

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 964  
Committee Substitute Favorable 5/10/07

Short Title: Expand Definition of Home Care Services.

(Public)

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Sponsors:

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Referred to:

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March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE DEFINITION OF HOME CARE SERVICES TO  
INCLUDE IN-HOME COMPANION, SITTER, AND RESPITE CARE SERVICES  
PROVIDED TO AN INDIVIDUAL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 131E-136 reads as rewritten:

**"§ 131E-136. Definitions.**

As used in this Part, unless otherwise specified:

(1) "Commission" means the North Carolina Medical Care Commission.

(1a) "Geographic service area" means the geographic area in which a  
licensed agency provides home care services.

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

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

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

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

a. Nursing care provided by or under the supervision of a  
registered ~~nurse~~; nurse.

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

c. Medical social ~~services~~; services.

- 1 d. In-home aide services that involve hands-on care to an  
2 ~~individual; individual.~~  
3 e. ~~Infusion nursing services; and~~services.  
4 f. Assistance with pulmonary care, pulmonary rehabilitation or  
5 ventilation.  
6 g. In-home companion, sitter, and respite care services provided to  
7 an individual.  
8 h. Homemaker services provided in combination with in-home  
9 companion, sitter, respite, or other home care services.

10 The term does not include: health promotion, preventative health and  
11 community health services provided by public health departments;  
12 maternal and child health services provided by public health  
13 departments, by employees of the Department of Health and Human  
14 Services under G.S. 130A-124, or by developmental evaluation centers  
15 under contract with the Department of Health and Human Services to  
16 provide services under G.S. 130A-124; hospitals licensed under  
17 Article 5 of Chapter 131E of the General Statutes when providing  
18 follow-up care initiated to patients within six months after their  
19 discharge from the hospital; facilities and programs operated under the  
20 authority of G.S. 122C and providing services within the scope of  
21 G.S. 122C; schools, when providing services pursuant to Article 9 of  
22 Chapter 115C; the practice of midwifery by a person licensed under  
23 Article 10A of Chapter 90 of the General Statutes; hospices licensed  
24 under Article 10 of Chapter 131E of the General Statutes when  
25 providing care to a hospice patient; an individual who engages solely  
26 in providing his own services to other individuals; incidental health  
27 care provided by an employee of a physician licensed to practice  
28 medicine in North Carolina in the normal course of the physician's  
29 practice; or nursing registries if the registry discloses to a client or the  
30 client's responsible party, before providing any services, that (i) it is  
31 not a licensed home care agency, and (ii) it does not make any  
32 representations or guarantees concerning the training, supervision, or  
33 competence of the personnel provided. The term sitter does not include  
34 child care facilities licensed in accordance with Chapter 110 of the  
35 General Statutes. The term respite care does not include facilities or  
36 services licensed in accordance with Chapter 122C of the General  
37 Statutes. The terms in-home companion, sitter, and respite care  
38 services do not include services provided by programs certified by the  
39 Department as not providing hands-on care or services administered on  
40 a voluntary basis through interfaith coalitions. The term homemaker  
41 services in combination with in-home companion, sitter, and respite  
42 care services does not include services provided by programs certified  
43 by the Department as not providing hands-on care or services  
44 administered on a voluntary basis through interfaith coalitions.

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

6           **SECTION 2.** The North Carolina Medical Care Commission shall adopt  
7 rules to implement Section 1 of this act.

8           **SECTION 3.** Section 1 of this act becomes effective July 1, 2008. The  
9 remainder of this act is effective when it becomes law.