



HOUSE BILL 410: Require Generators/Nursing & Adult Care Homes.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 6, 2019
Introduced by:	Reps. Howard, Setzer, Carney, Lucas	Prepared by:	Jeremy Ray
Analysis of:	PCS to Second Edition H410-CSBH-16		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 410 would create a House Select Committee on Emergency Electrical Service for Nursing & Adult Care Homes to study the feasibility of requiring all nursing homes, combination homes, and adult care homes, to provide emergency electrical service for use in the event of failure of the normal electrical service.*

CURRENT LAW:

G.S. 131D-2.1 contains the following definitions:

- (3) **Adult care home.** – An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. ... Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.
- (9) **Family care home.** – An adult care home having two to six residents. The structure of a family care home may be no more than two stories high, and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground-level accesses to the upper story.

G.S. 131E-101 contains the following definitions:

- (1) "**Adult care home**", as distinguished from a nursing home, means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. ...Adult care homes are to be distinguished from nursing homes subject to licensure under this Part.
- (1a) "**Combination home**" means a nursing home offering one or more levels of care, including any combination of skilled nursing, intermediate care, and adult care home.
- (6) "**Nursing home**" means a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

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BILL ANALYSIS:

Section 1 of the PCS for HB 410 would create a House Select Committee on Emergency Electrical Service for Nursing & Adult Care Homes to study the feasibility of requiring all nursing homes, combination homes, and adult care homes, to provide emergency electrical service for use in the event of failure of the normal electrical service. The committee would study:

- How to provide generator back-up electricity for nursing homes, combination homes, and adult care homes.
- The relevant laws of other states which pertain to generator back-up electricity for nursing homes, combination homes, and adult care homes, and how those laws are applied.
- Any other matters the Committee deems relevant to their efforts.

The committee would report its findings and recommendations to the Joint Legislative Oversight Committee on Health and Human Services no later than March 1, 2020.

EFFECTIVE DATE: This act is effective when it becomes law.