

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 756

Short Title: Rest Home Changes.

(Public)

---

Sponsors: Representatives Barnes; and Fitch.

---

Referred to: Welfare Reform and Human Resources.

---

April 5, 1995

A BILL TO BE ENTITLED

AN ACT TO AID IN ENSURING THAT RESIDENTS IN DOMICILIARY CARE  
HOMES ARE IN SAFE AND WELL-MANAGED FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131D-2(b)(1) reads as rewritten:

"(1) The Department of Human Resources shall inspect and license, under rules adopted by the Social Services Commission, all domiciliary homes for persons who are aged or mentally or physically disabled except those exempt in subsection (d) of this section. Licenses issued under the authority of this section shall be valid for one year from the date of issuance unless revoked earlier by the Secretary of Human Resources for failure to comply with any part of this section or any rules adopted hereunder. No license shall be issued to or renewed for any domiciliary home operated by anyone who operated any domiciliary home that had its license revoked until one full year after the date of revocation. The current license of any domiciliary home operated by anyone who operated any domiciliary home that had its license revoked within that current year shall be automatically revoked. Licenses shall be renewed annually upon filing and the Department's approval of the renewal application. A license shall not be renewed if outstanding fines and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

1 penalties imposed by the State against the home have not been paid.  
2 Fines and penalties for which an appeal is pending are exempt from  
3 consideration. The renewal application shall contain all necessary and  
4 reasonable information that the Department may by rule require. The  
5 Department may also issue a provisional license to a facility, pursuant to  
6 rules adopted by the Social Services Commission, for substantial failure  
7 to comply with the provisions of this section or rules promulgated  
8 pursuant to this section. Any facility wishing to contest the issuance of  
9 a provisional license shall be entitled to an administrative hearing as  
10 provided in the Administrative Procedure Act, Chapter 150B of the  
11 General Statutes. A petition for a contested case shall be filed within 30  
12 days after the Department mails written notice of the issuance of the  
13 provisional license."

14 Sec. 2. G.S. 131D-2(b) is amended by adding a new subdivision to read:

15 "(5) Notwithstanding any law to the contrary, Chapter 132 of the General  
16 Statutes, the Public Records Law, applies to all records of the State  
17 Division of Social Services of the Department of Human Resources and  
18 of any county department of social services regarding inspections of  
19 domiciliary care facilities except for information in the records that is  
20 confidential or privileged, including medical records, or that contains  
21 the names of residents or complainants."

22 Sec. 3. This act becomes effective October 1, 1995, and applies to revocations  
23 and records of inspections made on or after that date.