2018 G.S.  H.B. 263 - Assisted Living Facilities Amendments


Appropriated or Estimated

Actual Spent or Collected
(as of April 12, 2019)

Projected by Fiscal Year-End

$98,600

Explanation

During the 2018 General Session, the Legislature passed H.B. 263, “Assisted Living Facilities Amendments,” which required assisted living facilities to report all involuntary exits to the local ombudsman at the relevant Area Agency on Aging (AAA). The ombudsman then inquires if an exiting resident would like to participate in an exit interview. The Department of Human Services - Division of Aging and Adult Services (DAAS), which provides oversight for the twelve AAAs, distributed the legislative appropriation of $98,600 ongoing from the General Fund to the AAAs to manage the increased workload. The Department of Health - Division of Family Health and Preparedness (DFHP) has enforcement responsibility for the legislation through annual inspections of the facilities, compliance investigations, and fines if necessary.

Issue of Interest

DAAS reported that from July 2018 to March 2019 "there were 229 Assisted Living Centers in the State, with only 26 centers reporting. A compliance rate of 11.4%." DFHP cited one facility for a deficiency for non-reporting during annual inspections in FY 2019. The divisions stated that they did not know whether non-reporting facilities were non-compliant or simply did not have involuntary discharges. Both divisions reported that they have conducted substantive education efforts with the assisted living facilities. DAAS stated that "constant center staff turnover [...] means staff is never caught up on trainings and thus educated on appropriate discharge procedures."

Potential Action

We recommend that DAAS and DFHP report to the Social Services Appropriations Subcommittee during the 2020 Interim on the compliance rate for assisted living facilities reporting involuntary exits to the local ombudsman, the number of related citations and fines, and any recommendations to improve compliance with changing statutes.

Health Response

Supports  "We agree with the recommendations. We may not agree with the 11.4% compliance rate for assisted living facilities. Facilities are only required to report to the ombudsman if there are involuntary discharges. This does not happen at a high frequency. We have spoken with the State Ombudsman regarding this compliance rate and he is looking at the information to see how it has been reported."

Human Services Response

Supports  "DAAS will continue to work with the local Long-term Care Ombudsmen, assisted living facilities and their residents, and the Department of Health to improve reporting practices and can report back to the Social Services Appropriations Committee during the 2020 interim as requested."