

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 556
HOUSE BILL 76

AN ACT TO ESTABLISH THE MEMBERSHIP AND REVIEW AUTHORITY OF
THE NURSING HOME/REST HOME PENALTY REVIEW COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131D-34(h) reads as rewritten:

"(h) The Secretary shall establish a penalty review committee within the ~~Department.~~ Department, which shall review administrative penalties assessed pursuant to this section and pursuant to G.S. 131E-129. The Penalty Review Committee shall not review penalty recommendations agreed to by the Department and the long-term care facility for Type B violations except those violations that have been previously cited against the long-term care facility during the previous 12 months or within the time period of the previous licensure inspection, whichever time period is longer. The Secretary shall ensure that the Nursing Home/Rest Home Penalty Review Committee established by this subsection is comprised of nine members. At least one member shall be appointed from each of the following categories:

- (1) A licensed pharmacist;
- (2) A registered nurse experienced in long-term care;
- (3) A representative of a nursing home;
- (4) A representative of a domiciliary home; and
- (5) A public member.

Neither the pharmacist, nurse, nor public member appointed under this subsection nor any member of their immediate families shall be employed by or own any interest in a nursing home or domiciliary home.

Each member of the Committee shall serve a term of two years. The initial terms of the members shall commence on the 30th day following ratification of this act. The Secretary shall fill all vacancies. Unexcused absences from three consecutive meetings constitute resignation from the Committee."

Sec. 2. G.S. 131E-129 is amended by adding a new subsection to read as follows:

"(g) The penalty review committee established pursuant to G.S. 131D-34(h) shall review administrative penalties assessed pursuant to this section, provided, however, that the Penalty Review Committee shall not review penalty recommendations agreed to by the Department and the long-term care facility for Type B violations except those violations that have been previously cited against the long-term care facility during the previous 12 months, or within the time period of the previous licensure inspection, whichever time period is longer."

Sec. 3. This act is effective upon ratification.
In the General Assembly read three times and ratified this the 4th day of July,

1989.