

Senior Citizens

Although issues directly affecting government programs for senior citizens were not a primary focus of the 2008 legislative session, the General Assembly authorized the North Carolina Study Commission on Aging to study the state's readiness to respond to increasing numbers of older adults residing in North Carolina, created a new North Carolina Certified Retirement Community program, and enacted a handful of laws of interest to the state's senior citizens and state government retirees.

Government Assistance and Services for Senior Citizens

Adult Care Home Training and Technical Assistance

S.L. 2008-107 (H 2436) directs the Division of Health Service Regulation of the Department of Health and Human Services (DHHS) to use the remaining funds appropriated for implementation of rated certificates for adult care homes (other than \$35,000 that S.L. 2008-107 allocates to the DHHS Division of Aging and Adult Services for the Adult Care Home Quality Improvement Consultation Program) for the development and implementation of a training and educational program by the North Carolina adult care home provider associations that will be integrated with the assessment, care planning, training, and quality improvement initiative being coordinated and financially supported by participating adult care home providers and those associations.

Adult Protective Services

The General Assembly considered, but did not enact, legislation (H 2399, S 1751) that would have appropriated funding for a pilot program to assess changes in the state's adult protective services law [Article 6 (Protection

of the Abused, Neglected, or Exploited Disabled Adult Act) of G.S. Chapter 108A] proposed by a DHHS task force.

Appropriations for State Aging Programs and Services

S.L. 2008-107 provides an additional \$2 million in recurring funding for the state's Home and Community Care Block Grant, allocates almost \$2 million in nonrecurring funding for mental health screening and assessment of elderly and disabled persons who live in adult care homes, and appropriates \$500,000 in nonrecurring funding for a program to provide respite care and support to families caring for a person with dementia.

Medicaid

North Carolina's Medicaid program provides medical assistance to more than 400,000 low-income elderly and disabled North Carolinians. Legislation affecting North Carolina's Medicaid program is summarized in Chapter 24, "Social Services."

North Carolina Study Commission on Aging

State readiness. S.L. 2008-181 (H 2431) authorizes the North Carolina Study Commission on Aging to study the state's readiness to respond to increasing numbers of older adults residing in North Carolina and to report its findings and recommendations to the 2009 General Assembly.

Hearing loss. S.L. 2008-181 directs DHHS to study the impact of hearing loss on North Carolina's older adult population and to present its findings and recommendations to the North Carolina Study Commission on Aging on or before November 1, 2009.

Adult care in public housing. S.L. 2008-181 directs the DHHS Division of Aging and Adult Services and the DHHS Division of Medical Assistance to study the feasibility and possible cost savings to the state of operating a licensed adult care home in a public housing facility and to report their findings and recommendations by August 1, 2009, to the North Carolina Study Commission on Aging, the House Appropriations Subcommittee on Health and Human Services, and the Senate Appropriations Committee on Health and Human Services.

Respite services. S.L. 2008-181 directs the DHHS Division of Aging and Adult Services to study the adequacy of service standards and funding for group respite services, directs the DHHS Division of Medical Assistance to study including respite services under the state's Medicaid plan, and requires the divisions to report their findings and recommendations to the North Carolina Study Commission on Aging by November 1, 2009.

Special Assistance and Medicaid income disregards. S.L. 2008-161 (H 2410) directs the DHHS Division of Aging and Adult Services and the DHHS Division of Medical Assistance to study the implementation of an income disregard policy for current Special Assistance and Medicaid recipients who are adversely impacted due to cost-of-living or other income increases and to report their findings by October 1, 2009, to the North Carolina Study Commission on Aging, the House Appropriations Subcommittee on Health and Human Services, and the Senate Appropriations Committee on Health and Human Services.

Transportation of persons in wheelchairs. S.L. 2008-121 (H 93) directs the state Department of Transportation to study the vehicular transportation of persons seated in wheelchairs and to report its findings and recommendations by February 1, 2009, to the North Carolina Study Commission on Aging and the Joint Legislative Transportation Oversight Committee.

Property Tax Relief for Low-Income Elderly Homeowners

G.S. 105-277.1 provides a homestead property tax exclusion for certain low-income elderly homeowners. G.S. 105-277.1B creates a "circuit breaker" that allows the deferral of part of the property tax owed by specified low-income elderly homeowners.

Revision of the circuit breaker benefit and correction of effective date of changes to the homestead exclusion. S.L. 2008-35 (S 1876), which modifies the "circuit breaker" benefit, standardizes the administration of all deferred property tax programs, and corrects the effective date of changes to the homestead property tax exclusion, is summarized in Chapter 15, "Local Taxes and Tax Collection."

Expanded eligibility for the homestead exclusion. The General Assembly considered, but did not enact, legislation (H 2112, S 1861) that would have expanded the eligibility of elderly homeowners for the homestead exclusion.

State–County Special Assistance

The State–County Special Assistance program provides financial assistance to elderly and disabled persons who cannot pay the cost of care in an adult care home. The program is administered by county departments of social services. The cost of assistance is divided between the state and counties.

Income disregard for Special Assistance applicants and recipients.

S.L. 2008-184 (S 1796) provides that the eligibility and benefits of persons who apply for or receive Special Assistance benefits on or after July 1, 2009, will not be affected due to annual cost-of-living allowances they receive under the federal Social Security, Supplemental Security Income, Railroad Retirement, or Veterans Affairs programs.

Increase in maximum payment. S.L. 2008-107 increases the maximum State–County Special Assistance payment for most eligible residents of adult care homes from \$1,173 to \$1,207 per month effective January 1, 2009, unless the maximum payment amount is adjusted by DHHS in accordance with Section 10.13(e) of S.L. 2007-323.

State and Local Government Retirement Benefits

Cost-of-living increases for state and local government retirees.

S.L. 2008-107 provides a 2.2 percent cost-of-living increase in the retirement benefits paid under the state Teachers' and State Employees' Retirement System, Consolidated Judicial Retirement System, and Legislative Retirement System and appropriates \$41 million in supplemental funding for these increases. Local government retirees covered by the Local Government Employees' Retirement System will receive a 2.17 percent cost-of-living increase, which was previously approved by the Retirement Systems Board of Trustees and did not require the General Assembly's approval since no additional funding was required of local government employers.

Investment of pension funds. Legislation (H 2758) was introduced, but not passed, that would have transferred authority to make decisions regarding the investment of the state's pension funds from the State Treasurer to the Retirement Systems Board of Trustees.

Health insurance for state government retirees. Retired state employees with at least five years of creditable service are eligible for health insurance benefits under the state health plan on a noncontributory or contributory basis. S.L. 2008-168 (H 2443) rewrites the statutes pertaining to health insurance for state government retirees and employees to recognize the transition from a single comprehensive

major medical plan to the preferred provider organization (PPO) options now available to state employees and retirees. It also authorizes the state health plan to offer a new Medicare Advantage benefit for participants who are eligible for Medicare in lieu of other coverage offered under the state health plan in conjunction with carve-outs for Medicare Parts A and B. S.L. 2008-168 is discussed more fully in Chapter 19, “Public Employment.”

In response to reports that the state health plan might experience a loss of as much as \$257 million in 2008–09, the House of Representatives passed a bill (H 2440) that would have established a State Health Plan Contingency Account in the Office of State Budget and Management. This account would have been funded with existing reserves and a transfer of \$100 million from the state’s “rainy day fund” to pay benefits under the state health plan. The bill was not considered by the Senate before adjournment.

Waiver of University and Community College Fees for Senior Citizens

S.L. 2008-135 (H 1076), which requires the constituent institutions of the University of North Carolina and the state’s community colleges to waive certain fees for specified students who are at least sixty-five years old, is summarized in Chapter 13, “Higher Education.” State law (G.S. 115-B2) already requires the University of North Carolina and the state’s community colleges to waive the *tuition* that would otherwise be charged to students who are legal residents of North Carolina and at least sixty-five years old.

Other Legislation of Interest to Senior Citizens

Driving Privileges of Incapacitated Adults

S.L. 2008-182 (H 2391), which directs the state’s Division of Motor Vehicles to consider the recommendation of the clerk of superior court regarding whether an adult who has been found incapacitated under the state’s guardianship statutes should be allowed to retain his or her driving privileges, is summarized in Chapter 18, “Motor Vehicles.”

Guardianship of Incapacitated Adults

Sale of personal property. Effective October 1, 2008, S.L. 2008-87 (H 2390) amends G.S. 35A-1251 to allow the guardian of the estate of an incapacitated adult to sell up to \$5,000 of the ward’s personal property during each accounting period without a court order.

Study of state guardianship laws. S.L. 2008-181 (H 2431) creates a Joint Legislative Study Commission on State Guardianship Laws; directs the commission to study more than twenty subjects related to

the guardianship of minors and incapacitated adults, including public guardianship, the state’s adult protective services law, and the enactment of the Uniform Guardianship and Protective Proceedings Act; and authorizes the commission to make a final report to the 2009 General Assembly prior to the General Assembly’s convening.

Home Care Services

Effective January 1, 2010, S.L. 2008-127 (H 964) amends G.S. 131E-136 to expand the definition of home care services to include specified in-home companion, sitter, and respite care services provided to individuals and homemaker services provided in combination with those services. Effective January 1, 2009, S.L. 2008-127 increases the annual license fee for home care agencies from \$350 to \$400.

Income Tax Credit for Purchase of Long-Term Care Insurance

G.S. 105-151.28 provides a credit against a taxpayer’s state income tax liability for a portion of an eligible taxpayer’s expenses related to the purchase of long-term care insurance. The General Assembly considered, but did not enact, legislation (H 2111, S 1808) that would have expanded eligibility for the state’s income tax credit for the purchase of long-term care insurance or increased the amount of the tax credit.

Licensure of Nursing Home Administrators

S.L. 2008-183 (H 2397), authorizing criminal history record checks of applicants for licensure as nursing home administrators, is summarized in Chapter 12, “Health.”

Medical Release of Geriatric Inmates in Prisons

S.L. 2008-2 (S 1480), which provides for the medical release of prison inmates who are at least sixty-five years old; suffer from chronic infirmity, illness, or disease related to aging; and, as a result of such infirmity, illness, or disease, are incapacitated to the extent that they do not pose a public safety risk, is summarized in Chapter 23, “Sentencing, Corrections, Prisons, and Jails.”

Multiunit Assisted Housing with Services

Effective January 1, 2010, S.L. 2008-166 (H 2409) amends G.S. 131D-2(a) (7a) to (1) require Multiunit Assisted Housing with Services (MAHS) programs to register annually with the DHHS Division of Health Service Regulation; (2) require MAHS programs to pay an annual registration fee of \$350; and (3) impose criminal penalties for establishing, conducting, managing, or operating an unregistered MAHS program.

North Carolina Certified Retirement Community Program

S.L. 2008-188 (S 1627) establishes the North Carolina Certified Retirement Community Program as part of the Department of Commerce's 21st Century Communities program and establishes criteria for certification as a North Carolina Certified Retirement Community. The purposes of the program include promoting North Carolina as a retirement destination, assisting North Carolina communities in their efforts to market themselves as retirement locations and to develop communities that retirees would find attractive for a retirement lifestyle, and assisting in the development of retirement communities and continuing care facilities. The City of Lumberton is acting as a pilot community for the program.

Silver Alert System

G.S. 143B-499.8 establishes a Silver Alert System within the state Center for Missing Persons to disseminate information about missing persons believed to be suffering from dementia or other cognitive impairments. S.L. 2008-83 (H 2523) amends the section to require the center to disseminate the information as quickly as possible, regardless of the missing person's age, when a report about the missing person has been made to a law enforcement agency.

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