

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS55322-SHz-10A* (02/15)

Short Title: NC NOVA-Special Voluntary Licensure Designat. (Public)

Sponsors: Senators Dannelly, Allran, Bingham, and Malone.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA NEW ORGANIZATIONAL
VISION AWARD SPECIAL LICENSURE DESIGNATION, AS
RECOMMENDED BY THE STUDY COMMISSION ON AGING.

Whereas, "direct care workers" is a nationally recognized term referring to those paraprofessionals that are employed as nurse aides, personal care aides, personal care attendants, home health aides, in-home aides, habilitation aides, and other assistive personnel who provide hands-on care; and

Whereas, direct care workers are essential to the provision of care and an enhanced quality of life for long-term care consumers, whether they are receiving services provided in a home or community setting, or in a residential or institutional setting; and

Whereas, North Carolina, like many states, is experiencing shortages of direct care workers; and

Whereas, the need to attract and retain greater numbers of employees within this occupational category will continue for the foreseeable future; and

Whereas, a well-qualified, satisfied, stable, and adequate supply of direct care workers is a shared concern for employers, employees, consumers, families, and private and public payors of long-term care services received in home care agencies, adult care homes, and nursing facilities; and

Whereas, long-term care trade associations, providers, direct care workers, consumer advocacy organizations, researchers, the Department of Health and Human Services, and The Carolinas Center for Medical Excellence have worked together to develop a voluntary and comprehensive workplace culture change program known as the North Carolina New Organizational Vision Award (NC NOVA) to address known causes of direct care turnover for the purpose of improving the adequacy, stability, satisfaction, and quality of the direct care work; and

1 Whereas, NC NOVA has been identified as a potential national model for
2 replication to improve direct care workforce retention through a comprehensive and
3 voluntary workplace culture program by the Institute for the Future of Aging Services,
4 the program office for the national Better Jobs Better Care initiative funded by the
5 Robert Wood Johnson Foundation, and The Atlantic Philanthropies; Now, therefore,
6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 5 of Chapter 131E of the General Statutes is amended
8 by adding a new Part to read:

9 "Part 6. North Carolina New Organizational Vision Award (NC NOVA) Special
10 Licensure Designation.

11 **"§ 131E-154.12. Title; purpose.**

12 (a) This Part shall be known as the "North Carolina New Organizational Vision
13 Award (NC NOVA) Special Licensure Designation."

14 (b) The purpose of this Part is to establish special licensure designation
15 requirements for nursing homes and home care agencies licensed pursuant to this
16 Chapter and adult care homes licensed pursuant to Article 1 of Chapter 131D.
17 Application for the Special Licensure Designation is voluntary.

18 **"§ 131E-154.13. Definitions.**

19 The following definitions apply in this Part, unless otherwise specified:

20 (1) Independent Review Organization. – The organization responsible for
21 the application, review, and determination process for NC NOVA
22 designation.

23 (2) North Carolina New Organizational Vision Award (NC NOVA). – A
24 special licensure designation for home care agencies and nursing
25 homes licensed pursuant to this chapter, and adult care homes licensed
26 pursuant to Article 1 of Chapter 131D, that have been determined
27 through written and on-site review, by an independent review
28 organization, to have met a comprehensive set of workplace related
29 interventions intended to improve the recruitment and retention,
30 quality, and job satisfaction of direct care staff, and the care provided
31 to long-term care clients and residents.

32 (3) NC NOVA Partner Team. – The entity responsible for developing the
33 criteria and protocols for the NC NOVA special licensure designation.
34 The Partner Team is inclusive of representatives from the following
35 organizations: Association for Home and Hospice Care of North
36 Carolina, Direct Care Workers Association of North Carolina, Duke
37 University Gerontological Nursing Program, Friends of Residents in
38 Long Term Care, North Carolina Assisted Living Association, North
39 Carolina Association of Long Term Care Facilities, North Carolina
40 Association of Non-Profit Homes for the Aging, North Carolina
41 Department of Health and Human Services, North Carolina
42 Foundation for Advanced Health Programs, North Carolina Health
43 Care Facilities Association, The Carolinas Center for Medical

1 Excellence, and the University of North Carolina at Chapel Hill –
2 Institute on Aging.

3 (4) NC NOVA Provider Information Manual. – The document developed
4 by the NC NOVA Partner Team that specifies the scope of criteria for
5 NC NOVA designation as well as information and procedures
6 pertaining to the application, review, determination, and termination
7 process.

8 **"§ 131E-154.14. NC NOVA Program established.**

9 (a) The Department of Health and Human Services shall establish the NC NOVA
10 program.

11 (b) The Department shall implement the NC NOVA program in accordance with
12 the criteria and protocols established by the NC NOVA Partner Team and detailed in the
13 NC NOVA Provider Information Manual.

14 (c) Any information submitted by applicants or obtained by the independent
15 review organization related to NC NOVA, as well as annual turnover data voluntarily
16 submitted by home care agencies, adult care homes, and nursing facilities for the
17 purposes of assessing statewide turnover trends, shall not be considered a public record
18 under G.S. 132-1.

19 (d) Denial of a NC NOVA designation is not subject to Article 3 of Chapter
20 150B of the General Statutes.

21 (e) Any licensed home care agency, adult care home, or nursing home that is
22 determined not to have met the criteria for NC NOVA designation may reapply at
23 intervals specified by the NC NOVA Partner Team and detailed in the NC NOVA
24 Provider Information Manual.

25 (f) The Department of Health and Human Services, Division of Facility Services,
26 shall issue a NC NOVA special licensure designation document to any licensed home
27 care agency, adult care home, or nursing home that is determined by the independent
28 review organization to have met the criteria for NC NOVA designation. The special
29 licensure designation document shall be in addition to the operating license issued by
30 the Division.

31 (g) The Division of Facility Services shall issue the NC NOVA special licensure
32 document to successful applicants within 30 days of notification by the independent
33 review organization.

34 (h) The NC NOVA special licensure designation shall be in effect for a two-year
35 period unless the provider has a change in ownership.

36 (1) Upon a change in ownership, if the new owner wishes to continue the
37 NC NOVA designation, the new owner must communicate the desire
38 in writing to the independent review organization within 30 days of the
39 effective date of the change of ownership and proceed with an
40 expedited review in accordance with procedures detailed by the NC
41 NOVA Partner Team and included in the NC NOVA Provider
42 Information Manual.

43 a. If the new owner continues to meet the NC NOVA criteria,
44 based upon the expedited review, the special licensure

1 designation will remain in effect for the remainder of the two-
2 year period.

3 b. If the new owner fails to meet NC NOVA criteria, the special
4 designation document shall be immediately returned to the
5 Division of Facility Services. The new owner may reapply for
6 NC NOVA designation under subsection (e) of this section.

7 (2) Within 30 days of the effective date of the change of ownership, if the
8 new owner fails to notify the independent review organization in
9 writing of the desire to retain the special licensure designation by
10 undergoing an expedited review, the designation will become null and
11 void, and the special designation document must be immediately
12 returned to the Division of Facility Services."

13 **SECTION 2.(a)** In order to ensure continuity during the initial statewide
14 implementation phase of NC NOVA, The Carolinas Center for Medical Excellence shall
15 be designated as the independent review organization for NC NOVA through December
16 31, 2010. Beginning in 2009, the Division of Facility Services, with approval from the
17 NC NOVA Partner Team, shall implement a competitive bid process to determine an
18 independent review organization for a minimum of five years beginning in 2011.

19 **SECTION 2.(b)** During the period of the effective date of this act, through
20 December 31, 2010, in the event The Carolinas Center for Medical Excellence
21 determines it cannot continue conducting independent reviews, The Carolinas Center
22 for Medical Excellence shall provide the Partner Team with a 12-month written notice
23 of such intent, in order to ensure sufficient transition time to select another independent
24 review entity without any disruption of the NC NOVA program.

25 **SECTION 3.** This act becomes effective January 1, 2007.