

May 9, 2000

S 1179. HEALTH CARE REGISTRY REPORTS. TO STANDARDIZE REPORTING REQUIREMENTS FOR HEALTH CARE PERSONNEL REGISTRY, AND TO ALLOW ADVERSE ACTION ON A FACILITY LICENSE FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS. Amends GS 131E-256(g) to require health care facilities to notify Dep't of Health and Human Services of all allegations against health care personnel that appear to be related to specified acts. The facility must investigate all alleged acts and must prevent further potential acts while the investigation is in progress. Results of all investigations must be reported to the Dep't within five working days of the initial notification to the Dep't. Creates GS 131E-256.1 to allow the Dep't to suspend, cancel, or amend a license when a facility has substantially failed to comply with applicable statute or rules. Effective October 1, 2000.

Intro. by Rand.

Ref. to Health Care	GS 131E

May 31, 2000

S 1179. HEALTH CARE REGISTRY REPORTS. Intro. 5/9/00. Senate committee substitute makes the following changes to 1st edition. Changes title of bill to read: "PERTAINING TO REPORTING REQUIREMENTS FOR THE HEALTH CARE PERSONNEL REGISTRY; IMPOSING PENALTIES FOR VIOLATIONS OF LICENSING AND OTHER REQUIREMENTS FOR CERTAIN MENTAL HEALTH FACILITIES; AND AUTHORIZING THE ADOPTION OF CERTAIN TEMPORARY AND PERMANENT RULES TO IMPLEMENT REQUIREMENTS FOR CERTAIN MENTAL HEALTH FACILITIES." Retains provisions in original bill, but changes GS 131E-256(g) to require health care facilities to "make every effort" to protect residents from harm while investigations are in progress. Adds new GS 112C-23(g) authorizing Sec'y of the Dep't of Health and Human Services (DHHS) to suspend admission of new clients to a mental health, developmental disabilities, or substance abuse facility where conditions are detrimental to clients' health or safety, and allowing facility to contest such a suspension pursuant to GS Ch. 150B by filing a petition for a contested case within 20 days after the Dep't mails notice of suspension.

Adds new GS 122C-24.1, relating to licensure of mental health facilities which: (1) requires DHHS to impose an administrative penalty on any facility that is found in violation of applicable laws or regulations; (2) establishes two levels of violations—those that cause or create substantial risk of death or serious physical harm (Type A) and those that do not (Type B); (3) requires that Type A violations be abated or eliminated immediately and that DHHS require a plan of correction for all violations; (4) sets out procedures for DHHS response to Type A violations; (5) specifies required penalties, ranging from \$250 to \$10,000 for Type A violations (or treble the amount assessed if facility under same management, ownership, or control has received a citation and paid a penalty for violating the same statutory or regulatory provision during the previous 12 months), and daily penalties of up to \$500 (Type A) or up to \$200 (Type B) for a facility's failure to correct a violation as provided in a correction plan; (6) sets out factors DHHS must consider in determining amount of an initial penalty, and requires written findings regarding them; (7) requires DHHS to impose a civil penalty on any facility that refuses to allow a DHHS representative to inspect the facility's premises and records; (8) allows facility to contest a penalty under GS Ch. 150B by filing a petition for a contested case within 30 days after DHHS mails a notice of the penalty, and sets out specific issues to be addressed at the administrative hearing; (9) authorizes Sec'y to bring a civil action in superior court where the violation occurred to recover administrative penalties when a facility does not pay a penalty within specified time periods; (10) authorizes Sec'y, in limited circumstances, to order a facility to provide staff training, in lieu of assessing a penalty; and (11) prohibits renewal of a facility's license if outstanding fines and penalties have not been paid and an appeal is not pending. Rewrites GS 112C-26 to authorize the Comm'n for Mental Health, Developmental Disabilities, and Substance Abuse Services to adopt rules, including temporary rules, applicable to licensed facilities establishing (1) personnel requirements of staff; (2) qualifications of facility administrators or directors; (4) requirements for death

reporting; and (4) requirements for patient advocates. Act becomes effective October 1, 2000, except provisions relating to the Comm'n's rule-making powers are effective when they become law.