

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 740  
Committee Substitute Favorable 6/14/93

Short Title: Nursing Home Penalty Comm. Change.

(Public)

Sponsors:

Referred to:

April 5, 1993

A BILL TO BE ENTITLED

AN ACT TO ADD A RELATIVE OF A NURSING HOME PATIENT AND A  
RELATIVE OF A REST HOME PATIENT TO THE NURSING 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, which shall review administrative penalties assessed pursuant to this section and pursuant to G.S. 131E-129. The Secretary shall ensure that departmental staff review of local departments of social services' penalty recommendations along with prepared staff recommendations for the penalty review committee are completed within 60 days of receipt by the Department of the local recommendations. 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~~11 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;

- 1 (4) A representative of a domiciliary home; ~~and~~  
2 (5) A public ~~member~~-member;  
3 (6) A public member who is a 'near' relative of a nursing home patient,  
4 chosen from a list prepared by the Office of State Long-Term Care  
5 Ombudsman, Division of Aging, Department of Human Resources.  
6 For purposes of this subdivision, a 'near' relative is a spouse, sibling,  
7 parent, child, grandparent, or grandchild; and  
8 (7) A public member who is a 'near' relative of a rest home patient, chosen  
9 from a list prepared by the Office of State Long-Term Care  
10 Ombudsman, Division of Aging, Department of Human Resources.  
11 For purposes of this subdivision, a 'near' relative is a spouse, sibling,  
12 parent, child, grandparent, or grandchild.

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

16 Each member of the Committee shall serve a term of two years. The initial terms of  
17 the members shall commence on August 3, 1989. The Secretary shall fill all vacancies.  
18 Unexcused absences from three consecutive meetings constitute resignation from the  
19 Committee."

20 Sec. 2. Notwithstanding the term limitations of G.S. 131D-34(h), the persons  
21 appointed to fill the membership positions created by this act shall serve until August 3,  
22 1995.

23 Sec. 3. This act is effective upon ratification.