

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE BILL 541

Short Title: CAP-MR/DD Waiver Change/Residential Supports. (Public)

Sponsors: Representative Hurley (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Health and Human Services.

March 31, 2011

A BILL TO BE ENTITLED

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2 AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,
3 DIVISION OF MEDICAL ASSISTANCE, TO AMEND THE CAP-MR/DD WAIVER TO
4 EXPAND THE TYPE OF FACILITIES IN WHICH A RECIPIENT MAY RECEIVE
5 RESIDENTIAL SUPPORTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Department of Health and Human Services, Division of Medical
8 Assistance, shall amend the CAP-MR/DD Waiver to allow for all of the following:

- 9 (1) Current and future CAP-MR/DD recipients may elect to receive residential
10 supports in a licensed residential setting with six or fewer beds, including a
11 licensed alternative family living home, a licensed foster home, or an
12 unlicensed alternative family living home that provides services to one adult.
13 (2) Current and future CAP-MR/DD recipients may elect to receive residential
14 supports in a licensed residential setting with more than six beds if the
15 recipient's plan of care clearly identifies and documents the unique
16 circumstances requiring the recipient to live in a residential setting with
17 more than six beds along with documentation that all other available options
18 were explained and made available to the recipient during the
19 person-centered planning process.
20 (3) Individuals currently residing in a licensed group home or a licensed adult
21 care home with more than six beds, who were receiving services under the
22 CAP-MR/DD Waiver on November 1, 2008, may elect to receive residential
23 supports.

24 **SECTION 2.** If the Division requires approval from the Centers for Medicare and
25 Medicaid Services (CMS) to implement the amendments to the CAP-MR/DD Waiver described
26 in Section 1 of this act, it shall submit an application to CMS by August 1, 2011.

27 **SECTION 3.** This act is effective when it becomes law.

