

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 744
Committee Substitute Favorable 5/2/95

Short Title: Rest Hm. Penalty/Patient Unattended.

(Public)

Sponsors:

Referred to:

April 3, 1995

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT DOMICILIARY FACILITIES FOUND ON
INSPECTION TO HAVE LEFT A RESIDENT UNATTENDED BE PENALIZED.

The General Assembly of North Carolina enacts:

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

"§ 131D-2.1. Penalties.

(a) The Department of Human Resources shall impose an administrative penalty in accordance with the provisions of G.S. 131D-34 if during any inspection pursuant to G.S. 131D-2(b) any inspector, whether from the Division of Facility Services or the local departments of social services, observes any instance in which a resident is left alone with no staff in attendance in the facility in which the resident resides. Unless the Department uses its power under G.S. 131D-2(b) to revoke or summarily suspend the facility's license, the administrative penalties imposed for these violations shall be:

(1) For the first violation the penalty shall not be less than one thousand dollars (\$1,000).

(2) For the second violation the penalty shall not be less than three thousand dollars (\$3,000).

- 1 (3) For the third violation the penalty shall not be less than five thousand
2 dollars (\$5,000).
- 3 (b) The provisions of this section do not apply to developmentally disabled adult
4 group and family care homes licensed under G.S. 131D when:
- 5 (1) The client has been deemed capable of remaining alone in the home
6 without supervision or for a specified time by a physician or qualified
7 professional of the operating agency or area program, and
- 8 (2) The approval is documented in the client's record."
- 9 Sec. 2. This act becomes effective October 1, 1995, and applies to violations
10 found during inspections occurring on or after that date.