

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 174  
Second Edition Engrossed 2/27/89

Short Title: Nursing Home Patient's Rights.

(Public)

Sponsors: Representatives Easterling; Stamey, Kennedy, Buchanan, Wisner, and Flaherty.

Referred to: Human Resources.

February 7, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR NURSING HOME PATIENT'S RIGHT TO  
3 NOTIFICATION WHEN THE FACILITY'S LICENSE IS REVOKED OR MADE  
4 PROVISIONAL.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 131E-117 reads as rewritten:

7 "**§ 131E-117. Declaration of patient's rights.**

8 All facilities shall treat their patients in accordance with the provisions of this Part.  
9 Every patient shall have the following rights:

- 10 (1) To be treated with consideration, respect, and full recognition of  
11 personal dignity and individuality;
- 12 (2) To receive care, treatment and services which are adequate,  
13 appropriate, and in compliance with relevant federal and State statutes  
14 and rules;
- 15 (3) To receive at the time of admission and during the stay, a written  
16 statement of the services provided by the facility, including those  
17 required to be offered on an as-needed basis, and of related charges.  
18 Charges for services not covered under Medicare or Medicaid shall be  
19 specified. Upon receiving this statement, the patient shall sign a  
20 written receipt which must be on file in the facility and available for  
21 inspection;

- 1 (4) To have on file in the patient's record a written or verbal order of the  
2 attending physician containing any information as the attending  
3 physician deems appropriate or necessary, together with the proposed  
4 schedule of medical treatment. The patient shall give prior informed  
5 consent to participation in experimental research. Written evidence of  
6 compliance with this subdivision, including signed acknowledgements  
7 by the patient, shall be retained by the facility in the patient's file;
- 8 (5) To receive respect and privacy in the patient's medical care program.  
9 Case discussion, consultation, examination, and treatment shall remain  
10 confidential and shall be conducted discreetly. Personal and medical  
11 records shall be confidential and the written consent of the patient shall  
12 be obtained for their release to any individual, other than family  
13 members, except as needed in case of the patient's transfer to another  
14 health care institution or as required by law or third party payment  
15 contract;
- 16 (6) To be free from mental and physical abuse and, except in emergencies,  
17 to be free from chemical and physical restraints unless authorized for a  
18 specified period of time by a physician according to clear and  
19 indicated medical need;
- 20 (7) To receive from the administrator or staff of the facility a reasonable  
21 response to all requests;
- 22 (8) To associate and communicate privately and without restriction with  
23 persons and groups of the patient's choice on the patient's initiative or  
24 that of the persons or groups at any reasonable hour; to send and  
25 receive mail promptly and unopened, unless the patient is unable to  
26 open and read personal mail; to have access at any reasonable hour to a  
27 telephone where the patient may speak privately; and to have access to  
28 writing instruments, stationery, and postage;
- 29 (9) To manage the patient's financial affairs unless authority has been  
30 delegated to another pursuant to a power of attorney, or written  
31 agreement, or some other person or agency has been appointed for this  
32 purpose pursuant to law. Nothing shall prevent the patient and facility  
33 from entering a written agreement for the facility to manage the  
34 patient's financial affairs. In the event that the facility manages the  
35 patient's financial affairs, it shall have an accounting available for  
36 inspection and shall furnish the patient with a quarterly statement of  
37 the patient's account. The patient shall have reasonable access to this  
38 account at reasonable hours; the patient or facility may terminate the  
39 agreement for the facility to manage the patient's financial affairs at  
40 any time upon five days' notice.
- 41 (10) To enjoy privacy in visits by the patient's spouse, and, if both are  
42 inpatients of the facility, they shall be afforded the opportunity where  
43 feasible to share a room;
- 44 (11) To enjoy privacy in the patient's room;

- 1 (12) To present grievances and recommend changes in policies and  
2 services, personally or through other persons or in combination with  
3 others, on the patient's personal behalf or that of others to the facility's  
4 staff, the community advisory committee, the administrator, the  
5 Department, or other persons or groups without fear of reprisal,  
6 restraint, interference, coercion, or discrimination;
- 7 (13) To not be required to perform services for the facility without personal  
8 consent and the written approval of the attending physician;
- 9 (14) To retain, to secure storage for, and to use personal clothing and  
10 possessions, where reasonable;
- 11 (15) To not be transferred or discharged from a facility except for medical  
12 reasons, the patient's own or other patients' welfare, nonpayment for  
13 the stay, or when the transfer or discharge is mandated under Title  
14 XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act.  
15 The patient shall be given at least five days' advance notice to ensure  
16 orderly transfer or discharge, unless the attending physician orders  
17 immediate transfer, and these actions, and the reasons for them, shall  
18 be documented in the patient's medical record.
- 19 (16) To be notified when the facility is issued a provisional license or  
20 notice of revocation of license by the North Carolina Department of  
21 Human Resources and the basis on which the provisional license or  
22 notice of revocation of license was issued. The patient's responsible  
23 family member or guardian shall also be notified."
- 24 Sec. 2. This act is effective on October 1, 1989, and shall not apply to  
25 pending litigation.