

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 1192
HOUSE BILL 1547

AN ACT TO CLARIFY PROCEDURES FOR APPOINTMENT OF NURSING HOME COMMUNITY ADVISORY COMMITTEES, SO AS TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON AGING.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 897, Session Laws of 1977, is rewritten to read:

"Sec. 2. General Statutes Chapter 130 is amended by adding a new section to read:

"§ 130-9.5. Nursing home advisory committees. — (a) Statement of purpose. It is the purpose of the General Assembly that community advisory committees work to maintain the spirit of the nursing home bill of rights (Chapter 130, Article 30) within the nursing homes in this State. It is the further purpose of the General Assembly that the committees promote community involvement and cooperation with nursing homes and an integration of these homes into a system of care for the elderly.

(b) Establishment and appointment of committees. A community advisory committee shall be established in each county which has a nursing home, shall serve all the homes in the county, and shall work with each home for the best interests of the persons residing in each home. In a county which has one, two, or three nursing homes, the committee shall have five members. In a county with four or more nursing homes, the committee shall have one additional member for each nursing home in excess of three.

In each county with four or more nursing homes, the committee shall establish a subcommittee of five members from the committee for each nursing home in the county. Each member must serve on at least one subcommittee.

Each committee shall be appointed by the board of county commissioners. Of the members, a minority (not less than one-third, but as close to one-third as possible) must be chosen from among persons nominated by a majority of the chief administrators of nursing homes in the county. If the nursing home administrators fail to make a nomination within 45 days after written notification has been sent to them by the board of county commissioners requesting a nomination, such appointments may be made by the board of county commissioners without nominations.

(c) Terms of office. Each committee member shall serve an initial term of one year. Any person reappointed to a second or subsequent term in the same county shall serve a three-year term. Persons who were originally nominees of nursing home chief administrators, or who were appointed by the board of county commissioners when the nursing home administrators failed to make nominations may not be reappointed without the consent of a majority of the nursing home chief administrators within the county. If the nursing home chief administrators fail to approve or reject the reappointment within 45 days of being requested by the board of county commissioners, the commissioners may reappoint the member if they so choose.

(d) Vacancies. Any vacancy shall be filled by appointment of a person for a one-year term. Any person replacing a member nominated by the chief administrators or a person appointed when the chief administrators failed to make a nomination shall be selected from

among persons nominated by the administrators, as provided in subsection (b). If the county commissioners fail to appoint members to a committee, or fail to fill a vacancy, the appointment may be made or vacancy filled by the Secretary of Human Resources or the Secretary's designee no sooner than 45 days after the commissioners have been notified of the appointment or vacancy if nomination or approval of the nursing home administrators is not required. If nominations or approval of the nursing home administrators is required, the appointment may be made or vacancy filled by the Secretary of Human Resources or the Secretary's designee no sooner than 45 days after the commissioners have received the nomination or approval, or no sooner than 45 days after the nursing home administrators' 45-day period for action has expired.

(e) Officers. The committee shall elect from its members a chairman, to serve a one-year term.

(f) Qualifications. Each member must be a resident of the county which the committee serves. No person or immediate family member of a person with a financial interest in a home served by a committee, or employee or governing board member or immediate family member of an employee or governing board member of a home served by a committee, or immediate family member of a patient in a home served by a committee may be a member of a committee.

Membership on a committee shall not be considered an office as defined in G.S. 128-1 or G.S. 128-1.1. Any county commissioner who is appointed to the committee shall be deemed to be serving on the committee in an ex-officio capacity. Members of the committee shall serve without compensation, but may be reimbursed for the amount of actual expenses incurred by them in the performance of their duties. The names of the committee members and the date of expiration of their terms shall be filed with the Division of Aging, which shall supply a copy to the Division of Facilities Services.

(g) The Division of Aging, Department of Human Resources, shall develop training materials, which shall be distributed to each committee member and nursing home. Each committee member must receive training as specified by the Division of Aging prior to exercising any power under subsection (h) of this section. The Division of Aging, Department of Human Resources, shall provide the committees with information, guidelines, training, and consultation to direct them in the performance of their duties.

(h) Duties.

- (1) Each committee shall apprise itself of the general conditions under which the persons are residing in the homes, and shall work for the best interests of the persons in the homes. This may include assisting persons who have grievances with the home and facilitating the resolution of grievances at the local level.
- (2) Each committee shall quarterly visit the nursing home it serves. For each such official quarterly visit, a majority of the committee members shall be present. In addition, each committee may visit the nursing home it serves whenever it deems it necessary to carry out its duties. In counties with four or more nursing homes, the subcommittee assigned to a home shall perform the duties of the committee under this subdivision, and a majority of the subcommittee members must be present for any visit.
- (3) Each member of a committee shall have the right, between 10:00 a.m. and 8:00 p.m., to enter into the facility the committee serves in order to carry out the members' responsibilities. In a county where subcommittees have been established, a member shall have a right to enter only homes served by subcommittees of which he is a member.
- (4) The committee or subcommittee may, at any time it deems necessary, communicate through its chairman with the Department of Human Resources or any other agency in relation to the interest of any patient. The

names of all complaining persons shall remain confidential unless written permission is given for disclosure.

- (5) Each home shall cooperate with the committee as it carries out its duties.
- (6) Before entering into any nursing home, the committee, subcommittee, or member shall identify itself to the person present at the facility who is in charge of the facility at that time.

(i) Nursing homes to cooperate. In order for a nursing home as defined by G.S. 130-9(e) to be licensed under that subsection, the home shall cooperate with a community advisory committee."

Sec. 2. Section 4 of Chapter 897, Session Laws of 1977, is rewritten to read:

"The provisions of this act shall become effective January 1, 1978, except that G.S. 130-9.5(a) through G.S. 130-9.5(g), as proposed by Section 2, shall take effect July 1, 1978, and G.S. 130-9.5(h) and (i), as proposed by Section 2, shall take effect March 1, 1979.

Community advisory committees shall be appointed no later than January 1, 1979, in counties which have nursing homes prior to that date, and the initial terms of office of those committee members shall expire February 29, 1980."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1978.