

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**SESSION LAW 2009-188  
HOUSE BILL 1271**

AN ACT TO CLARIFY AUTHORITY OF THE SOCIAL SERVICES COMMISSION IN  
SETTING QUALIFICATIONS FOR STAFF OF RESIDENTIAL CHILD CARE  
AGENCIES, RESIDENTIAL MATERNITY CARE AGENCIES, AND CHILD PLACING  
AGENCIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 131D-1 reads as rewritten:

**"§ 131D-1. Licensing of maternity homes.**

(a) The Department of Health and Human Services shall inspect and license all maternity homes established in the State under rules adopted by the Social Services Commission. The Commission shall adopt rules establishing educational ~~requirements~~ requirements, minimum age, relevant experience, and criminal record status for executive directors and staff employed in maternity homes.

(b) Facilities subject to the provisions of this section shall include:

- (1) Institutions or homes maintained for the purpose of receiving pregnant women for care before, during, and after delivery, and
- (2) Institutions or lying-in homes maintained for the purpose of receiving pregnant women for care before and after delivery, when delivery takes place in a licensed hospital."

**SECTION 2.** G.S. 131D-10.5 reads as rewritten:

**"§ 131D-10.5. Powers and duties of the Commission.**

In addition to other powers and duties prescribed by law, the Commission shall exercise the following powers and duties:

- (1) Adopt, amend and repeal rules consistent with the laws of this State and the laws and regulations of the federal government to implement the provisions and purposes of this Article;
- (2) Issue declaratory rulings as may be needed to implement the provisions and purposes of this Article;
- (3) Adopt rules governing procedures to appeal Department decisions pursuant to this Article granting, denying, suspending or revoking licenses;
- (4) Adopt criteria for waiver of licensing rules adopted pursuant to this Article;
- (5) Adopt rules on documenting the use of physical restraint in residential child-care facilities; ~~and~~
- (6) Adopt rules establishing personnel and training requirements related to the use of physical restraints and time-out for staff employed in residential child-care ~~facilities-facilities; and~~
- (7) Adopt rules establishing educational ~~requirements-requirements, minimum age, relevant experience, and criminal record status~~ requirements, minimum age, relevant experience, and criminal record status for executive directors and staff employed by child placing agencies and residential child care facilities."



**SECTION 3.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16<sup>th</sup> day of June,  
2009.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 11:38 a.m. this 26<sup>th</sup> day of June, 2009