

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 698

Short Title: Adult Care Home Accreditation. (Public)

Sponsors: Representatives Dobson, Potts, Brisson, and Black (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 11, 2019

A BILL TO BE ENTITLED

1 AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,
2 DIVISION OF HEALTH SERVICE REGULATION, TO UNDERTAKE A COMPLIANCE
3 REVIEW OF THE STANDARDS FOR OBTAINING ASSISTED LIVING PROGRAM
4 ACCREDITATION FROM THE ACCREDITATION COMMISSION FOR HEALTH
5 CARE; SUBJECT TO SATISFACTORY RESULTS OF THAT COMPLIANCE REVIEW,
6 AUTHORIZING THE DEPARTMENT TO ISSUE ADULT CARE HOME LICENSES BY
7 VIRTUE OF ACCREDITATION; AND EXEMPTING ACCREDITED FACILITIES
8 FROM ROUTINE INSPECTIONS AND MONITORING AND THE STAR RATING
9 PROGRAM FOR ASSISTED LIVING FACILITIES.
10

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.(a)** It is the intent of the General Assembly to authorize the Department
13 of Health and Human Services, Division of Health Service Regulation, to issue an adult care
14 home license to any applicant that obtains assisted living program accreditation from the
15 Accreditation Commission for Health Care without the need for further review or inspection by
16 the Department. To that end, beginning July 1, 2019, the Department of Health and Human
17 Services, Division of Health Service Regulation, shall work with the Accreditation Commission
18 for Health Care to conduct a compliance review of the Commission's standards for granting
19 assisted living program accreditation to ensure that these standards meet or exceed (i) the adult
20 care home licensure requirements of Part 1 of Article 1 of Chapter 131D of the General Statutes
21 and any rules adopted under that Part and (ii) the Adult Care Home Residents' Bill of Rights
22 established under Article 3 of Chapter 131D of the General Statutes. By December 31, 2019, the
23 Department shall complete its work with respect to this compliance review and upon a
24 determination that the Commission's assisted living program accreditation standards meet or
25 exceed the adult care home licensure requirements and the Adult Care Home Residents' Bill of
26 Rights described in this subsection, notify the Revisor of Statutes of the same.

27 **SECTION 1.(b)** Subject to a determination by the Department that the Commission's
28 standards for assisted living program accreditation meet or exceed the adult care home licensure
29 requirements and the Adult Care Home Residents' Bill of Rights described in subsection (a) of
30 this section, the Commission may begin performing assisted living program accreditation surveys
31 of adult care homes licensed under this Part on January 1, 2020.

32 **SECTION 2.** G.S. 131D-2.4 is amended by adding a new subsection to read:

33 "(h) An adult care home shall be deemed to meet the licensure requirements of this Part,
34 and the Department shall issue a license under this Part without further review or inspection, if
35 the facility obtains assisted living program accreditation from the Accreditation Commission for



1 Health Care or another Department-approved nationally recognized accrediting body for assisted
2 living programs. Any adult care home deemed to meet the licensure requirements of this Part by
3 virtue of accreditation shall submit the following documentation to the Division of Health Service
4 Regulation in order to obtain a license under this subsection:

- 5 (1) A copy of its accreditation report within 30 days after receipt each time the
6 facility is surveyed by the accrediting body. The facility shall notify the
7 Division of Health Service Regulation, in writing, within 30 days after any
8 action taken by the accrediting body that temporarily or permanently affects
9 its accreditation status.
- 10 (2) A copy of its annual fire-safety inspection from the local fire marshal within
11 30 days after receipt.
- 12 (3) A copy of its sanitation inspection from the local health department within 30
13 days after receipt.

14 Obtaining a license by virtue of accreditation under this subsection does not exempt an adult
15 care home from the licensure requirements established under this Part or any rules adopted under
16 this Part. The Department may conduct validation surveys of adult care homes licensed by virtue
17 of accreditation under this subsection in order to ensure compliance with applicable licensure
18 requirements.

19 Adult care homes licensed by virtue of accreditation under this subsection are not subject to
20 routine inspections by the Department or county departments of social services, as provided
21 under G.S. 131D-2.11(a) or (b). If the Department or a county department of social services
22 receives a complaint against an accredited facility, the Department or county department of social
23 services shall forward the complaint to the accrediting body for investigation, except that the
24 Division of Health Service Regulation shall investigate allegations against adult care homes of
25 abuse or neglect, as those terms are defined in 42 C.F.R. § 488.301.

26 Adult care homes licensed by virtue of accreditation under this subsection are exempt from
27 the rules adopted by the North Carolina Medical Care Commission pursuant to G.S. 131D-10.
28 Instead, accredited adult care homes shall be noted as "accredited" in lieu of receiving a rating
29 issued in accordance with the rules adopted by the North Carolina Medical Care Commission
30 pursuant to G.S. 131D-10."

31 **SECTION 3.** Section 1 of this act is effective when it becomes law. Section 2 of this
32 act becomes effective January 1, 2022, if the Department of Health and Human Services,
33 Division of Health Service Regulation, notifies the Revisor of Statutes that the Accreditation
34 Commission for Health Care's assisted living program accreditation standards meet or exceed (i)
35 the adult care home licensure requirements of Part 1 of Article 1 of Chapter 131D of the General
36 Statutes and any rules adopted under that Part and (ii) the Adult Care Home Residents' Bill of
37 Rights established under Article 3 of Chapter 131D of the General Statutes.