



SENATE BILL 274: Senior Care Options.

2023-2024 General Assembly

Committee:	Senate Health Care. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 14, 2023
Introduced by:	Sens. Perry, Sawyer, Overcash	Prepared by:	Theresa Matula Legislative Analyst
Analysis of:	First Edition		

OVERVIEW: *Senate Bill 274 would direct the Department of Health and Human Services to develop and issue a Request for Proposal (RFP) for a pilot program to deliver home care services.*

BILL ANALYSIS: Senate Bill 274 defines home care services for purposes of the bill as follows:

- In-home companion, sitter, and respite care services provided to an individual.
- Homemaker services provided in combination with in-home companion, sitter, respite, or other home care services.
- Non-hands-on care services, as defined in [10A NCAC 13J .1501\(2\)](#) which specifies basic home management tasks, shopping, meal preparation, transportation, companion services, socialization, medication reminders, and other services that do not require the service provider to use "hands-on care" and which do not require training or verification of skills by a Registered Nurse.

Request for Proposal (RFP) – Section 1(b) requires the Department of Health and Human Services to develop and issue an RFP to contract with a third-party organization to establish and administer a three-year pilot program for home care services. The RFP must be issued no later than July 1, 2023, and the pilot program must begin no later than January 1, 2024. Under section 1(g), the pilot program terminates three years from the date that home care services began being delivered under the pilot.

The Department is required to select a third-party organization that delivers home care services in at least one other state to provide the following services under the pilot program:

- Home-based services such as meal preparation, cleaning and organizing, caring for pets, and other home management services.
- Community-based services such as grocery shopping, retail shopping, and pick-up and drop-off of items such as library materials, mail, and donations.
- Transportation-based services such as travel to and from medical appointments, social events, and community activities.

Contract Requirements – Section 1(c) requires at a minimum the following elements in the contract between the Department and the organization selected for the pilot program:

- A requirement that the third-party organization use an electronic scheduling platform for the delivery of home care services.
- A requirement that the third-party organization conduct a criminal background check on all employees and contractors prior to allowing them to perform home care services to residents participating in the pilot program.
- A prohibition against the third-party organization submitting claims for reimbursement to a private or government-funded health insurer, managed care organization, or health plan for services rendered to or on behalf of a North Carolina resident under this pilot program.

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Pilot Program Home Care Services *Exempt* from Certain Home Care Licensure Requirements – Section 1(d) allows the Department to exempt the selected third-party organization from specific home care licensure requirements provided in statutes (Part 3 of Article 6 of Chapter 131E) and rules. However, Department may not exempt the organization from the following laws governing home care agencies for the smoking prohibitions set forth in G.S. 131E-143, the personnel rules set forth in subsections (a) through (f) of [10A NCAC 13J .1003](#), and the rules for licensing home care agencies set forth in [10A NCAC 13J .1500](#).

Non-Pilot Program Home Care Services *Subject* to Home Care Licensure Requirements – Section 1(e) provides that the Department may not exempt the third-party organization from any home care licensure requirements provided in statutes (Part 3 of Article 6 of Chapter 131E) and rules with respect to the delivery of home care services outside the scope of its contract with the Department for the pilot program. A violation by the organization of any home care licensure laws while delivering home care services outside the scope of its contract with the Department is subject to the penalties of a Class 3 misdemeanor and a fine (G.S. 131E-141.1) in addition to other penalties available under State or federal law.

No Department Liability – Section 1(f) provides that the Department is not liable for any willful, intentional, grossly negligent, or negligent acts or omissions of the third-party organization arising from establishment and administration of the pilot program.

Report– Section 1(h) requires that within six months of pilot program termination, the Department, in collaboration with the third-party organization, must provide an evaluation of the effectiveness of the pilot program to the Joint Legislative Oversight Committee on Health and Human Services.

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

CURRENT LAW: Chapter 131E, Article 6, Part 3, provides the Home Care Agency Licensure Act and Part 3A provides the Home Care Clients' Bill of Rights. G.S. 131E-135(3) provides a definition of Home Care Services as any of the following services and directly related medical supplies and appliances, which are provided to an individual in a place of temporary or permanent residence used as 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.

The subdivision also sets out what the term does not include.

Home care services are required to be provided in every county (G.S. 131E-137) and to have a license (G.S. 131E-138). The Medical Care Commission is required (G.S. 131E-140) to adopt rules recognizing there are different types of home care services, to establish staff qualification, to ensure supervision of staff and timely provision of services, prohibit agencies from hiring individuals on the Health Care Personnel Registry (G.S. 131E-256(a)(1)), and to require training for licensure applicants. Current law requires the Department to inspect home care agencies every three years (G.S. 131E-140(b) and G.S. 131E-141).