

Adult Care Licensure Provider Update

August 2011

Legislative Changes Affecting Adult Care & Family Care Homes

As you are aware, legislation was passed in June that affects several aspects of adult and family care home licensure. Please take a moment to read these new laws by visiting the NC General Assembly's website at www.ncleg.net. Questions can be e-mailed to DHSR.AdultCare.Questions@lists.ncmail.net.

Session Law 2011-249/House Bill 397 *Effective June 23, 2011*

Penalties and Remedies Concerning Health Facilities

- Provides two classifications of a Type A violation—Type A1 violation and Type A2 violation.
- New language in the definition of a Type B violation.
- Requires a facility to provide an immediate 'plan of protection' when a violation (Type A1, Type A2, Type B) has been identified. The plan of protection must show how the facility will immediately correct the violation in order to protect the residents from further risk or harm. The plan of protection will be provided to the surveyor(s) while they are still at the facility, before the exit conference.

Web link: <http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H397v5.pdf>

Session Law 2011-272/House Bill 677 *Effective October 1, 2011*

Discharge of Adult Care Home Residents

- Establishes a new Adult Care Home Resident Discharge Team consisting of the local Department of Social Services, the Local Management Entity (LME), and the Regional Long Term Care Ombudsman (if requested by the resident). The discharge team is responsible for assisting facilities with finding placement for a resident if at the time of the 30 day discharge notice the discharge destination is unknown or not appropriate for that resident.
- Requires facilities to obtain (upon admission) the name of an individual that the resident wishes to receive a copy of the 30 day notice of discharge in the event that the resident is discharged from the facility.
- Provides details on the requirements of a facility to provide a safe and orderly discharge, the process of appealing a discharge notice, and reasons that a resident may be discharged from a facility.

Web link: <http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H677v7.pdf>

Continued on next page



NC Department of Health & Human Services

Division of Health Service Regulation
Adult Care Licensure Section
Barbara Ryan, Chief
2708 Mail Service Center
Raleigh, NC 27699
Website: www.ncdhhs.gov/dhsr/acls

Central Office (Raleigh)
Phone: 919-855-3765
Fax: 919-733-9379

Clinton Office
Phone: 910-592-2932
Fax: 910-590-2516

Asheville Office
Phone: 828-670-3391
Fax: 670-5040

Lexington (Home Based)
Please use contact numbers
for Asheville Office



Working to ensure all North Carolinians enjoy optimal health and well-being.

Session Law 2011-258/House Bill 808 *Effective October 1, 2011*

Waive Annual Inspections Based on Star Ratings and Informal Dispute Resolution (IDR)

- Allows facilities that have achieved the highest star rating (4 stars) to be inspected once every two years instead of annually.
- Establishes an Informal Dispute Resolution (IDR) process by which a facility may dispute deficiencies and violations cited during an inspection.

Web link: <http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H808v5.pdf>

Session Law 2011-99/House Bill 474 *Effective May 31, 2011 (To be phased in through 2013.)*

Infection Control Standards and Continuing Education, Training & Competency of Medication Aides

- Requires facilities to develop and update policies and procedures related to safe infection control practices. Facilities will be inspected to ensure compliance with the federal Centers for Disease Control and Prevention guidelines.
- States that DHHS will develop guidelines for reporting suspected communicable disease outbreaks.
- Establishes additional requirements for medication aide training and competency evaluation over the next two years.
- Establishes a required training course for adult care home supervisors on infection control.

Web link: <http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H474v6.pdf>



Residents' Payments Going Direct Deposit

By March 1, 2013, residents getting the following federal benefits by paper check must switch to electronic payments – **direct deposit** to a bank or credit union account or to the **Direct Express®** Debit MasterCard® card:

- | | |
|-----------------------------|--------------------------------|
| Social Security | Supplemental Security Income |
| Veterans Affairs | Railroad Retirement Board |
| Dept. of Labor (Black Lung) | Office of Personnel Management |

Don't wait until time runs out! Learn more about this upcoming change. For additional information, visit www.godirect.org or www.fms.treas.gov.

1068 Training in October!

The dates and locations for the October 2011 *1068 training* have been announced! The topic and materials are still being finalized.

1068 Training Dates & locations

- Oct. 4 Iredell County DSS, Statesville
- Oct. 5 Western Piedmont Community College, Morganton
- Oct. 6 Mountain AHEC, Asheville
- Oct.10 WakeMed, Raleigh
- Oct.11 Edgecombe Community College, Tarboro
- Oct.12 Craven Community College, New Bern
- Oct.21 Montgomery Community College, Troy



Look for updates and registration information on the ACLS website: <http://www.ncdhhs.gov/dhsr/acls/training/index.html>.