§ 131E-109. Penalties.

(a) Any person establishing, conducting, managing, or operating any nursing home without a license is guilty of a Class 3 misdemeanor, and upon conviction is only liable for a fine of not more than five hundred dollars ($500.00) for the first offense and not more than five hundred dollars ($500.00) for each subsequent offense. Each day of a continuing violation after conviction is a separate offense.

(b) Any person acting under the authority of the Department that gives advance notice to an operator of a nursing home of the date or time that the nursing home is to be inspected is guilty of a Class 3 misdemeanor. The inspection of a nursing home for initial licensure is exempt from the prohibition of prior notice. All subsequent inspections shall comply with this subsection.

(c) The Secretary or a designee of the Secretary 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. This suspension remains in effect until the Secretary is satisfied that conditions or circumstances merit the removal of the suspension. This subsection is in addition to the authority to suspend or revoke the license of the home. Any facility wishing to contest a suspension of admissions is entitled to an administrative hearing as provided in the Administrative Procedure Act, Chapter 150B of the General Statutes. The petition for a contested case shall be filed in the Office of Administrative Hearings within 20 days after the Department mails a written notice of suspension of admissions to the facility.

(d) Except as otherwise provided in this Part, any person that violates any provision of this Part, willfully fails to perform any act required by this Part, or willfully performs any act prohibited by this Part is guilty of a Class 1 misdemeanor.

(e) The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1977, c. 656, ss. 1, 2; 1981, c. 667, ss. 1, 2; 1983, c. 775, s. 1; 1991, c. 143, s. 3; c. 761, s. 25; 1993, c. 539, s. 960; 1994, Ex. Sess., c. 24, s. 14(c); 1998-215, s. 78(c); 2021-84, s. 11.)