

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 1080
HOUSE BILL 1065

AN ACT TO PROVIDE FIRST AVAILABLE BED PRIORITY FOR NURSING
HOME PATIENTS TEMPORARILY ABSENT FROM A NURSING FACILITY
DUE TO HOSPITAL STAY.

The General Assembly of North Carolina enacts:

Section 1. Article 6 of Chapter 131E is amended by adding a new section to read:

"§ 131E-130. First available bed priority for certain nursing home patients.—(a) If a patient is temporarily absent, for no more than 15 days, from a nursing home to obtain medical treatment at a hospital other than a State mental hospital, the nursing home; (i) shall provide the patient with the first bed available at or after the time the nursing home receives written notification of the specific date of discharge from the hospital; and (ii) shall grant the patient priority of admission over applicants for admission to the nursing home.

The duration of the temporary absence shall be calculated from the day of the patient's admission to a hospital until the date the nursing home receives written notice of the specific date of discharge.

This subsection shall not apply in instances in which the patient's treatment can no longer be provided by the nursing home upon re-admission.

(b) If the Department finds that a nursing home has violated the provisions of subsection (a) of this section, the Department may assess a civil penalty of fifty dollars (\$50.00) a day, up to a maximum of one thousand five hundred dollars (\$1,500), against the nursing home, for each violation.

(c) The provisions of Chapter 150B of the General Statutes that govern contested cases apply to appeals from Department action pursuant to this section."

Sec. 2. This act shall become effective October 1, 1988.

In the General Assembly read three times and ratified this the 8th day of July, 1988.