

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 527
HOUSE BILL 354

AN ACT TO PROHIBIT THE ABUSE OF PATIENTS OR RESIDENTS IN
RESIDENTIAL HEALTH CARE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding the following new section:

"§ 14-32.2. **Patient abuse and neglect; punishments.**—(a) It shall be unlawful for any person to physically abuse a patient of a health care facility or a resident of a residential care facility, when the abuse is the result of an intentional or culpably negligent act or omission which causes serious bodily injury or death.

(b) Unless the conduct is prohibited by some other provision of law providing for greater punishment.

- (1) Any person who violates subsection (a) above is guilty of a Class C felony where intentional conduct proximately causes the death of the patient or resident;
- (2) Any person who violates subsection (a) above is guilty of a Class G felony where culpably negligent conduct proximately causes the death of the patient or resident;
- (3) Any person who violates subsection (a) above is guilty of a Class H felony where such conduct proximately causes serious bodily injury to the patient or resident.

(c) 'Health Care Facility' shall include hospitals, skilled nursing facilities, intermediate care facilities, intermediate care facilities for the mentally retarded, psychiatric facilities, rehabilitation facilities, kidney disease treatment centers, home health agencies, ambulatory surgical facilities, and any other health care related facility whether publicly or privately owned.

'Residential Care Facility' shall include homes for the aged and disabled, family care homes, group homes for developmentally disabled adults, adult foster care homes, and any other residential care related facility whether publicly or privately owned.

(d) 'Person' shall include any natural person, association, corporation, partnership, or other individual or entity.

(e) 'Culpably negligent' shall mean conduct of a willful gross and flagrant character, evincing reckless disregard of human life.

(f) Any defense which may arise under G.S. 90-321(h) or G.S. 90-322(d) pursuant to compliance with Article 23 of Chapter 90 shall be fully applicable to any prosecution initiated under this section.

(g) Criminal process for a violation of this section may be issued only upon the request of a District Attorney.

(h) The provisions of this section shall not supersede any other applicable statutory or common law offenses."

Sec. 2. This act shall become effective October 1, 1987, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 1st day of July, 1987.