

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 667
HOUSE BILL 675

AN ACT TO ALLOW THE SECRETARY OF HUMAN RESOURCES TO SUSPEND THE AUTHORITY OF A NURSING HOME OR DOMICILIARY HOME TO ADMIT PATIENTS OR RESIDENTS WHERE THE CONDITIONS AT THE HOME ARE DETRIMENTAL TO HEALTH OR SAFETY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 130 of the General Statutes is amended by adding a new section to read:

"§ 130-9.7. Suspension of admissions to nursing home or domiciliary home. — (a) The Secretary of Human Resources may suspend the admission of any new patients or residents at any nursing home or domiciliary home, where the conditions of the nursing home or domiciliary home are detrimental to the health or safety of the patient or resident. Such suspension shall be for the period determined by the Secretary. Such suspension shall remain in effect until the Secretary is satisfied that conditions or circumstances merit the removing of the suspension.

(b) This section shall be in addition to authority to suspend or revoke the license of the home.

(c) For the purpose of this section, the words 'nursing home' and 'domiciliary home' shall have the same meaning as defined in G.S. 130-9(e) and G.S. 108-77, as appropriate.

(d) In imposing the sanctions authorized by subsection (a) of this section, the Secretary shall consider the following factors:

(1) The degree of sanctions necessary to insure compliance with G.S. 130-9, Article 30 of this Chapter or G.S. 108-77, as appropriate, and rules and regulations adopted under those statutes.

(2) The character and degree of impact of the conditions at the home on the health or safety of the patients or residents at the facility.

(e) The Secretary of Human Resources shall promulgate rules to implement this section."

Sec. 2. The revisor of statutes shall change the references to G.S. 108-77 in G.S. 130-9.7 to the appropriate section in Chapter 131C of the General Statutes, as recodified in Section 2 of Chapter 275, Session Laws of 1981.

Sec. 3. This act shall become effective January 1, 1982, except that G.S. 130-9.7(e) is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1981.