

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 254

SHORT TITLE: Health Care Facility/Patient Abuse

SPONSOR(S): Rep. Edwards

FISCAL IMPACT

Yes () No (X) No Estimate Available (X)

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

REVENUES

No Fiscal Impact.

EXPENDITURES

(See Assumptions and Methodology section.)

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Department of Correction

EFFECTIVE DATE: December 1, 1999, applies to offenses committed on or after that date.

BILL SUMMARY:

H 254. HEALTH CARE FACILITY/PATIENT ABUSE. TO PROVIDE THAT THE ABUSE OR NEGLECT OF A PATIENT AT A HEALTH CARE FACILITY OR A RESIDENTIAL CARE FACILITY THAT DOES NOT RESULT IN SERIOUS BODILY INJURY OR DEATH IS A MISDEMEANOR. Amends GS 14-32.2 (which makes it a crime to physically abuse a patient of a health care facility or a resident of a residential care facility) to add a provision that abuse or neglect of such a patient or resident that does not result in serious bodily injury or death is a Class A1 misdemeanor. Adds definition of "abuse" as the willful or grossly negligent infliction of physical pain, injury, or mental anguish, unreasonable confinement, or the willful or grossly negligent deprivation of services which are necessary to maintain mental or physical health. Adds definition of "neglect" as the willful violation of any law or state agency rule designed to protect the health, welfare, or comfort of a patient or resident. Makes corporations, associations, and partnerships subject to provisions of GS 14-32.2. Effective Dec. 1, 1999; applies to offenses committed on or after that date.

ASSUMPTIONS AND METHODOLOGY:

The Department of Health and Human Services, Division of Facility Services reported 288 substantiated cases of abuse and neglect last fiscal year in Health Care Facilities, Residential Facilities, and from the Health Care Personnel Registry for individuals for whom findings of abuse or neglect were made. There may be some double counting if an individual on the registry also caused the facility to be cited. These reported cases represent over 6,000 facilities regulated by the division.

Judicial Department

The Administrative Office of the Courts (AOC) does not anticipate that the fiscal impact of any additional cases statewide would be substantial. Current law provides a stiffer penalty for more severe cases. Some of the cases may currently be prosecuted as assault cases and would not be new, additional court cases. However, some of these current assault cases could be charged as a greater crime under the bill. The AOC does not have an estimate of the number of cases that would be charged under the new misdemeanor. However, similar charges such as the abuse or neglect of disabled or elder adults by caretakers in domestic settings or neglect resulting in injury of a disabled or elderly adult in a domestic setting have resulted in very few defendants charged. The Fiscal Research Division believes the Judicial Department could handle any additional workload created under this bill with existing resources.

Department of Correction

If there are 288 cases per year and 50 percent resulted in convictions, approximately 14 persons would receive active prison time which would create the necessity for 10 additional prison beds. If only 10 percent are convicted, approximately 3 persons would receive active time which would require the need for only 1 prison bed. The Fiscal Research Division believes that there is no direct fiscal impact on the department resulting from the passage of this bill because the minimal potential impact can be absorbed within the Department of Correction's existing budget.

TECHNICAL CONSIDERATIONS: none
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DATE: Monday, March 29, 1999



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