



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# HOUSE BILL 248: Support for Older Adults & DHHS Study.

2017-2018 General Assembly

|                       |                                       |                     |                                   |
|-----------------------|---------------------------------------|---------------------|-----------------------------------|
| <b>Committee:</b>     | House Health                          | <b>Date:</b>        | April 17, 2017                    |
| <b>Introduced by:</b> | Reps. Dobson, Presnell, White, Carney | <b>Prepared by:</b> | Theresa Matula<br>Committee Staff |
| <b>Analysis of:</b>   | PCS to First Edition<br>H248-CSSH-14  |                     |                                   |

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for HB 248 does the following three things: 1) encourages the cochairs of the Joint Legislative Oversight Committee on Health and Human Services (Oversight Committee) to consider appointing a Subcommittee on Aging to ensure that the State is meeting the current and anticipated needs of older adults; 2) makes changes to the adult care home and nursing home community advisory committees and the duties of the Office of the State Long-Term Care ombudsman Program that conform to federal changes; and 3) requires the Department of Health and Human Services to study Public Law 113-51, HIV Organ Policy Equity (HOPE) Act and the Final Safeguards and Research Criteria publication by the US Department of Health and Human Services and the National Institutes of Health to determine any necessary public health safeguards, regulations, and statutory changes and to submit findings and recommendations to the Oversight Committee on or before January 1, 2018. The bill would become effective when it becomes law.*

## BILL ANALYSIS:

**Section 1: Subcommittee on Aging** – Under current law,<sup>1</sup> the cochairs of the Joint Legislative Oversight Committee on Health and Human Services (Oversight Committee) have authority to establish subcommittees for the purpose of examining issues relating to services provided by particular Divisions within the Department of Health and Human Services (DHHS). Currently North Carolina has a significant older adult population and the percentage of older adults is anticipated to increase in the coming years. Section 1(a) of the PCS for HB 248 encourages the cochairs of the Oversight Committee to consider appointing a Subcommittee on Aging to determine the service needs of older adults and to make recommendations on how to address those needs. While conducting the study, the Subcommittee is urged to seek input from a variety of stakeholders and interest groups, specifically including: the Divisions of Aging and Adult Services and Social Services, DHHS; the NC Coalition on Aging; the Senior Tarheel Legislature; and the Governor's Advisory Council on Aging. Section 1(b) provides that if the Subcommittee is appointed, it shall submit to the Oversight Committee an interim report on or before March 1, 2018, and a final report on or before November 1, 2018.

**Section 2: Office of State Long-Term Care Ombudsman Changes** – The federal Older Americans Act authorized Long-Term Care Ombudsman Programs. [North Carolina's Long-Term Care Ombudsman Program](#) consists of an Office of the State Long-Term Care Ombudsman and Offices of the Regional Long-Term Care Ombudsman housed in Area Agencies on Aging. Ombudsmen assist

<sup>1</sup> G.S. 120-208.2(d)

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residents of long term care facilities in exercising their rights and attempt to resolve grievances between residents, families and facilities, in addition to other services for older adults and their families.<sup>2</sup> S.L. 2015-220, Section 2, made changes to the Long-Term Care Ombudsman Program to conform to federal changes. Section 2 of the PCS for HB 248 makes additional amendments to conform to the federal changes. Section 2(a) of the PCS amends the adult care home community advisory committee to provide that the committee members function as representatives of, and are accountable to, the Office of the State Long-Term Care Ombudsman. Section 2(b) amends the nursing home advisory committees in a similar manner. Both Section 2(a) and (b) provide that the training, certification, and designation is in accordance with 45 C.F.R. 1324.13(c)(2). Consistent with 45 C.F.R. 1324.11(e) and other similar provisions, Section 2(c) amends the duties of the Office of the State Long-Term Care Ombudsman Program to add the responsibility to designate, suspend, and remove the designation of volunteer representatives of the Office of the State Long-Term Care Ombudsman, including any community advisory committee appointees.

**Section 3: DHHS Study HOPE Act Safeguard and Research Criteria** – Section 3 of the PCS requires DHHS to examine P.L. 113-51 HIV Organ Policy Equity (HOPE) Act, and the Final Safeguards and Research Criteria for transplantation of HIV-positive donor organs in HIV-positive recipients, published by the US Department of Health and Human Services and National Institutes of Health. The DHHS is required to determine public health safeguards, regulations and statutory changes necessary for consideration by the General Assembly. On or before January 1, 2018, the DHHS is required to submit a report of findings and recommendations, including any necessary statutory changes to the Oversight Committee.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

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<sup>2</sup> 2015 [NC State Long-Term Care Ombudsman Program 2015 Report](#)