

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 745

Short Title: Rest & Nursing Hm. Penalties.

(Public)

Sponsors: Representatives Clary; Buchanan, Cansler, Cummings, Decker, Dickson, Earle, Hiatt, Justus, Kiser, K. Miller, Pate, Rayfield, Reynolds, Sexton, Shubert, Snowden, Weatherly, Wilkins, and G. Wilson.

Referred to: Welfare Reform and Human Resources.

April 3, 1995

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE "TYPE A" DOMICILIARY HOME AND NURSING HOME ADMINISTRATIVE PENALTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131D-34(a)(1) reads as rewritten:

"(1) 'Type A Violation' means a violation by a facility of the regulations, standards, and requirements set forth in G.S. 131D-21 or applicable State or federal laws and regulations governing the licensure or certification of a facility which creates substantial risk that death or serious physical harm to a resident will occur or where such harm has occurred. Type A Violations shall be abated or eliminated immediately. The Department shall impose a civil penalty in an amount not less than ~~two hundred fifty dollars (\$250.00) nor more than five thousand dollars (\$5000)~~ one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) for each Type A Violation."

Sec. 2. G.S.131E-129(a)(1) reads as rewritten:

"(1) 'Type A Violation' means a violation by a facility of the regulations, standards, and requirements set forth in G.S. 131E-117, or applicable

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2 certification of a facility which creates substantial risk that death or
3 serious physical harm to a resident will occur or where such harm has
4 occurred. Type A Violations shall be abated or eliminated immediately.
5 The Department shall impose a civil penalty in an amount not less than
6 ~~two hundred fifty dollars (\$250.00) nor more than five thousand dollars~~
7 ~~(\$5,000) one thousand dollars (\$1,000) nor more than ten thousand~~
8 ~~dollars (\$10,000) for each Type A Violation."~~

9 Sec. 3. This act becomes effective October 1, 1995, and applies to penalties
10 assessed for violations occurring on or after that date.