



SENATE BILL 274: Home Assistance Services.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	September 5, 2023
Introduced by:	Sens. Perry, Sawyer, Overcash	Prepared by:	Jason Moran-Bates* Staff Attorney
Analysis of:	Third Edition		

OVERVIEW: *Bill 274 would protect and safeguard NC residents by requiring home assistance services providers to be licensed.*

CURRENT LAW: G.S. 131-138 requires a home care agency providing home care services to be licensed by the Department of Health and Human Services. Under G.S. 131E-136(3), *home care services* are defined as the following services and directly related medical supplies and appliances provided in an individual's home:

- a. Nursing care provided by or under the supervision of a registered nurse.
- b. Physical, occupational, or speech therapy, when provided to an individual who also is receiving nursing services, or any other of these therapy services, in a place of temporary or permanent residence used as the individual's home.
- c. Medical social services.
- d. In-home aide services that involve hands-on care to an individual.
- e. Infusion nursing services.
- f. Assistance with pulmonary care, pulmonary rehabilitation or ventilation.
- g. In-home companion, sitter, and respite care services provided to an individual.
- h. Homemaker services provided in combination with in-home companion, sitter, respite, or other home care services.

BILL ANALYSIS:

The bill would add the following definitions for *home assistance services* and *home assistance services provider*.

Home assistance services are defined as:

- Meal preparation, cleaning and organizing the home, and home management that at any time may require the provider, employee, or contractor of the provider to:
 - (i) enter a client's home, and
 - (ii) touch or assist the client on an intermittent basis with standing, walking, or sitting, based on the client's plan of care.
- Retail and grocery shopping, errand services, and travel to and from medical appointments, social events, and community activities that at any time may require the provider, employee, or contractor of the provider to:
 - (i) enter a client's home, and
 - (ii) touch or assist the client on an intermittent basis with standing, walking, or sitting, based on the client's plan of care.

A *Home assistance services provider* is an entity licensed by the Department of Health and Human Services that employs or contracts with two or more individuals to provide home assistance services.

Home assistance services providers would have to be licensed and meet the following requirements:

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- Have a plan of care for each client served that is prepared annually and that indicates the client does not require home care services as defined in G.S. 131E 136(3), and provided by a home care agency, but may need intermittent assistance with standing, walking, or sitting.
- Ensure each employee or contractor has CPR and first aid training.
- Ensure each employee or contractor has received training on the proper manner in which to assist clients on an intermittent basis with standing, walking, or sitting, based on the client's plan of care.
- Maintain liability insurance.
- Inform clients that a home assistance services provider is not licensed by the State of North Carolina to provide home care services, health care services, or regular hands on care.
- Conduct a criminal background check for each contractor or employee with the following requirements:
 - A criminal background check must be performed in each state where the employee or contractor was a resident during the past five years.
 - Prohibit employment of an individual or contractor who was convicted of a relevant offense as defined under G.S. 131D 40(d).
 - Prohibit contracting with or employing an individual listed on the National Sex Offender Public Website.
- Ensure each contractor or employee has not been subject to findings on the Health Care Personnel Registry under G.S. 131E 256.
- Ensure each employee or contractor involved in transporting a client possesses a valid drivers license, vehicle registration, proof of insurance, and has provided an official driving record from the North Carolina Division of Motor Vehicles.
- Inform clients that an employee or contractor of a home services provider is prohibited from smoking while providing services to a client in the client's home.

The bill would make a distinction between home care services and home assistance service by clarifying that home assistance services do not include in home companion, sitter, and respite care services as defined in G.S. 131E 136(3)g, or homemaker services provided in combination with in home companion, sitter, respite, or other home care services as defined in G.S. 131E 136(3)h.

EFFECTIVE DATE: This act would become when it becomes law.

*Theresa Matula, Legislative Analysis Division, substantially contributed to this summary.