

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 867  
HOUSE BILL 1286

AN ACT AMENDING THE HEALTH CARE FACILITIES FINANCE ACT (CHAPTER 131A OF THE GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED) TO PERMIT THE FINANCING OF FACILITIES FOR THE CONTINUING CARE OF THE ELDERLY AND INFIRM.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 131A-3 as amended by Chapter 64, Session Laws of 1981, is further amended by rewriting paragraph (4) thereof to read:

"Health care facilities' means any one or more buildings, structures, additions, extensions, improvements or other facilities, whether or not located on the same site or sites, machinery, equipment, furnishings or other real or personal property suitable for health care or medical care; and includes, without limitation: general hospitals, chronic diseases, maternity, mental, tuberculosis and other specialized hospitals; facilities for intensive care and self-care; nursing homes, including skilled nursing facilities and intermediate care facilities; facilities for continuing care of the elderly and infirm; clinics and outpatient facilities; clinical, pathological and other laboratories; health care research facilities; laundries; training facilities for nurses, interns, physicians and other staff members; food preparation and food service facilities; administration buildings, central service and other administrative facilities; communication, computer; and other electronic facilities, fire-fighting facilities, pharmaceutical facilities and recreational facilities; storage space, X-ray, laser, radiotherapy and other apparatus and equipment; dispensaries; utilities; vehicular parking lots and garages; office facilities for health care facilities staff members and physicians; and such other health care facilities customarily under the jurisdiction of or provided by hospitals, or any combination of the foregoing, with all necessary, convenient or related interests in land, machinery, apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping and physical amenities;".

**Sec. 2.** G.S. 131A-3 is hereby further amended by deleting the word "and" at the end of paragraph (8) thereof, by changing the period at the end of paragraph (9) thereof to a semicolon and by adding thereto three new paragraphs to read:

- (10) 'Continuing care' means the furnishing, pursuant to a continuing care agreement, of shelter, food, and nursing care to an individual not related by consanguinity or affinity to the provider furnishing such care. Other personal services provided shall be designated in the continuing care agreement. Continuing care shall include only life care, care for life, or care for a term of years;
- (11) 'Life care' or 'care for life' means a life lease, life membership, life estate, or similar agreement between an individual and a provider by which the individual pays a fee for the right to occupy a space in the continuing care facility and to receive continuing care for life; and
- (12) 'Care for a term of years' means an agreement between an individual and a provider whereby the individual pays a fee for the right to occupy space in a continuing care facility, and to receive continuing care, for at least one year, but for less than the life of the member."

**Sec. 3.** This act, being necessary for the health and welfare of the people of the State, shall be liberally construed to effect the purposes thereof.

**Sec. 4.** Insofar as the provisions of this act are inconsistent with the provisions of any general or special laws, or parts thereof, the provisions of this act shall be controlling.

**Sec. 5.** The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this act or of Chapter 131A, as amended, of the General Statutes of North Carolina.

**Sec. 6.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1981.