

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

H.B. 979  
Apr 10, 2025  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10440-MG-132

Short Title: Update Volunteer System/LTC Ombudsman Program. (Public)

Sponsors: Representative Ball.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT UPDATING AND STRENGTHENING THE SYSTEM OF VOLUNTEERS  
3 SUPPORTING THE OFFICE OF STATE LONG-TERM CARE OMBUDSMAN  
4 PROGRAM.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. VOLUNTEER NURSING HOME OMBUDSMAN REPRESENTATIVES**

8 **SECTION 1.** G.S. 131E-101 reads as rewritten:

9 **"§ 131E-101. Definitions.**

10 As used in this Part, unless otherwise specified:

11 ...

12 (3) ~~"Community advisory committee" means a nursing home advisory committee~~  
13 ~~established for the statutory purpose of working to carry out the intent of the~~  
14 ~~Nursing Home Patients' Bill of Rights (Chapter 131E, Article 6, Part 2) in~~  
15 ~~accordance with G.S. 143B-181.1.~~

16 ...

17 (9) "Volunteer nursing home ombudsman representative" means a volunteer  
18 designated by the Office of the State Long-Term Ombudsman in accordance  
19 with G.S. 131E-128 to work toward maintaining the intent of the Nursing  
20 Home Patients' Bill of Rights (Chapter 131E, Article 6, Part 2) within the  
21 nursing homes in this State, including nursing homes operated by hospitals  
22 licensed under Article 5 of this Chapter."

23 **SECTION 2.** G.S. 131E-102(e) reads as rewritten:

24 "(e) In order for a nursing home to maintain its license it shall not intentionally impede  
25 the proper performance of the duties of a lawfully ~~appointed community advisory committee as~~  
26 ~~set forth in G.S. 131E-128(h).~~ designated volunteer ombudsman representative, as set forth in  
27 G.S. 131E-128."

28 **SECTION 3.** G.S. 131E-117(12) reads as rewritten:

29 "(12) To present grievances and recommend changes in policies and services,  
30 personally or through other persons or in combination with others, on the  
31 patient's personal behalf or that of others to the facility's staff, ~~the community~~  
32 ~~advisory committee,~~ a volunteer ombudsman representative designated under  
33 G.S. 131E-128, the administrator, the Department, or other persons or groups  
34 without fear of reprisal, restraint, interference, coercion, or discrimination;"

35 **SECTION 4.** G.S. 131E-128 reads as rewritten:



1 "§ 131E-128. Nursing home advisory committees. Volunteer nursing home ombudsman  
2 representatives.

3 (a) Statement of Purpose. – It is the purpose of the General Assembly that ~~community~~  
4 ~~advisory committee members function as designated volunteer ombudsman representatives of~~  
5 the Office of the State Long-Term Care Ombudsman ~~and through their designation~~ work to  
6 maintain the intent of the Nursing Home Resident's Bill of Rights within the nursing homes in  
7 this State, including nursing homes operated by hospitals licensed under Article 5 of G.S. Chapter  
8 ~~131E. this Chapter.~~ It is the further purpose of the General Assembly that ~~the committees~~  
9 volunteer ombudsman representatives promote community involvement and cooperation with  
10 nursing homes and an integration of these homes into a system of care for the elderly.

11 (b) ~~(1) A community advisory committee shall be established in each county which~~  
12 Nominations and Designation. – Each board of county commissioners that has ~~a~~ at least one  
13 nursing home, home operating in the county, including a nursing home operated by a hospital  
14 licensed under Article 5 of G.S. Chapter 131E, ~~shall serve this Chapter,~~ is encouraged to  
15 nominate volunteer ombudsman representatives who are willing and able to serve all the nursing  
16 homes in the county, county and shall work with each nursing home in for the best interest of the  
17 persons residing in each home. In a county which has one, two, or three nursing homes, the  
18 committee shall have five members. In a county with four or more nursing homes, the committee  
19 shall have one additional member for each nursing home in excess of three, and may have up to  
20 five additional members per committee at the discretion of the county commissioners. residents.  
21 Notwithstanding any other provision of this Article, designation as a volunteer ombudsman  
22 representative is contingent upon designation of the nominee by the Office of the State  
23 Long-Term Care Ombudsman in accordance with G.S. 143B-181.18. A designated volunteer  
24 ombudsman representative is directly accountable to the State Long-Term Care Ombudsman  
25 Program in order to perform the duties as a representative of the Office of the State Long-Term  
26 Care Ombudsman.

27 (2) ~~In each county with four or more nursing homes, the committee shall establish~~  
28 ~~a subcommittee of no more than five members and no fewer than three~~  
29 ~~members from the committee for each nursing home in the county. Each~~  
30 ~~member must serve on at least one subcommittee.~~

31 (3) ~~Boards of county commissioners are encouraged to appoint the Nursing Home~~  
32 ~~Community Advisory Committees. Of the members, a minority (not less than~~  
33 ~~one third, but as close to one third as possible) must be chosen from among~~  
34 ~~persons nominated by a majority of the chief administrators of nursing homes~~  
35 ~~in the county and of the governing bodies of the hospitals licensed under~~  
36 ~~Article 5 of G.S. Chapter 131E, which operate nursing homes. If the nursing~~  
37 ~~home administrators and the governing bodies of the hospitals licensed under~~  
38 ~~Article 5 of G.S. Chapter 131E, which operate nursing homes fail to make a~~  
39 ~~nomination within 45 days after written notification has been sent to them by~~  
40 ~~the board of county commissioners requesting a nomination, these~~  
41 ~~appointments may be made by the board of county commissioners without~~  
42 ~~nominations.~~

43 (4) ~~Notwithstanding any other provision of this Article, appointment to a nursing~~  
44 ~~home community advisory committee is contingent upon designation of the~~  
45 ~~appointee by the Office of the State Long Term Care Ombudsman in~~  
46 ~~accordance with G.S. 143B 181.18. A designated appointee is directly~~  
47 ~~accountable to the State Long Term Care Ombudsman Program in order to~~  
48 ~~perform the duties as a representative of the Office of the State Long Term~~  
49 ~~Care Ombudsman. Removal of the appointee's designation by the Office of~~  
50 ~~the State Long Term Care Ombudsman automatically rescinds the~~  
51 ~~appointment to the nursing home community advisory committee.~~

1           (5)     ~~Any individual who serves as a community advisory committee member must~~  
2           ~~go through the Office of the State Long Term Care Ombudsman's certification~~  
3           ~~and designation process and meet the certification and designation~~  
4           ~~requirements in accordance with the State Long Term Care Ombudsman~~  
5           ~~Program Policies and Procedures.~~

6           (c)     Terms of Office. – ~~Each committee member shall serve an initial term of one year.~~  
7     ~~Any person reappointed to a second or subsequent term in the same county shall serve a~~  
8     ~~three year term. Persons who were originally nominees of nursing home chief administrators and~~  
9     ~~the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which~~  
10    ~~operate nursing homes, or who were appointed by the board of county commissioners when the~~  
11    ~~nursing home administrators and the governing bodies of the hospitals licensed under Article 5~~  
12    ~~of G.S. Chapter 131E, which operate nursing homes failed to make nominations, may not be~~  
13    ~~reappointed without the consent of a majority of the nursing home chief administrators and the~~  
14    ~~governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate~~  
15    ~~nursing homes within the county. If the nursing home chief administrators and the governing~~  
16    ~~bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing~~  
17    ~~homes fail to approve or reject the reappointment within 45 days of being requested by the board~~  
18    ~~of county commissioners, the commissioners may reappoint the member if they so choose.~~  
19    person  
20    designated as a volunteer ombudsman representative by the Office of the State Long-Term Care  
21    Ombudsman may serve for as long as the volunteer ombudsman representative remains in  
22    compliance with training, certification, and other applicable requirements of the Office of the  
23    State Long-Term Care Ombudsman. Removal of the nominee's designation as a volunteer  
24    ombudsman representative by the Office of the State Long-Term Care Ombudsman  
25    automatically rescinds the designation and ends the term of a volunteer ombudsman  
26    representative.

26           (c1)   List of Volunteer Ombudsman Representatives. – The names of all designated  
27    volunteer ombudsman representatives and the dates of expiration of their terms shall be filed with  
28    the Office of the State Long-Term Care Ombudsman, which shall supply a copy of the names of  
29    all volunteer nursing home ombudsman representatives to the Division of Health Service  
30    Regulation.

31           (d)     ~~Any vacancy shall be filled by appointment of a person for a one year term. Any~~  
32    ~~person replacing a member nominated by the chief administrators and the governing bodies of~~  
33    ~~the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes or a~~  
34    ~~person appointed when the chief administrators and the governing bodies of the hospitals licensed~~  
35    ~~under Article 5 of G.S. Chapter 131E, which operate nursing homes failed to make a nomination~~  
36    ~~shall be selected from among persons nominated by the administrators and the governing bodies~~  
37    ~~of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes, as~~  
38    ~~provided in subsection (b). If the county commissioners fail to appoint members to a committee,~~  
39    ~~or fail to fill a vacancy, the appointment shall be made or vacancy filled by the Office of the State~~  
40    ~~Long Term Care Ombudsman no sooner than 45 days after the commissioners have been notified~~  
41    ~~of the appointment or vacancy if nomination or approval of the nursing home administrators and~~  
42    ~~the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which~~  
43    ~~operate nursing homes is not required. If nominations or approval of the nursing home~~  
44    ~~administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter~~  
45    ~~131E, which operate nursing homes is required, the appointment shall be made or vacancy filled~~  
46    ~~by the Office of the State Long Term Care Ombudsman no sooner than 45 days after the~~  
47    ~~commissioners have received the nomination or approval, or no sooner than 45 days after the~~  
48    ~~45 day period for action by the nursing home administrators and the governing bodies of the~~  
49    ~~hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes.~~

50           (e)     The committee shall elect from its members a chair, to serve a one year term.

1 (f) Minimum Qualifications for Designation. – ~~Each member must be person nominated~~  
 2 to serve as a volunteer ombudsman representative under this section is required to meet all of the  
 3 following criteria prior to being designated to serve in this capacity by the Office of the State  
 4 Long-Term Care Ombudsman:

5 (1) Is a resident of the county in which ~~the committee~~ he or she serves. ~~No person~~  
 6 or

7 (2) Does not have a financial interest in any nursing home served by the volunteer  
 8 ombudsman representative and is not an immediate family member of a  
 9 person with a financial interest in a nursing home served by ~~a committee, or~~  
 10 the volunteer.

11 (3) Is not an employee or governing board member or an immediate family  
 12 member of an employee or governing board member of a nursing home served  
 13 by ~~a committee, or the volunteer.~~

14 (4) Is not an immediate family member of a ~~patient resident~~ in a nursing home  
 15 served by ~~a committee may be a member of a committee. Membership on a~~  
 16 committee shall not be considered an office as defined in G.S. 128-1 or  
 17 G.S. 128-1.1. served by the volunteer.

18 (f1) County Commissioners as Volunteers. – Any county commissioner who is appointed  
 19 to the committee as a volunteer ombudsman representative shall be deemed to be serving on the  
 20 committee in an ex officio capacity.

21 (f2) ~~Members of the committee~~ No Compensation for Volunteers. – Volunteer  
 22 ombudsman representatives shall serve without compensation, but may be reimbursed for the  
 23 amount of actual expenses incurred by them in the performance of their duties. ~~The names of the~~  
 24 committee members and the date of expiration of their terms shall be filed with the Office of the  
 25 State Long-Term Care Ombudsman, which shall supply a copy to the Division of Health Service  
 26 Regulation.

27 (g) Training, Certification, and Designation. – The Office of the State Long-Term Care  
 28 Ombudsman shall develop training requirements for certification and designation of volunteer  
 29 ombudsman representatives in accordance with 45 C.F.R. § 1324.13(c)(2). Each ~~committee~~  
 30 member must receive volunteer ombudsman representative shall complete certification training  
 31 as specified by the State Long-Term Care Ombudsman Program Policies and Procedures and be  
 32 designated as ~~representatives~~ a representative of the State Long-Term Care Ombudsman Program  
 33 prior to exercising any power under subsection (h) of this section. The State Long-Term Care  
 34 Ombudsman Program shall provide ~~the committees~~ volunteer ombudsman representatives with  
 35 information, guidelines, training, and consultation to direct them in the performance of their  
 36 duties.

37 (h) Powers, Duties, and Responsibilities. – Volunteer ombudsman representatives have  
 38 the following powers, duties, and responsibilities and nursing homes shall cooperate with them  
 39 in carrying out these powers, duties, and responsibilities:

40 (1) ~~Each committee shall apprise itself~~ volunteer ombudsman representative shall  
 41 apprise himself or herself of the general conditions under which ~~the persons~~  
 42 are residing in the ~~homes,~~ nursing homes in that county and shall work for the  
 43 best interests of the persons in ~~the homes.~~ ~~This~~ those nursing homes, which  
 44 may include assisting ~~persons residents~~ who have ~~grievances~~ a grievance with  
 45 ~~the~~ a nursing home and facilitating the resolution of grievances at the local  
 46 level.

47 (2) ~~Each committee shall quarterly visit the nursing home it serves. For each~~  
 48 official quarterly visit, a majority of the committee members shall be present.  
 49 In addition, each committee may visit the nursing home it serves whenever it  
 50 deems it necessary to carry out its duties. In counties with four or more nursing  
 51 homes, the subcommittee assigned to a home shall perform the duties of the

committee under this subdivision, and a majority of the subcommittee members must be present for any visit.

- (3) ~~Each member of a committee shall have volunteer ombudsman representative~~ has the right to enter into the facility the committee serves any nursing home the volunteer ombudsman representative services, with prior notice to the administrator of the facility, in order to carry out the members' his or her responsibilities. In a county where subcommittees have been established, this right of access shall be limited to homes served by those subcommittees to which the member has been appointed.
- (4) ~~The committee or subcommittee~~ Volunteer ombudsman representatives may communicate through its chair with the Department or any other agency in relation to the interest of any patient-resident. The identity of any complainant or resident involved in a complaint shall not be disclosed except as permitted under the Older Americans Act of 1965, as amended, 42 U.S.C. § 3001 et seq.
- (5) ~~Each home shall cooperate with the committee as it carries out its duties.~~
- (6) ~~Before entering into any nursing home, the committee, subcommittee, or member~~ a volunteer ombudsman representative shall identify itself himself or herself to the person present at the facility who is in charge of the facility at that time.

(i) Privilege. – Any written communication made by a member of a nursing home advisory committee volunteer ombudsman representative within the course and scope of the member's volunteer's duties, as specified in G.S. 131E-128, shall be is privileged to the extent provided in this subsection. All communication shall be considered communications by volunteer ombudsman representatives are the property of the Office of the State Long-Term Care Ombudsman and subject to the Office's disclosure policies. This privilege shall be is a defense in a cause of action for libel if the member volunteer ombudsman representative was acting in good faith and the statements or communications do not amount to intentional wrongdoing.

(j) Waiver of Qualified Immunity. – To the extent that any nursing home advisory committee or any member thereof volunteer ombudsman representative is covered by liability insurance, that committee or member volunteer ombudsman representative shall be deemed to have waived the qualified immunity herein of this subsection to the extent of indemnification by insurance."

## **PART II. VOLUNTEER ADULT CARE HOME OMBUDSMAN REPRESENTATIVES**

**SECTION 5.** G.S. 131D-2.4(e) reads as rewritten:

"(e) In order for an adult care home to maintain its license, it shall not hinder or interfere with the proper performance of duty of a lawfully ~~appointed community advisory committee,~~ designated volunteer ombudsman representative, as defined by G.S. 131D-31 and G.S. 131D-32."

**SECTION 6.** G.S. 131D-31 reads as rewritten:

**"§ 131D-31. Adult care home community advisory committees. Volunteer adult care home ombudsman representatives.**

(a) Statement of Purpose. – It is the intention of the General Assembly that community advisory committee members function as designated volunteer ombudsman representatives of the Office of the State Long-Term Care Ombudsman and through their designation work to maintain the intent of the Adult Care Home Residents' Bill of Rights within the licensed adult care homes in this State. It is the further intent of the General Assembly that the committees volunteer ombudsman representatives promote community involvement and cooperation with adult care homes to ensure quality care for the elderly and adults with disabilities.

(b) Establishment and Appointment of Committees. Nomination and Designation. – Each board of county commissioners that has at least one licensed adult care home operating in the

1 county is encouraged to nominate volunteer ombudsman representatives who are willing and able  
2 to serve all the adult care homes in the county, and work with each of the adult care homes for  
3 the best interests of the residents. Notwithstanding any other provision of this Article, designation  
4 as a volunteer ombudsman representative is contingent upon designation of the nominee by the  
5 Office of the State Long-Term Care Ombudsman in accordance with G.S. 143B-181.18. A  
6 designated volunteer ombudsman representative is directly accountable to the State Long-Term  
7 Care Ombudsman Program in order to perform the duties of a representative of the Office of the  
8 State Long-Term Care Ombudsman.

9 (1) ~~A community advisory committee shall be established in each county that has~~  
10 ~~at least one licensed adult care home, shall serve all the homes in the county,~~  
11 ~~and shall work with each of these homes for the best interests of the residents.~~  
12 ~~In a county that has one, two, or three adult care homes with 10 or more beds,~~  
13 ~~the committee shall have five members.~~

14 (2) ~~In a county with four or more adult care homes with 10 or more beds, the~~  
15 ~~committee shall have one additional member for each adult care home with~~  
16 ~~10 or more beds in excess of three, and may have up to five additional~~  
17 ~~members at the discretion of the county commissioners, not to exceed a~~  
18 ~~maximum of 25 members. In each county with four or more adult care homes~~  
19 ~~with 10 or more beds, the committee shall establish a subcommittee of no~~  
20 ~~more than five members and no fewer than three members from the committee~~  
21 ~~for each adult care home in the county. Each member must serve on at least~~  
22 ~~one subcommittee.~~

23 (3) ~~In counties with no adult care homes with 10 or more beds, the committee~~  
24 ~~shall have five members. Regardless of how many members a particular~~  
25 ~~community advisory committee is required to have, at least one member of~~  
26 ~~each committee shall be a person involved in the area of intellectual or other~~  
27 ~~developmental disabilities.~~

28 (4) ~~The boards of county commissioners are encouraged to appoint the adult care~~  
29 ~~home community advisory committees. Of the members, a minority (not less~~  
30 ~~than one third, but as close to one third as possible) shall be chosen from~~  
31 ~~among persons nominated by a majority of the chief administrators of adult~~  
32 ~~care homes in the county. If the adult care home administrators fail to make a~~  
33 ~~nomination within 45 days after written notification has been sent to them~~  
34 ~~requesting a nomination, these appointments may be made without~~  
35 ~~nominations. If the county commissioners fail to appoint members to a~~  
36 ~~committee, the appointments shall be made by the Office of the State~~  
37 ~~Long-Term Care Ombudsman no sooner than 45 days after nominations have~~  
38 ~~been requested from the adult care home administrators. In making~~  
39 ~~appointments, the Office of the State Long-Term Care Ombudsman shall~~  
40 ~~follow the same appointment process as that specified for the county~~  
41 ~~commissioners.~~

42 (5) ~~Notwithstanding any other provision of this Article, appointment to an adult~~  
43 ~~care home community advisory committee is contingent upon designation of~~  
44 ~~the appointee by the Office of the State Long-Term Care Ombudsman in~~  
45 ~~accordance with G.S. 143B-181.18. A designated appointee is directly~~  
46 ~~accountable to the State Long-Term Care Ombudsman Program in order to~~  
47 ~~perform the duties as a representative of the Office of the State Long-Term~~  
48 ~~Care Ombudsman. Removal of the appointee's designation by the Office of~~  
49 ~~the State Long-Term Care Ombudsman automatically reseinds the~~  
50 ~~appointment to the adult care home community advisory committee.~~

1           (6) ~~Any individual who serves as a community advisory committee member must~~  
2           ~~go through the Office of the State Long-Term Care Ombudsman's certification~~  
3           ~~and designation process and meet the certification and designation~~  
4           ~~requirements in accordance with the State Long-Term Care Ombudsman~~  
5           ~~Program Policies and Procedures.~~

6           (c) ~~Joint Nursing and Adult Care Home Community Advisory Committees. Volunteer~~  
7           ~~Ombudsman Representatives. – Appointment to the nursing home community advisory~~  
8           ~~committees shall preclude appointment to the adult care home community advisory committees~~  
9           ~~except where Designation as a volunteer ombudsman representative under G.S. 131E-128~~  
10           ~~precludes designation as a volunteer ombudsman representative under this section, unless the~~  
11           ~~Office of the State Long-Term Care Ombudsman provides written approval to combine these~~  
12           ~~committees is obtained from the Office of the State Long-Term Care Ombudsman. Where this~~  
13           ~~approval is obtained, the joint nursing and adult care home community advisory committee shall~~  
14           ~~have the membership required of nursing home community advisory committees and one~~  
15           ~~additional member for each adult care home with 10 or more beds licensed in the county. In~~  
16           ~~counties with no adult care homes with 10 or more beds, there shall be one additional member~~  
17           ~~for every four other types of adult care homes in the county. In no case shall the number of~~  
18           ~~members on the joint nursing and adult care home community advisory committee exceed 25.~~  
19           ~~Each member volunteer functions. Upon approval by the Office of the State Long-Term Care~~  
20           ~~Ombudsman, any person appointed as a joint nursing and adult care home volunteer ombudsman~~  
21           ~~representative shall exercise the their statutory rights and responsibilities of with respect to both~~  
22           ~~nursing home community advisory committees and adult care home community advisory~~  
23           ~~committees. In making appointments to this joint committee, the county commissioners shall~~  
24           ~~solicit nominations from both nursing and adult care home administrators for the appointment of~~  
25           ~~approximately (but no more than) one third of the members.homes and adult care homes.~~

26           (c1) List of Volunteer Ombudsman Representatives. – The names of all designated  
27           volunteer ombudsman representatives and joint nursing and adult care home volunteer  
28           ombudsman representatives and the dates of expiration of their terms shall be filed with the  
29           Office of the State Long-Term Care Ombudsman, which shall supply a copy of the names of all  
30           volunteer ombudsman representatives and joint nursing and adult care home volunteer  
31           ombudsman representatives to the Division of Health Service Regulation.

32           (d) ~~Terms of Office. – Each committee member shall serve an initial term of one year.~~  
33           ~~Any person reappointed to a second or subsequent term in the same county shall serve a two or~~  
34           ~~three year term at the county commissioners' discretion to ensure staggered terms of~~  
35           ~~office.volunteer ombudsman representative shall serve for as long as the volunteer ombudsman~~  
36           ~~representative remains in compliance with training, certification, and other applicable~~  
37           ~~requirements of the Office of the State Long-Term Care Ombudsman. Removal of the nominee's~~  
38           ~~designation as a volunteer ombudsman representative by the Office of the State Long-Term Care~~  
39           ~~Ombudsman automatically rescinds the designation and ends the term of a volunteer ombudsman~~  
40           ~~representative.~~

41           (e) ~~Vacancies. – Any vacancy shall be filled by appointment of a person for a one year~~  
42           ~~term. If this vacancy is in a position filled by an appointee nominated by the chief administrators~~  
43           ~~of adult care homes within the county, then the county commissioners shall fill the vacancy from~~  
44           ~~persons nominated by a majority of the chief administrators. If the adult care home administrators~~  
45           ~~fail to make a nomination by registered mail within 45 days after written notification has been~~  
46           ~~sent to them requesting a nomination, this appointment may be made without nominations. If the~~  
47           ~~county commissioners fail to fill a vacancy, the vacancy shall be filled by the Office of the State~~  
48           ~~Long-Term Care Ombudsman no sooner than 45 days after the commissioners have been notified~~  
49           ~~of the appointment or vacancy.~~

50           (f) ~~Officers. – The committee shall elect from its members a chair, to serve a one year~~  
51           ~~term.~~

1 (g) Minimum Qualifications for ~~Appointment. Designation.~~ – Each member must be  
 2 nominee is required to meet all of the following criteria prior to being designated as a volunteer  
 3 ombudsman representative by the Office of the State Long-Term Care Ombudsman:

4 (1) Is a resident of the county ~~which the committee~~ where he or she serves. ~~No~~  
 5 person or

6 (2) Does not have a financial interest in any adult care home served by the  
 7 volunteer ombudsman representative and does not have an immediate family  
 8 member of a person with a financial interest in a home served by the  
 9 committee, or volunteer ombudsman representative.

10 (3) Is not an employee or governing board member of a home served by the  
 11 committee, or volunteer ombudsman representative.

12 (4) Is not an immediate family member of a resident in a home served by the  
 13 committee may be a member of that committee. ~~volunteer ombudsman~~  
 14 representative.

15 (g1) County Commissioner Volunteers. – Any county commissioner who is appointed to  
 16 the committee serves on the committee designated as a volunteer ombudsman representative shall  
 17 serve in an ex officio capacity. ~~Members of the committee~~

18 (g2) No Compensation for Volunteers. – Volunteer ombudsman representatives shall serve  
 19 without compensation, but may be reimbursed for actual expenses incurred by them in the  
 20 performance of their duties. ~~The names of the committee members and the date of expiration of~~  
 21 their terms shall be filed with the Office of the State Long-Term Care Ombudsman.

22 (h) Training, Certification, and Designation. – The Office of the State Long-Term Care  
 23 Ombudsman shall develop training requirements for certification and designation of volunteer  
 24 ombudsman representatives in accordance with 45 C.F.R. § 1324.13(c)(2). Each ~~committee~~  
 25 member must receive volunteer ombudsman representative is required to complete certification  
 26 training as specified by the State Long-Term Care Ombudsman Program Policies and Procedures  
 27 and be designated as ~~representatives~~ a representative of the State Long-Term Care Ombudsman  
 28 Program prior to exercising any power under G.S. 131D-32. The State Long-Term Care  
 29 Ombudsman Program shall provide ~~the committees~~ volunteer ombudsman representatives with  
 30 information, guidelines, training, and consultation to direct them in the performance of their  
 31 duties.

32 (i) Privilege. – Any written communication made by a ~~member of an adult care home~~  
 33 advisory committee ~~volunteer ombudsman representative~~ within the course and scope of the  
 34 member's ~~volunteer's~~ duties, as specified in G.S. 131D-32, is privileged to the extent provided in  
 35 this subsection. All ~~communication is~~ communications by volunteer ombudsman representatives  
 36 are the property of the Office of the State Long-Term Care Ombudsman and ~~is~~ are subject to the  
 37 Office's disclosure policies. This privilege is a defense in a cause of action for libel if the ~~member~~  
 38 volunteer ombudsman representative was acting in good faith and ~~the~~ his or her statements and  
 39 communications do not amount to intentional wrongdoing.

40 (j) Waiver of Qualified Immunity. – To the extent that any ~~adult care home advisory~~  
 41 committee or any member ~~volunteer ombudsman representative~~ is covered by liability insurance,  
 42 that ~~committee or member~~ volunteer shall be deemed to have waived the qualified immunity  
 43 provided in this subsection to the extent of indemnification by insurance."

44 **SECTION 7.** G.S. 131D-32 reads as rewritten:

45 "**§ 131D-32. Functions of volunteer adult care home ~~community advisory~~**  
 46 **committees, ombudsman representatives.**

47 (a) The committee shall serve as the nucleus for Volunteer adult care home ombudsman  
 48 representatives shall promote increased community involvement with adult care homes and their  
 49 residents.

50 (b) The committee Volunteer adult care home ombudsman representatives shall promote  
 51 community education and awareness of the needs of aging and disabled persons who reside in



1 adult care homes, and shall work towards keeping the public informed about aspects of long-term  
2 care and the operation of adult care homes in North Carolina.

3 ~~(e) The committee shall develop and recruit volunteer resources to enhance the quality  
4 of life for adult care home residents.~~

5 ~~(d) The committee~~ Volunteer adult care home ombudsman representatives shall establish  
6 linkages with the adult care home administrators and the county department of social services for  
7 the purpose of maintaining the intent of the Adult Care Home Residents' Bill of Rights.

8 ~~(e) Each committee~~ Volunteer adult care home ombudsman representatives shall apprise  
9 ~~itself themselves~~ of the general conditions under which the persons are residing in the homes,  
10 and shall work for the best interests of the persons in the homes. This may include assisting  
11 persons who have grievances with the home and facilitating the resolution of grievances at the  
12 local level. The identity of any complainant or resident involved in a complaint shall not be  
13 disclosed except as permitted under the Older Americans Act of 1965, as amended, 42 U.S.C. §  
14 3001 et seq. ~~The committee~~ Volunteer adult care home ombudsman representatives shall notify  
15 the enforcement agency of all verified violations of the Adult Care Home Residents' Bill of  
16 Rights.

17 ~~(f) The committee or subcommittee~~ Volunteer adult care home ombudsman  
18 representatives may communicate ~~through the committee chair~~ with the Department of Health  
19 and Human Services, the county department of social services, or any other agency in relation to  
20 the interest of any resident.

21 ~~(g) Each committee shall quarterly visit the adult care homes with 10 or more beds it  
22 serves. For each official quarterly visit, a majority of the committee members shall be present. A  
23 minimum of three members of the committee shall make at least one visit annually to each other  
24 type of adult care home licensed in the county. In addition, each committee may visit the adult  
25 care homes it serves whenever it deems it necessary to carry out its duties. In counties with  
26 subcommittees, the subcommittee assigned to a home shall perform the duties of the committee  
27 under this subsection, and a majority of the subcommittee members must be present for any visit.  
28 When visits are made to group homes for developmentally disabled adults, rules concerning  
29 confidentiality as adopted by the Commission for Mental Health, Developmental Disabilities,  
30 and Substance Abuse Services shall apply.~~

31 ~~(h) The individual members of the committee shall~~ With prior notice to the administrator  
32 of an adult care home, volunteer ombudsman representatives have the right ~~between 10:00 a.m.~~  
33 ~~and 8:00 p.m.~~ to enter the a facility the committee he or she serves in order whenever the  
34 volunteer ombudsman representative deems it necessary to carry out the members' his or her  
35 responsibilities. In a county where subcommittees have been established, this right of access shall  
36 be limited to members of the subcommittee which serves that home. A majority of the committee  
37 or subcommittee members shall be present to enter the facility at other hours. Before entering  
38 any adult care home, the committee or members of the committee shall identify themselves  
39 volunteer ombudsman representative shall identify himself or herself to the person present at the  
40 facility who is in charge of the facility at that time. When a volunteer ombudsman representative  
41 visits a group home for developmentally disabled adults, rules concerning confidentiality as  
42 adopted by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse  
43 Services apply.

44 ~~(i) The committee~~ volunteer ombudsman representative shall prepare reports as required  
45 by the Department of Health and Human Services containing an appraisal of the problems of  
46 adult care homes facilities as well as issues affecting long-term care in general. Copies of the  
47 report shall be sent to the board of county commissioners, county department of social services  
48 and the Division of Aging.

49 ~~(j) Nothing contained in this section shall be construed to require the expenditure of any~~  
50 ~~county funds to carry out the provisions in this section."~~

51

1 **PART III. CONFORMING CHANGES**

2 **SECTION 8.** G.S. 143B-181.18 reads as rewritten:

3 "**§ 143B-181.18. Office of State Long-Term Care Ombudsman Program/State Ombudsman**  
4 **duties.**

5 The State Ombudsman shall perform the duties provided below:

6 ...

7 (3b) Designate and refuse, suspend, or remove designation of volunteer  
8 representatives of the Office of the State Long-Term Care Ombudsman,  
9 including any ~~community advisory committee appointees, volunteer~~  
10 ombudsman representatives designated under G.S. 131E-128 or  
11 G.S. 131D-31 in accordance with the State Long-Term Care Ombudsman  
12 Program Policies and Procedures.

13 ...."

14 **SECTION 9.** G.S. 143-157.1(2) and (21) are repealed.

15  
16 **PART IV. EFFECTIVE DATE**

17 **SECTION 10.** This act becomes effective October 1, 2025.