
 30 who need such services to remain in the home or in the community whenever practicable and  
 31 that promote individual autonomy, dignity, and choice. ~~autonomy and dignity as these~~  
 32 individuals exercise choice and control over their lives.

33 The North Carolina General Assembly finds that as other long-term ~~care~~ service and  
 34 support options become more readily available, the relative need for institutional care will  
 35 stabilize or decline relative to the growing aging population. ~~population of older adults and~~  
 36 people living with disabilities. The General Assembly recognizes, however, that institutional  
 37 care will continue to be a critical part of the State's long-term ~~care~~ service and support options  
 38 and that such services should promote individual dignity, autonomy, and a home like  
 39 environment."

40 "**§ 143B-181.6. Purpose and intent.**

41 ~~It is the North Carolina General Assembly's intent in the State's development and~~  
 42 implementation of long term care policies that: ~~The development and implementation of~~  
 43 policies for long-term services and supports should reflect the intent of the North Carolina  
 44 General Assembly as follows:

- 45 (1) Long-term ~~care~~ services and supports administered by the Department of  
 46 Health and Human Services and other State and local agencies shall include  
 47 a balanced array of health, social, and supportive services that are well  
 48 coordinated to promote individual choice, dignity, and the highest  
 49 practicable level of independence; ~~independence.~~
- 50 (2) Home and community-based services shall be developed, expanded, or  
 51 maintained in order to meet the needs of consumers in the least confusing

1 and least restrictive manner and based on the desires of the elderly—older  
2 adults, persons with disabilities, ~~and their families;~~ families, and others that  
3 support them.

4 (3) All services shall be responsive and appropriate to individual need and shall  
5 be delivered through a uniform and seamless system that is flexible and  
6 responsive regardless of funding source; source through the effective use of  
7 Community Resource Connections for Aging and Disabilities as they are  
8 developed throughout the State.

9 (4) Services shall be available to all elderly persons who need them but targeted  
10 primarily to the most ~~frail,~~ frail and needy elderly; citizens.

11 (5) State and local agencies shall maximize the use of limited resources by  
12 establishing a fee system for persons who have the ability to ~~pay;~~ pay.

13 (6) ~~Institutional care~~ Care provided in facilities shall be ~~provided~~ offered in such  
14 a manner and in such an environment as to promote maintenance of health  
15 and ~~or~~ enhancement of the quality of life of each resident and timely  
16 discharge to a less restrictive care setting when ~~appropriate;~~ and appropriate.

17 (7) State health planning for institutional bed supply shall take into account  
18 increased availability of other home and community-based services options.

19 (8) In an effort to maximize the use of limited resources, State and local  
20 agencies shall invest in supports for families and other informal caregivers  
21 of persons requiring assistance.

22 (9) Emphasis shall be placed on offering evidence-based activities to promote  
23 healthy aging, prevent injuries, and manage chronic diseases and conditions.

24 (10) Individuals and families shall be encouraged and supported in planning for  
25 and financing their own future needs for long-term services and supports."

26 **SECTION 3.** This act is effective when it becomes law.