

April 8, 2009

**H 1239. LONG-TERM CARE FACILITIES/DRUG TESTING.** Filed 4/8/09. *TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES.* Adds new GS 131D-45 and GS 131E-114.4 as title indicates.

Adds GS 131D-45 (part of adult care home licensing statutes) to make an offer of employment by a licensed adult care home conditioned upon the applicant's consent to an exam and screening for controlled substances. If test is positive, then the home may not employ the applicant until the applicant provides verification from a physician that every controlled substance identified has been prescribed. Sets forth the information that must be included in the physician's verification. Also allows such a home to require random drug testing as a condition of continued employment. Provides that if the home has reasonable grounds to believe that the employee is an abuser of a controlled substance, the home may require testing as a condition of continued employment.

Protects home officers and employees from liability for the failure to employ or the dismissal of someone on the basis of the testing if it is done in good faith. Protects those administering tests from liability if tests done in conformity with GS Chapter 95, Article 20. Makes test results confidential and provides that they are not public records.

Makes changes to GS 131E-114.4 to apply essentially the same requirements to nursing homes licensed under GS Chapter 131E.

Effective October 1, 2009.

**Intro. by Sager.**

GS 131D, 131E