

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 349
HOUSE BILL 194

AN ACT TO REQUIRE THE CERTIFICATION OF ADULT DAY CARE PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 131D of the General Statutes is amended by adding a new section to read:

"§ 131D-6. Certification of adult day care programs; purpose; definition; penalty.

– (a) It is the policy of this State to enable people who would otherwise need full-time care away from their own residences to remain in their residences as long as possible and to enjoy as much independence as possible. One of the programs that permits adults to remain in their residences and with their families is adult day care.

(b) As used in this section 'adult day care program' means the provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. The Department of Human Resources shall annually inspect and certify all adult day care programs, under rules adopted by the Social Services Commission. The Social Services Commission shall adopt rules to protect the health, safety, and welfare of persons in adult day care programs. These rules shall include minimum standards relating to management of the program, staffing requirements, building requirements, fire safety, sanitation, nutrition, and program activities.

The Department of Human Resources shall enforce the rules of the Social Services Commission.

(c) The Secretary may impose a civil penalty not to exceed one hundred dollars (\$100.00) for each violation on a person, firm, agency, or corporation who willfully violates any provision of this section or any rule adopted by the Social Services Commission pursuant to this section. Each day of a continuing violation constitutes a separate violation.

In determining the amount of the civil penalty, the Secretary shall consider the degree and extent of the harm or potential harm caused by the violation.

The Social Services Commission shall adopt rules concerning the imposition of civil penalties under this subsection.

(c1) Any person, firm, agency, or corporation that harms or willfully neglects a person under its care is guilty of a misdemeanor.

(d) The following programs are exempted from the provisions of this section:

(1) those that care for three people or less;

- (2) those that care for two or more persons, all of whom are related by blood or marriage to the operator of the facility;
- (3) those that are required by other statutes to be licensed by the Department of Human Resources."

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 7th day of June, 1985.