

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Mar 19, 2019
S.B. 302
PRINCIPAL CLERK

S

D

SENATE BILL DRS15102-MG-36A*

Short Title: Update Svc & Care Plan Req's/ACH Residents. (Public)

Sponsors: Senators Hise, Bishop, and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING ADULT CARE HOMES TO USE SERVICE PLANS COMPLETED
3 AS THE RESULT OF A MEDICAID PERSONAL CARE SERVICES ASSESSMENT TO
4 FULFILL THE ACTIVITIES OF DAILY LIVING PORTION OF THE REQUIRED
5 SERVICE PLANS OR CARE PLANS FOR ADULT CARE HOME RESIDENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 131D-2.15 reads as rewritten:

8 "**§ 131D-2.15. Resident assessments.**

9 (a) The Department shall ensure that facilities conduct and complete an assessment of
10 each resident within 72 hours ~~of~~after admitting the resident and annually thereafter. In
11 conducting the assessment, the facility shall use an assessment instrument approved by the
12 Secretary upon the advice of the Director of the Division of Aging and Adult Services. The
13 Department shall provide ongoing training for facility personnel in the use of the approved
14 assessment instrument.

15 The facility shall use the assessment to develop appropriate and comprehensive service plans
16 and care plans and to determine the level and type of facility staff that is needed to meet the needs
17 of residents. The assessment shall determine a resident's level of functioning and shall include,
18 but not be limited to, cognitive status and physical functioning in activities of daily living.
19 Activities of daily living are personal functions essential for the health and well-being of the
20 resident. To fulfill the activities of daily living portion of any service plan or care plan required
21 under this section or any rules adopted under this Article, the facility may use a service plan,
22 including any online service plan, that was completed as the result of an assessment to determine
23 a resident's eligibility for personal care services under the Medicaid State Plan. The assessment
24 shall not serve as the basis for medical care. The assessment shall indicate if the resident requires
25 referral to the resident's physician or other appropriate licensed health care professional or
26 community resource.

27 (b) The Department, as part of its inspection and licensing of adult care homes, shall
28 review assessments and related service plans and care plans for a selected number of residents.
29 In conducting this review, the Department shall ~~determine;~~determine all of the following:

- 30 (1) Whether the appropriate assessment instrument was administered and
31 interpreted ~~correctly;~~correctly.
32 (2) Whether the facility is capable of providing the necessary ~~services;~~services.
33 (3) Whether the service plan or care plan conforms to the results of an
34 appropriately administered and interpreted ~~assessment;~~ assessment.
35 (4) Whether the service plans or care plans are being implemented fully and in
36 accordance with an appropriately administered and interpreted assessment.



1 (c) If the Department finds that the facility is not carrying out its assessment
2 responsibilities in accordance with this section, the Department shall notify the facility and
3 require the facility to implement a corrective action plan. The Department shall also notify the
4 resident of the results of its review of the assessment, service plans, and care plans developed for
5 the resident. In addition to administrative penalties, the Secretary may suspend the admission of
6 any new residents to the facility. The suspension shall be for the period determined by the
7 Secretary and shall remain in effect until the Secretary is satisfied that conditions or
8 circumstances merit removing the suspension."

9 **SECTION 2.** This act is effective when it becomes law.