

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 143
SENATE BILL 13

AN ACT TO SUBJECT NURSING HOME BEDS IN HOSPITALS TO THE
NURSING HOME PATIENTS BILL OF RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130-265(b) is amended by adding the following new language immediately before the period:

", and also means a nursing home operated by a hospital which is licensed under Article 13A of Chapter 131 of the General Statutes".

Sec. 2. G.S. 130-264 is amended by adding the following new language immediately before the period at the end of the first sentence:

", and patients in a nursing home operated by a hospital which is licensed under Article 13A of Chapter 131 of the General Statutes".

Sec. 3. G.S. 130-274 is amended by redesignating the existing section as subsection (a) and adding a new subsection:

"(b) In the case of a nursing home operated by a hospital which is licensed under Article 13A of Chapter 131 of the General Statutes, when the Department of Human Resources finds that there has been a substantial failure to comply with the provisions of this Article, it may issue an order preventing the continued operation of the home.

Such order shall be effected by mailing to the hospital by registered or certified mail, or by personal service of, a notice setting forth the particular reasons for such action. Such order shall become effective 20 days after the mailing of the notice, unless the hospital, within such 20-day period, shall give written notice to the Department of Human Resources requesting a hearing, in which case the order shall be deemed to be suspended. If a hearing has been requested, the hospital shall be given a prompt and fair hearing pursuant to the Administrative Procedure Act. At any time at or prior to the hearing, the Department of Human Resources may rescind the order upon being satisfied that the reasons for the order have been or will be removed."

Sec. 4. G.S. 130-9.5(a) is amended in the first sentence by inserting after the phrase "within the nursing homes in this State" the phrase ", including nursing homes operated by hospitals licensed under Article 13A of Chapter 131 of the General Statutes".

Sec. 5. G.S. 130-9.5(b) is amended in the first sentence by inserting immediately after the phrase "nursing home" the phrase ", including a nursing home operated by a hospital licensed under Article 13A of Chapter 131 of the General Statutes".

Sec. 6. G.S. 130-9.5(b) is further amended at the end of the second sentence of the third paragraph by deleting the period and by substituting the phrase "and of the governing bodies of the hospitals licensed under Article 13A of Chapter 131 of the General Statutes, which operate nursing homes."

Sec. 7. G.S. 130-9.5(b) is further amended in the last sentence of the third paragraph by inserting immediately after the word "administrators" the phrase "and the governing bodies of the hospitals licensed under Article 13A of Chapter 131 of the General Statutes, which operate nursing homes".

Sec. 8. G.S. 130-9.5(c) and (d) are amended by inserting immediately after the word "administrators", wherever it appears, the phrase "and the governing bodies of the hospitals licensed under Article 13A of Chapter 131 of the General Statutes, which operate nursing homes".

Sec. 9. G.S. 130-9.5(d) is further amended at the end by deleting the phrase "after the nursing home administrators' 45-day period for action has expired" and by substituting the phrase "after the 45-day period for action by the nursing home administrators and the governing bodies of the hospitals licensed under Article 13A of Chapter 131 of the General Statutes, which operate nursing homes".

Sec. 10. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 6th day of April, 1983.