

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 512  
Health Care Committee Substitute Adopted 5/12/11

Short Title: Authorize Overnight Respite Pilot.

(Public)

Sponsors:

Referred to:

April 6, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
3 TO PILOT AN OVERNIGHT RESPITE PROGRAM IN FACILITIES THAT OFFER  
4 ADULT DAY CARE.

5 Whereas, the population of adults who are elderly or disabled in North Carolina is  
6 expected to increase, thereby increasing the need for safe and available overnight respite care;  
7 and

8 Whereas, adult day care provides group care and supervision to adults who may be  
9 physically or mentally disabled; and

10 Whereas, adult day care provides care and supervision during the day, allowing  
11 caregivers a time of respite or allowing caregivers to attend to other duties, including work; and

12 Whereas, adult day care allows individuals to remain in their communities and/or in  
13 familiar surroundings, thereby prolonging or eliminating the need for placement in a long-term  
14 care facility; Now, therefore,

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.(a)** Notwithstanding G.S. 131D-6(b), the Department of Health and  
17 Human Services shall conduct a pilot program to assess the provision of overnight respite  
18 services in adult day care programs. The Secretary shall select a minimum of two, and a  
19 maximum of four, stable and successful certified adult day care programs in which to conduct  
20 the pilot. At least two of the programs selected shall be operated by an organization that has  
21 been offering adult day care in North Carolina since 1980 and has received national recognition  
22 including all of the following criteria: designated as a National Model Adult Day Care Center  
23 by the Robert Wood Johnson Foundation, designated as the only Teaching Day Center for  
24 recipients of North Carolina adult day care startup funds, received the North Carolina  
25 Non-Profit Center's Non-Profit Sector Stewardship Award for exemplary stewardship of  
26 resources, and received Leadership in Energy and Environmental Design (LEED) certification.

27 **SECTION 1.(b)** The provision of 24-hour care under this act shall not exceed 14  
28 consecutive calendar days, or more than 60 total calendar days, during a 365-day period, for  
29 each participant receiving overnight respite services. The capacity of the 24-hour overnight  
30 respite program authorized under this act shall not exceed six beds. The State is not authorized  
31 to pay for any overnight respite services offered through this pilot, and the pilot shall not be  
32 eligible to enroll or otherwise participate in the Medicaid program.

33 **SECTION 1.(c)** An adult day care program participating in this pilot shall be  
34 currently certified by the Department to provide adult day care. An adult day care program  
35 participating in the pilot shall be exempt from adult care home licensure pursuant to Article 1  
36 of Chapter 131D of the General Statutes and shall be exempt from licensure under Chapter  
37 131E and Chapter 122C of the General Statutes. The Department of Health and Human



1 Services shall adopt rules to include minimum requirements to ensure the health and safety of  
2 adult day care overnight respite participants. These requirements shall specify program  
3 management, staffing, building specifications, fire safety, sanitation, nutrition, enrollment,  
4 medication management, and program activities. Participant assessments conducted by the  
5 adult day care pilot programs shall provide sufficient information to ensure appropriate care  
6 and to protect the health and safety of participants but shall not be more onerous than current  
7 adult day care assessments. The Division of Health Service Regulation shall have the authority  
8 to enforce the rules adopted by the Department. Prior to the provision of overnight respite  
9 services, an adult day care program participating in the pilot shall receive an initial inspection  
10 by the Division of Health Service Regulation for compliance with the rules. On a basis not less  
11 than every six months, the Division of Health Service Regulation shall conduct monitoring  
12 visits and shall also be responsible for the investigation of complaints. Each adult day care  
13 program participating in the pilot shall periodically report the number of individuals served and  
14 the average daily census to the Division of Health Service Regulation, on a schedule  
15 determined by the Division. The Division of Health Service Regulation shall have the authority  
16 to suspend admissions or terminate the pilot program at any time due to noncompliance with  
17 regulatory requirements which has resulted in death or serious physical harm, or when there is a  
18 substantial risk that death or serious physical harm will occur.

19 **SECTION 2.** The Department of Health and Human Services shall report on the  
20 status of the pilot once a year to the Program Evaluation Division. The Program Evaluation  
21 Division shall evaluate the provision of overnight respite services in an adult day care program  
22 through the experiences of this pilot. The evaluation shall include whether this pilot was  
23 successful as measured by the participants in receipt of overnight respite, the primary  
24 caregivers of participants, the adult day care programs participating in the pilot, and the  
25 Department of Health and Human Services. On or before October 1, 2014, the Program  
26 Evaluation Division shall provide a report to the General Assembly on the feasibility of  
27 continuing to provide overnight respite in an adult day care program.

28 **SECTION 3.** This act becomes effective when it becomes law; adult day care  
29 programs participating in the pilot shall be selected and have received an initial inspection by  
30 January 1, 2012; and this act is repealed June 1, 2015.