

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-316
HOUSE BILL 1187**

AN ACT TO MAKE TECHNICAL CHANGES TO THE HEALTH STATUTES
PERTAINING TO HEALTH CARE PERSONNEL AND HEALTH CARE FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 131E-256(i) reads as rewritten:

"§ 131E-256. Health Care Personnel Registry.

...
(i) In the case of a finding of neglect under subdivision (1) of subsection (a) of this section, the Department shall establish a procedure to permit health care personnel to petition the Department to have his or her name removed from the registry upon a determination that:

- (1) The employment and personal history of the ~~nurse-aid~~ health care personnel does not reflect a pattern of abusive behavior or neglect;
- (1a) The health care personnel's name was added to the registry for a single finding of neglect;
- (2) The neglect involved in the original finding was a singular occurrence; and
- (3) The petition for removal is submitted after the expiration of the one-year period which began on the date the petitioner's name was added to the registry under subdivision (1) of subsection (a) of this section.

...."

SECTION 1.(b) G.S. 131E-256 is amended by adding a new subsection to read:

"(j) Removal of a finding of neglect from the registry under this section may occur only once with respect to any person."

SECTION 2. G.S. 131E-256 is amended by adding two new subsections, new subsection (g1) after subsection (g) and new subsection (i1) after subsection (i), to read:

"(g1) Health care facilities defined in subsection (b) of this section are permitted to provide confidential or other identifying information to the Health Care Personnel Registry, including social security numbers, taxpayer identification numbers, parent's legal surname prior to marriage, and dates of birth, for verifying the identity of accused health care personnel. Confidential or other identifying information received by the Health Care Personnel Registry is not a public record under Chapter 132 of the General Statutes.

(i1) Health care personnel who wish to contest a decision by the Department to deny a removal of a single finding of neglect from the Health Care Personnel Registry under subdivision (1a) of subsection (i) of this section are entitled to an administrative hearing under Chapter 150B of the General Statutes. A petition for a contested case hearing shall be filed within 30 days of the mailing of the written notice of the Department's denial of a removal of a finding of neglect."



SECTION 3. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 9th day of July, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 5:39 p.m. this 17th day of July, 2009