

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 274

Short Title: Senior Care Options. (Public)

Sponsors: Senators Perry, Sawyer, and Overcash (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 13, 2023

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
3 DEVELOP AND ISSUE A REQUEST FOR PROPOSAL FOR THE ESTABLISHMENT
4 AND ADMINISTRATION OF A PILOT PROGRAM FOR THE DELIVERY OF HOME
5 CARE SERVICES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Definitions. – The following definitions apply in this section:

8 (1) Department. – The Department of Health and Human Services.

9 (2) Home care services. – The following services:

10 a. In-home companion, sitter, and respite care services provided to an
11 individual.

12 b. Homemaker services provided in combination with in-home
13 companion, sitter, respite, or other home care services.

14 c. Non-hands-on care services, as defined in 10A NCAC 13J .1501(2).

15 **SECTION 1.(b)** Request for Proposal. – The Department shall develop and issue a
16 request for proposal (RFP) no later than July 1, 2023, to contract with a third-party organization
17 to establish and administer a three-year home care services pilot program in North Carolina,
18 beginning no later than January 1, 2024. The Department shall select a third-party organization
19 that has an existing presence delivering home care services in at least one other state to deliver
20 at least the following home care services to residents of North Carolina as part of the pilot
21 program:

22 (1) Home-based services such as meal preparation, cleaning and organizing,
23 caring for pets, and other home management services.

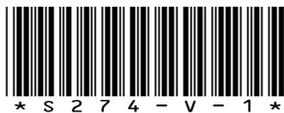
24 (2) Community-based services such as grocery shopping, retail shopping, and
25 pick-up and drop-off of items such as library materials, mail, and donations.

26 (3) Transportation-based services such as travel to and from medical
27 appointments, social events, and community activities.

28 **SECTION 1.(c)** Contract Requirements. – The contract between the Department and
29 the third-party organization selected to administer the pilot program authorized by this section
30 shall contain, at a minimum, the following provisions:

31 (1) A requirement that the third-party organization use an electronic scheduling
32 platform for the delivery of home care services.

33 (2) A requirement that the third-party organization conduct a criminal background
34 check on all employees and contractors prior to allowing them to perform
35 home care services for North Carolina residents participating in the pilot
36 program.



- 1 (3) A prohibition against the third-party organization submitting claims for
2 reimbursement to a private or government-funded health insurer, managed
3 care organization, or health plan for services rendered to or on behalf of a
4 North Carolina resident under this pilot program.

5 **SECTION 1.(d)** Pilot Program Home Care Services Exempt from Certain Home
6 Care Licensure Requirements. – In order to facilitate the provision of home care services to
7 individuals participating in the pilot program authorized by this section, the Department may
8 exempt the third-party organization selected to administer the pilot program from specific home
9 care licensure requirements set forth in Part 3 of Article 6 of Chapter 131E of the General Statutes
10 and any rules adopted under that Part; provided, however, that the Department may not exempt
11 the third-party organization from the following laws governing home care agencies:

- 12 (1) The smoking prohibitions set forth in G.S. 131E-143.
13 (2) The personnel rules set forth in subsections (a) through (f) of 10A NCAC 13J
14 .1003.
15 (3) The rules for licensing home care agencies set forth in 10A NCAC 13J .1500.

16 Any exemptions granted by the Department to the third-party organization under this
17 subsection apply only to home care services delivered by the third-party organization under its
18 contract with the Department for the establishment and administration of the pilot program
19 authorized by this section.

20 **SECTION 1.(e)** Non-Pilot Program Home Care Services Subject to Home Care
21 Licensure Requirements. – The Department may not exempt the third-party organization selected
22 to establish and administer the pilot program authorized by this section from any home care
23 licensure requirements set forth in Part 3 of Article 6 of Chapter 131E of the General Statutes, or
24 any rules adopted under that Part, with respect to the delivery of home care services outside the
25 scope of its contract with the Department for the establishment and administration of the pilot
26 program authorized by this section. Any violation by the third-party organization of any home
27 care licensure laws while delivering home care services outside the scope of its contract with the
28 Department is subject to the penalties described in G.S. 131E-141.1 and any other penalties
29 available under State or federal law.

30 **SECTION 1.(f)** No Department Liability. – The Department shall not be liable for
31 any willful, intentional, grossly negligent, or negligent acts or omissions of the third-party
32 organization arising from establishment and administration of the pilot program authorized by
33 this section.

34 **SECTION 1.(g)** Termination of Pilot Program. – The pilot program authorized by
35 this section shall terminate three years from the date the third-party organization begins
36 delivering home care services under the pilot program.

37 **SECTION 1.(h)** Report. – Within six months after the termination of the pilot
38 program, the Department, in collaboration with the third-party organization selected to establish
39 and administer the pilot program authorized by this section, shall conduct and submit to the Joint
40 Legislative Oversight Committee on Health and Human Services an evaluation of the
41 effectiveness of the pilot program.

42 **SECTION 2.** This act is effective when it becomes law.