

**NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION**

**CHAPTER 833
SENATE BILL 532**

AN ACT TO CLARIFY REQUIREMENTS FOR LICENSURE OF DOMICILIARY HOMES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130-9(e) is amended by rewriting subdivisions (4), (5) and (6) to read:

- "(4) **Domiciliary Home Distinguished.** A domiciliary home, as distinguished from a nursing home, is a place for the care of aged or disabled persons whose principal need is a home with the sheltered and custodial care their age or disabilities require. Domiciliary homes exist to provide this care in a residential setting and on a long-term basis. In these homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged or disabled, but the administration of medication is supervised. The residents of these homes will not, as a rule, have remedial ailments or other ailments for which continuing, skilled, planned medical and nursing care is indicated. The resident, however, may receive continuing, planned medical and nursing care if it is provided under the direct supervision of a physician, nurse, or home health agency and meets the resident's medical needs. A major factor which distinguishes these homes is that residents may be given congregate services as distinguished from the individual medical care required for patients in nursing homes.
- (5) **Operation of Nursing Home and Domiciliary Homes.** Any person may operate a nursing home, as defined in subdivision (2) of this subsection, and a domiciliary home, as defined in subdivision (4) of this subsection, in the same building or in two or more buildings adjoining or next to each other on the same site. A facility containing both a nursing home and a domiciliary portion must be licensed by the Department of Human Resources. The Medical Care Commission, upon consultation with the Social Services Commission, shall adopt standards, rules and regulations for the operation of these domiciliary homes that are equal to the standards, rules and regulations adopted by the Social Services Commission for the operation of freestanding domiciliary homes. The domiciliary portion of a combination home in existence at the time of the effective date of this act shall be exempt from physical plant minimum standards, unless the Department determines any such exemption to be an imminent hazard to health, safety and welfare of the residents. Any existing combination home shall have until January 1, 1983, to comply with all other standards, rules and regulations in effect January 1, 1982.
- (6) **Evaluation of Residents in Domiciliary Homes.** The Department of Human Resources shall prescribe the method of evaluation of residents in domiciliary homes in order to determine when any of these residents are in

need of professional medical and nursing care as provided in licensed nursing homes."

Sec. 2. This act shall become effective January 1, 1982.

In the General Assembly read three times and ratified, this the 7th day of July, 1981.