

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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SENATE BILL 538*

Short Title: Temp. Fin. Asst./SA Facilities. (Public)

Sponsors: Senators Hise, Krawiec, and Bishop (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2019

1 A BILL TO BE ENTITLED
2 AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES, DIVISION OF SOCIAL SERVICES, TO PROVIDE TEMPORARY
4 FINANCIAL ASSISTANCE FOR FACILITIES LICENSED TO ACCEPT
5 STATE-COUNTY SPECIAL ASSISTANCE.

6 The General Assembly of North Carolina enacts:

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

8 (1) Facility licensed to accept State-County Special Assistance payments or
9 facility. – Any residential care facility that is (i) licensed by the Department
10 of Health and Human Services and (ii) authorized to accept State-County
11 Special Assistance payments from its residents.

12 (2) State-County Special Assistance. – The program authorized by G.S. 108A-40.

13 **SECTION 1.(b)** There is appropriated from the General Fund to the Department of
14 Health and Human Services, Division of Social Services, the sum of nineteen million eight
15 hundred seventy-two thousand dollars (\$19,872,000) in nonrecurring funds for the 2019-2020
16 fiscal year and the sum of nineteen million eight hundred seventy-two thousand dollars
17 (\$19,872,000) in nonrecurring funds for the 2020-2021 fiscal year, to provide temporary financial
18 assistance to facilities licensed to accept State-County Special Assistance payments, as provided
19 in this section.

20 **SECTION 1.(c)** Nonrecurring funds appropriated in this act to the Department of
21 Health and Human Services, Division of Social Services (DSS), for each year of the 2019-2021
22 fiscal biennium for facilities licensed to accept State-County Special Assistance payments shall
23 be used to provide temporary financial assistance in the form of a monthly payment to these
24 facilities on behalf of each resident who is a recipient of State-County Special Assistance. The
25 counties shall pay to the State fifty percent (50%) of the cost of providing these monthly
26 payments to these facilities. The monthly payments provided by DSS to these facilities shall be
27 subject to all of the following requirements and limitations:

28 (1) The amount of the monthly payments authorized by this section is equal to
29 one hundred eighty-four dollars (\$184.00) per month for each resident of the
30 facility as of the first day of the month who is a recipient of State-County
31 Special Assistance.

32 (2) A facility that receives the monthly payments authorized by this section shall
33 not, under any circumstances, use these payments for any purpose other than
34 to offset the cost of serving residents who are recipients of State-County
35 Special Assistance.



- 1 (3) The DSS shall make monthly payments authorized by this section to a facility
2 on behalf of a resident only for the period commencing July 1, 2019, and
3 ending June 30, 2021.
- 4 (4) The DSS shall make monthly payments authorized by this section only to the
5 extent sufficient State and county funds allocated to the DSS for each year of
6 the 2019-2021 fiscal biennium are available for this purpose.
- 7 (5) The DSS shall not make monthly payments authorized by this section to a
8 facility on behalf of a resident whose eligibility determination for
9 State-County Special Assistance is pending.
- 10 (6) The DSS shall terminate all monthly payments pursuant to this section on the
11 earlier of the following:
- 12 a. June 30, 2021.
- 13 b. Upon depletion of the State and county funds allocated to the DSS for
14 each year of the 2019-2021 fiscal year for this purpose.

15 **SECTION 1.(d)** Notwithstanding any provision of this act or any other provision of
16 law to the contrary, the DSS shall not be required to provide any temporary financial assistance
17 to facilities beyond June 30, 2021, or upon depletion of the State and county funds allocated to
18 the DSS for each year of the 2019-2021 fiscal biennium for this purpose, whichever is earlier.

19 **SECTION 1.(e)** If possible, the DSS shall use an existing mechanism to administer
20 these funds in the least restrictive manner that ensures compliance with this section and timely
21 and accurate payments to facilities. The DSS shall not, under any circumstances, use any portion
22 of the State and county funds allocated to the DSS for each year of the 2019-2021 fiscal biennium
23 for the purpose of this section for any other purpose.

24 **SECTION 1.(f)** For each year of the 2019-2021 fiscal biennium, the Division of
25 Social Services shall not use more than two hundred fifty thousand dollars (\$250,000) in
26 nonrecurring funds for administrative purposes related to providing financial assistance to
27 facilities licensed to accept State-County Special Assistance, as authorized by this section.

28 **SECTION 1.(g)** Nothing in this section shall be construed as an obligation by the
29 General Assembly to appropriate funds for the purpose of this section, or as an entitlement by
30 any facility, resident of a facility, or other person to receive temporary financial assistance under
31 this section.

32 **SECTION 2.** This act becomes effective July 1, 2019, and expires on June 30, 2021.