

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 474

Short Title: Protect Adult Care Home Residents. (Public)

Sponsors: Representatives Weiss, Hollo, Farmer-Butterfield, and Earle (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Health and Human Services.

March 28, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT ADULT CARE HOME RESIDENTS BY INCREASING MINIMUM
3 CONTINUING EDUCATION, TRAINING, AND COMPETENCY EVALUATION
4 REQUIREMENTS FOR ADULT CARE HOME MEDICATION AIDES,
5 STRENGTHENING ADULT CARE HOME INFECTION CONTROL REQUIREMENTS,
6 AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,
7 DIVISION OF HEALTH SERVICE REGULATION, TO ANNUALLY INSPECT
8 ADULT CARE HOMES FOR COMPLIANCE WITH SAFE INFECTION CONTROL
9 STANDARDS.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 131D-4.5(1) reads as rewritten:

- 12 "(1) Establishing minimum medication administration standards for adult care
13 homes. The rules shall include the minimum staffing and training
14 requirements for medication aides and standards for professional supervision
15 of adult care homes' medication controls. The requirements shall (i) include
16 compliance with G.S. 131D-4.5B and (ii) be designed to reduce the
17 medication error rate in adult care homes to an acceptable level. The
18 requirements shall include, but need not be limited to, all of the following:
19 a. Training for medication aides, including periodic refresher training.
20 b. Standards for management of complex medication regimens.
21 c. Oversight by licensed professionals.
22 d. Measures to ensure proper storage of medication."

23 **SECTION 2.** G.S. 131D-4.5(3) reads as rewritten:

- 24 "(3) Establishing minimum training and education qualifications for supervisors
25 in adult care homes and specifying the safety responsibilities of supervisors.
26 The minimum training qualifications shall include compliance with
27 G.S. 131D-4.5C."

28 **SECTION 3.** Article 1 of Chapter 131D is amended by adding a new section to
29 read:

30 "**§ 131D-4.4A. Adult care home infection prevention requirements.**

31 (a) As used in this section, "adult care home staff" means any employee of an adult care
32 home involved in direct resident care.

33 (b) In order to prevent transmission of HIV, hepatitis B, hepatitis C, and other
34 bloodborne pathogens, each adult care home shall do all of the following, beginning December
35 1, 2011:



- 1 (1) Implement a written infection control policy consistent with the federal
2 Centers for Disease Control and Prevention guidelines on infection control
3 that addresses at least all of the following:
4 a. Sterilization, disinfection, and disposal of all equipment used to
5 puncture skin, mucous membranes, or other tissues, including a
6 schedule for maintenance and microbiologic monitoring of the
7 equipment.
8 b. Documentation of infection control maintenance and monitoring
9 activities.
10 c. Sanitation of rooms and equipment, including cleaning procedures,
11 agents, and schedules.
12 d. Accessibility of infection control devices and supplies.
13 e. Blood and bodily fluid precautions.
14 f. Procedures to be followed when adult care home staff is exposed to
15 blood or other body fluids of another person in a manner that poses a
16 significant risk of transmission of HIV, hepatitis B, hepatitis C, or
17 other bloodborne pathogens.
18 g. Procedures to prohibit adult care home staff with exudative lesions or
19 weeping dermatitis from engaging in direct resident care that
20 involves the potential for contact between the resident, equipment, or
21 devices and the lesion or dermatitis until the condition resolves.
22 (2) Require and monitor compliance with the facility's infection control policy.
23 (3) Update the infection control policy as necessary to prevent the transmission
24 of HIV, hepatitis B, hepatitis C, and other bloodborne pathogens.
25 (4) Designate one on-site staff member for each noncontiguous facility who is
26 knowledgeable about the federal Centers for Disease Control and Prevention
27 guidelines on infection control to direct the facility's infection control
28 activities. Beginning October 1, 2013, any nonsupervisory staff member
29 designated to direct the facility's infection control activities shall complete
30 the infection control course developed by the Department pursuant to
31 G.S. 131D-4.5C."

32 **SECTION 4.** G.S. 131D-2.11(a) reads as rewritten:

33 "(a) State Inspection and Monitoring. – The Department shall ensure that adult care
34 homes required to be licensed by this Article are monitored for licensure compliance on a
35 regular basis. All facilities licensed under this Article and adult care units in nursing homes are
36 subject to inspections at all times by the Secretary. The Division of Health Service Regulation
37 shall inspect all adult care homes and adult care units in nursing homes on an annual basis.
38 Beginning July 1, 2012, the Division of Health Service Regulation shall include as part of its
39 inspection of all adult care homes a review of the facility's compliance with G.S. 131D-4.4A(b)
40 and safe practices for injections and any other procedures during which bleeding typically
41 occurs. In addition, the Department shall ensure that adult care homes are inspected every two
42 years to determine compliance with physical plant and life-safety requirements."

43 **SECTION 5.** Article 1 of Chapter 131D is amended by adding two new sections to
44 read:

45 "**§ 131D-4.5B. Adult care home medication aides; training and competency evaluation**
46 **requirements.**

47 (a) By December 1, 2011, the Division of Health Service Regulation shall develop a
48 mandatory, annual in-service training program for adult care home medication aides on
49 infection control, safe practices for injections and any other procedures during which bleeding
50 typically occurs, and glucose monitoring. Each medication aide who successfully completes the
51 in-service training program shall receive partial credit, in an amount determined by the

1 Department, toward the continuing education requirements for adult care home medication
2 aides established by the Commission pursuant to G.S. 131D-4.5.

3 (b) Beginning October 1, 2013, an adult care home is prohibited from hiring a
4 medication aide to perform any medication aide duties unless that individual has previously
5 worked as a medication aide in an adult care home or successfully completed all of the
6 following:

7 (1) A 30-hour training program that includes all of the following components:

8 a. At least 24 hours of training that is equivalent to the training
9 provided in the program approved by the Board of Nursing for
10 medication aides employed in nursing homes.

11 b. At least six hours of supplemental training, of which at least three
12 hours includes training and instruction in federal Centers for Disease
13 Control and Prevention guidelines on infection control and, if
14 applicable, safe injection practices and glucose monitoring.

15 (2) An examination developed and administered by the Division of Health
16 Service Regulation in accordance with subsection (c) of this section.

17 (c) By October 1, 2012, the Division of Health Service Regulation shall develop and
18 administer an examination for individuals seeking employment as a medication aide in an adult
19 care home.

20 **"§ 131D-4.5C. Adult care home supervisors; infection control training requirements.**

21 By December 1, 2011, the Department shall develop a mandatory, annual course for adult
22 care home supervisors on federal Centers for Disease Control and Prevention guidelines on
23 infection control. Each supervisor that successfully completes the mandatory infection control
24 course shall receive credit, in an amount determined by the Department, toward the continuing
25 education requirements for adult care home supervisors established by the Commission
26 pursuant to G.S. 131D-4.5."

27 **SECTION 6.** This act is effective when it becomes law.