



COMING TOGETHER TO ADVOCATE FOR OLDER ADULTS **NC Coalition on Aging**

Summary of 2016 Aging Related Legislation

This summary provides highlights of key legislation passed by the NC General Assembly in the 2016 legislative short session which impacts older North Carolinians. Included in the summary is an overview of significant provisions of the budget bill (House Bill 1030) relative to aging.

This document is not a comprehensive review of each piece of legislation noted; however, a link is provided to the General Assembly website for each bill listed. On the website will be information about the history of the bill, including key votes taken, as well as a copy of the ratified legislation.

Key Aging Related Appropriations in [House Bill 1030 \(Budget Bill\)](#)

(Click [here](#) for a copy of the money report for the Budget). An “R” indicates that the funding is recurring. A “NR” means that the funding is non-recurring.

- **Project CARE Support for Alzheimer’s Patients and Their Families**
\$550,000 R
Increases funding effective October 1, 2016, for Project CARE (Caregiver Alternatives to Running on Empty) and supports families acting as caregivers for family members with Alzheimer's disease. The increased funding would provide vouchers for respite services and three additional full-time family consultants for Project CARE.
- **No Wrong Door to Accessing Benefits Initiative**
\$200,000 R
Creates two full-time equivalent staff positions within the Division of Aging and Adult Services to oversee continued development and implementation of the No Wrong Door to Accessing Benefits initiative. This includes enhancement of the NC 2-1-1 database and management of the Alzheimer's disease and dementia-related stakeholders partnerships.
- **State-County Special Assistance Caseload Adjustment**
(\$1,000,000) R
Reduces State-County Special Assistance due to a decline in the number of individuals participating in the program. The revised net appropriation for State-County Special Assistance for FY 2016-17 is \$57.4 million

- **N.C. MedAssist Program**
 \$200,000 NR
 Provides funds for a pharmacy program that provides access to prescription medications, patient support, advocacy and related services to indigent and uninsured North Carolina residents.
- **Food and Nutrition Services Outreach for Medicaid/Medicare Dual Eligibles**
 \$600,000 NR
 Establishes a pilot program to increase access to Food and Nutrition benefits for individuals who are dually eligible for Medicare and Medicaid through outreach and assistance with completion of the Food and Nutrition Services application.
- **Temporary Assistance for Facilities That Serve Special-Assistance Recipients**
 \$3,750,000 NR
 Effective October 1, 2016, temporarily increases the State-County Special Assistance rate to \$1,216 for adult care homes. This is a \$34 increase per month per resident. Total funding is \$7.5 million with 50% of the funding provided by the appropriate county.
- **Expand Support for Alzheimer's Patients**
 \$1,500,000 R
 Expands funding to support Alzheimer's patients and their families through 320 additional slots for the Community Alternative Program for Disabled Adults (CAP-DA) effective January 1, 2017.
- **Veterans Cemeteries**
 \$100,000 R
 Provides funding to create 2 additional FTEs to support the North Carolina Veterans Cemeteries. These positions will work in the areas of maintenance and grounds keeping to help meet the growing burial demands at the Jacksonville and Spring Lake area cemeteries.
- **Veterans Home Program**
 \$10,000 NR
 Provides funds to effectuate the name change from Black Mountain Veterans Home to Zebulon Doyle Alley State Veterans Home.
- **Cost-of-living adjustment (COLA) for retired teachers and state employees.**
 Provides a one-time cost-of-living supplement of 1.6% on or before October 1, 2016, for retirees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System , and the Legislative Retirement System.

- **Low-Income Energy Assistance Program (LIEAP)**
Reduces LIEAP federal receipts in the amount of \$5,694,917. The revised LIEAP block grant federal receipts for the Division of Social Services are \$98.6 million.
- **Consumer Assistance Staff in the NC Department of Insurance**
\$121,930 R
Provides funds for two full-time equivalent positions in the Consumer Assistance Group to assist consumers with insurance inquiries.
- **Community Living Housing Fund (CLHF)**
The Housing Finance Agency is authorized to expend receipts transferred from the Department of Health and Human Services for this program. These funds increase access to permanent, community-based integrated housing for individuals with disabilities in support of the Olmstead Settlement. Requirements for the CLHF are increased from \$0 to \$5,519,750, as are receipts. The revised net appropriation for CLHF is \$0.
- **Medical Review Program in the NC Division of Motor Vehicles**
\$1,312,636 R
Increases funding for the Medical Review Program for contracted medical reviews. The revised net appropriation for the Commissioner's Office is \$10,886,832 in FY 2016-17.
- **Public Transportation - Rural Operating Assistance Program**
\$2,000,000 R
Increases funding for rural transit system operating assistance
- **Public Transportation - State Maintenance Assistance Program**
\$2,000,000 R
Increases funding for urban transit system operating assistance

There were several items not included in the final budget plan that had been proposed in either the House and Senate initial proposals. One of these items was to reinstate Medicaid coverage for routine eye examinations for adults effective January 1, 2017.

Key Aging Related Special Provisions in House Bill 1030

Section 12C.3 – Spells out provisions for a **pilot program to increase access to public benefits** for older dual eligible seniors. The Department of Health and Human Services is to partner with a not-for-profit firm for this. The focus is on enrollment in the Supplemental Nutrition and Assistance Program (SNAP).

Section 12C.7 – Spells our provisions for **temporary financial assistance for facilities** licenses to accept State-County Special Assistance payments. Payments increase \$34 a month for each resident beginning on October 1, 2016 and ending no later than June 30, 2017.

Section 12G.1 - Extends **moratorium on home care agency licenses** for in-home aide services to June 30, 2019. Moratorium does not apply to companion, sitter, or respite services.

Section 12G.2 – Changes **adult care home cost reporting** from annually to at least every two years. The Department of Health and Human Services is required to establish specific reporting deadlines for each type of facility.

Section 12H.2 – Allows the Medicaid program to do **estate recovery from a designated beneficiary's ABLE account** following the death of a beneficiary who received medical assistance benefits.

Section 12H. 5 – Addresses expanding support for patients with Alzheimer's disease and their families through **Community Alternative Program for Disabled Adults (CAP-DA)** waiver slots. Increases the number of slots available under the waiver by a maximum of 320 slots.

Section 12H.7 – Removes the **sunset on the Medicaid eligibility COLA disregard**. The disregard for a Medicaid recipient's increase in income due solely to a cost-of-living adjustment for Social Security or Railroad Retirement payments was set to expire effective December 31, 2017 per session law 2012-142. This provision removes the sunset clause so COLA's will be disregarded ongoing in determining Medicaid eligibility.

Section 12H.8 – Directs the Division of Medical Assistance in the Department of Health and Human Services to study the impact of covering, without cost-sharing, all of the **adult preventive services** recommended by the U.S. Preventive Services Task Force and the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices in order to qualify for a one percentage point increase in the federal Medicaid assistance percentage for preventive services. In addition, the Department is to study rates for publically funded services or programs that pertain to residential treatment.

Section 20.1 – Renames the Black Mountain Veterans Home the **Zebulon Doyle Alley State Veterans Home**.

Section 20.2 – Directs the Department of Military and Veterans Affairs to study the feasibility of creating a **North Carolina Military Hall of Fame**.

Section 22.2 – Directs the Department of State Treasurer no later than December 1, 2016, to report to the Joint Legislative Oversight Committee on General Government on the **status of the Achieving a Better Life Experience (ABLE) Program Trust** as established under Article 6F of Chapter 147 of the General Statutes. Among other things, the Department is to examine how other states manage their funds. A details plan for administration is to be developed.

Section 35.20 - Makes extensive changes to the **NC Division of Motor Vehicles Medical Review program**. Includes provisions related to issuing a restricted or unrestricted driver's license to an

otherwise eligible applicant suffering from a physical or mental disability or disease that affects his or her ability to exercise reasonable and ordinary control of a motor vehicle. (This implements changes ordered in a case brought by Disability Rights North Carolina).

Section 36.21 - Provides a **one-time cost-of-living supplement** on or before October 1, 2016, **for retirees** of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, and the Legislative Retirement System. The supplement payment shall be made to or on account of beneficiaries who are living as of September 1, 2016, and whose retirement commenced on or before September 1, 2016. The payment shall be one and six-tenths percent (1.6%) of the beneficiary's annual retirement allowance payable as of September 1, 2016.

Other Bills That Passed

House Bill 256 – Handicapped Parking/Veterans Plates

- Allows partially disabled veterans to park in a handicapped parking space when displaying the partially disabled veteran special plate and provides that medical certification and recertification requirements for handicapped parking privileges may be satisfied by a disability determination issued by the U.S. Department of Veterans Affairs indicating the person is handicapped. (Effective when the bill became law).

House Bill 287 – Amend Insurance Laws

- Part I, Section 1.2 of the this bill specifies that for long-term care policy forms, the maximum rate increase that may be implemented in any calendar year for any policyholder is an increase of 25% of the current policy premium rate in effect prior to the increase. This provision is effective October 1, 2017. Part 5, Section 5 of the bill clarifies that certain accountable care organizations approved by the Centers for Medicare and Medicaid Services to participate in Medicare programs are not subject to certain Department of Insurance regulations. This provision is effective when the bill became law.

House Bill 667 – Facility Penalty and Remedy/Electronic Supervision

- Amends penalties and remedies for facilities licensed to care for the mentally ill, developmentally disabled, or substance abusers and for adult care home facilities and removes the sunset for the pilot program to study the use of electronic supervision devices in certain facilities. Key changes relative to penalties and remedies for facilities (those licensed under G.S. 122C and G.S. 131D): (1) provides a definition of what is meant by “substantial risk”; (2) specifies that A1, A2, and Type B violations shall not include a violation by a facility of regulations, standards, and requirements or federal laws and regulations governing the licensure and certification of a facility if all of identified criteria are met; (3) specifies that in lieu of assessing all or some of an administrative penalty, the Secretary of the Department of Health and Human Services may order a facility to provide

staff training, or consider the approval of training completed by the facility after the violation if all of identified criteria are met; (4) eliminates the Penalty Review Committee; and (5) specifies that any penalty imposed by the Department of Health and Human Services for facilities licensed under G.S. 131D shall commence on the date of the letter of notification of the penalty amount (had been the date the violation was identified). (Effective when the bill became law).

House Bill 805 - Measurability Assessment/Budget Technical Corrections

- Among other things, makes technical corrections to the Budget Bill (House Bill 1030). Section 5.3 clarifies that effective April 1, 2017, the Department of Health and Human Services (had been Department of Social Services) is to submit a detailed plan to the House Appropriations Committee on Health and Human Service, the Senate Appropriations Committee on Health and Human Services, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division for a long-term solution on how to ensure adequate reimbursement to facilities for serving recipients of State-County Special Assistance without increasing the Medicaid eligibility income limit for State-County Special Assistance recipients and thereby expand Medicaid. (Effective July 1, 2016).

House Bill 817 – Enact Uniform Law on Adult Guardianship

- Enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which has been passed by most states in the country. The bill spells out the proceedings governed by the Act and provides clear direction to the courts, attorneys, guardians, and individuals about the proper jurisdiction for guardianship proceedings when one or more states is involved. The bill specifies that the goals of the legislation are to (1) ensure the jurisdiction is located in one and only one state, except when an emergency exists or where the individual owns property in multiple states; (2) establish procedures for transferring guardianship from one state to another state when the incapacitated adult moves; and (3) provide a uniform national system for registration and enforcement of out-of-state guardianship orders. (Effective December 1, 2016).

House Bill 842 – Medicaid Waiver Protections/Military Families

- Directs the Department of Health and Human Services to ensure that the eligibility criteria for Medicaid home and community-based waivers allow the dependent of a member of the Armed Forces to maintain the dependent's waiver status upon the transfer of the service member to an assignment outside of North Carolina, so long as the service member maintains North Carolina as the legal residence to which the service member intends to return following completion of military service and the dependent meets Medicaid eligibility criteria and all other waiver eligibility criteria upon returning to North Carolina.

A dependent who is on the waiting list for a waiver slot shall maintain the dependent's position on the waiting list. (Effective January 1, 2017).

House Bill 1011 – Retirement Technical Corrections Act of 2016

- Among other technical changes, addresses special retirement allowance (one-time irrevocable transfer to Retirement System) and the purchase of creditable service for leaves of absence or for interrupted service to an employer only for the purpose of acquiring knowledge, talents, or abilities and to increase the efficiency of the service to the employer. (Effective when the bill became law or January 1, 2017 depending on the section of the bill).

House Bill 1044 – Law Enforcement Omnibus Bill

- Expands the NC Silver Alert System to cover a missing person or missing child who is believed to be suffering from dementia, Alzheimer's disease, or a disability that requires them to be protected from potential abuse or other physical harm, neglect, or exploitation. Previously the System was only triggered for those suffering from dementia or cognitive impairment. The provision further requires the NC Center for Missing Persons to issue a Silver Alert upon receiving a request (had been a report) involving a missing person or missing child with a described condition. (Effective when the bill became law).

Senate Bill 838 – Medicaid Transformation Modifications

- Requires further reporting from the Department of Health and Human Services related to the transformation of the Medicaid and NC Health Choice programs and modifies numerous provisions of the Medicaid transformation legislation. Provisions addressed in the bill include: time line for Medicaid transformation, structure of the delivery system (including services and populations covered by Prepaid Health Plans and the number and nature of capitated Prepaid Health Plan contracts), role of the Department of Health and Human Services, Innovation Centers, funding mechanisms maintenance, eligibility of parents of children in foster care, creation of the Division of Health Benefits, authorization of Medical Assistance Program, and cooling-off period for certain Department employees. It is noted that services provided through the Program of All-Inclusive Care for the Elderly (PACE) are not covered by capitated contracts. (Effective date for the sections noted here retroactive to June 1, 2016).

Senate Bill 886 – Retirement Amendments

- Includes changes to provisions related to the State Retirement System. Items covered include: member retirement record files held by the Retirement System, public records held by the Retirement System, personnel files not subject to inspection, failure to respond by a member, membership on the Board, and Department of State Treasurer sponsored 403(b) option. (Effective July 1, 2016 unless otherwise noted in the bill).