

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 274  
Health Care Committee Substitute Adopted 3/22/23  
Third Edition Engrossed 3/29/23

Short Title: Home Assistance Services.

(Public)

Sponsors:

Referred to:

March 13, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO  
3 EXEMPT CERTAIN HOME ASSISTANCE SERVICES FROM HOME CARE  
4 LICENSURE REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 131E-136 reads as rewritten:

7 "§ 131E-136. Definitions.

8 As used in this Part, unless otherwise specified:

9 ...

10 (1b) "Home assistance services" means the following services which are not home  
11 care services and shall not require a license under G.S. 131E-138:

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

14 b. Homemaker services provided in combination with in-home  
15 companion, sitter, respite, or other home assistance services.

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

17 (1c) "Home assistance services provider" means an entity that employs or contracts  
18 with two or more individuals.

19 (2) "Home care agency" means a private or public organization that provides  
20 home care services.

21 (2a) "Home care agency director" means the person having administrative  
22 responsibility for the operation of the licensed agency site.

23 (2b) "Home care client" means an individual who receives home care services.

24 (3) "Home care services" means any of the following services and directly related  
25 medical supplies and appliances, which are provided to an individual in a  
26 place of temporary or permanent residence used as an individual's home:

27 a. Nursing care provided by or under the supervision of a registered  
28 nurse.

29 b. Physical, occupational, or speech therapy, when provided to an  
30 individual who also is receiving nursing services, or any other of these  
31 therapy services, in a place of temporary or permanent residence used  
32 as the individual's home.

33 c. Medical social services.

34 d. In-home aide services that involve hands-on care to an individual.

35 e. Infusion nursing services.



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- f. Assistance with pulmonary care, pulmonary rehabilitation or ventilation.
- g. In-home companion, sitter, and respite care services provided to an ~~individual~~ individual in conjunction with other home care services.
- h. Homemaker services provided in combination with in-home companion, sitter, respite, or other home care services.

The term does not include: home assistance services, health promotion, preventative health and community health services provided by public health departments; maternal and child health services provided by public health departments, by employees of the Department of Health and Human Services under G.S. 130A-124, or by developmental evaluation centers under contract with the Department of Health and Human Services to provide services under G.S. 130A-124; hospitals licensed under Article 5 of Chapter 131E of the General Statutes when providing follow-up care initiated to patients within six months after their discharge from the hospital; facilities and programs operated under the authority of G.S. 122C and providing services within the scope of G.S. 122C; schools, when providing services pursuant to Article 9 of Chapter 115C; the practice of midwifery by a person licensed under Article 10A of Chapter 90 of the General Statutes; hospices licensed under Article 10 of Chapter 131E of the General Statutes when providing care to a hospice patient; an individual who engages solely in providing his own services to other individuals; incidental health care provided by an employee of a physician licensed to practice medicine in North Carolina in the normal course of the physician's practice; or nursing registries if the registry discloses to a client or the client's responsible party, before providing any services, that (i) it is not a licensed home care agency, and (ii) it does not make any representations or guarantees concerning the training, supervision, or competence of the personnel provided. The term sitter does not include child care facilities licensed in accordance with Chapter 110 of the General Statutes. The term respite care does not include facilities or services licensed in accordance with Chapter 122C of the General Statutes. The terms in-home companion, sitter, homemaker, and respite care services do not include (i) services certified or otherwise overseen by the Department as not providing personal care or (ii) services administered on a voluntary basis for which there is not reimbursement from the recipient or anyone acting on the recipient's behalf.

- (4) "Home health agency" means a home care agency which is certified to receive Medicare and Medicaid reimbursement for providing nursing care, therapy, medical social services, and home health aide services on a part-time, intermittent basis as set out in G.S. 131E-176(12), and is thereby also subject to Article 9 of Chapter 131E."

**SECTION 1.(b)** Home assistance services include, but are not limited to, the following:

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

**SECTION 1.(c)** A provider of home assistance services is required to:

- (1) Maintain liability insurance.

- 1           (2)     Inform all new clients that they are not licensed by the State of North Carolina  
2                     and that they do not provide health care or hands-on care.
- 3           (3)     Conduct criminal background check for contractors and employees with the  
4                     following requirements:
- 5                     a.     A criminal background check must be performed in each state where  
6                             the employee or contractor was a resident during the past five years.
- 7                     b.     Prohibit employment of an individual or contractor who was convicted  
8                             of a violent crime or a financial crime.
- 9                     c.     Prohibit contracting with or employing an individual listed on the  
10                            National Sex Offender Public Website.
- 11          (4)     Document that each employee or contractor possesses a valid drivers license,  
12                     vehicle registration, proof of insurance, and has provided an official driving  
13                     record from the North Carolina Division of Motor Vehicles.
- 14          (5)     Inform clients that employees or contractors of a home care provider are  
15                     prohibited from smoking while providing services to a client in the client's  
16                     home.

17           **SECTION 1.(d)** A home assistance services provider is prohibited from submitting  
18           claims for reimbursement to a private or government-funded health insurer, managed care  
19           organization, or health plan for services rendered to or on behalf of a North Carolina resident.

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