

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1774  
Committee Substitute Favorable 5/11/89

Short Title: Nursing Home Suspension.

(Public)

Sponsors:

Referred to:

May 8, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE DHR TO SUSPEND NURSING HOME ADMISSIONS  
DURING ADVERSE ACTION ON A LICENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-103(A) reads as rewritten:

"(a) Subject to subsection (b), the Department shall have the authority to deny a new or renewal application for a license, and to amend, recall, suspend or revoke an existing license upon a determination that there has been a substantial failure to comply with the provisions of this Part or the rules promulgated-adopted under this Part.

The Secretary or a designee shall suspend the admission of any new patients or residents at any nursing home or domiciliary home whenever an adverse action is taken on a license according to this section. This suspension shall remain in effect until and unless the administrative law judge stays the action according to G.S. 150B-33."

Sec. 2. G.S. 131E-109 reads as rewritten:

"(a) Any person establishing, conducting, managing or operating any nursing home without a license shall be guilty of a misdemeanor, and upon conviction shall be liable for a fine of not more than five hundred dollars (\$500.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. Each day of a continuing violation after conviction shall be considered a separate offense.

(b) Any person acting under the authority of the Department who gives advance notice to an operator of a nursing home of the date or time that the nursing home is to be inspected shall be guilty of a misdemeanor, and upon conviction shall be liable for a fine of not more than five hundred dollars (\$500.00) or imprisonment for a period not to

1 exceed 30 days, or both. The inspection of a nursing home for initial licensure shall be  
2 exempt from the prohibition of prior notice. All subsequent inspections must comply  
3 with the provisions of this subsection.

4 ~~(e) The Secretary or a designee may suspend the admission of any new patients  
5 or residents at any nursing home or domiciliary home where the conditions of the  
6 nursing home or domiciliary home are detrimental to the health or safety of the patient  
7 or resident. This suspension shall remain in effect until the Secretary is satisfied that  
8 conditions or circumstances merit the removal of the suspension. This subsection shall  
9 be in addition to authority to suspend or revoke the license of the home.~~

10 ~~(d)~~ (c) Except as otherwise provided in this Part, any person who violates any  
11 provision of this Part or who willfully fails to perform any act required, or who willfully  
12 performs any act prohibited by this Part, shall be guilty of a misdemeanor and upon  
13 conviction shall be punished by a fine or by imprisonment for a period not to exceed  
14 two years or by both such fine and imprisonment in the discretion of the court;  
15 Provided, however, that any person who willfully violates any rule adopted by the  
16 Commission under this Part or who willfully fails to perform any act required by, or  
17 who willfully performs any act prohibited by, these rules shall be guilty of a  
18 misdemeanor and upon conviction shall be punished by a fine not to exceed fifty dollars  
19 (\$50.00) or by imprisonment for a period not to exceed 30 days."

20 Sec. 3. This act is effective upon ratification.