

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1187
PROPOSED SENATE COMMITTEE SUBSTITUTE H1187-PCS80475-RD-70

Short Title: DHHS Technical Changes/Health Care Personnel.

(Public)

Sponsors:

Referred to:

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CHANGES TO THE HEALTH STATUTES
3 PERTAINING TO HEALTH CARE PERSONNEL AND HEALTH CARE FACILITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 131E-256(i) reads as rewritten:
6 "**§ 131E-256. Health Care Personnel Registry.**

7 ...
8 (i) In the case of a finding of neglect under subdivision (1) of subsection (a) of this
9 section, the Department shall establish a procedure to permit health care personnel to petition
10 the Department to have his or her name removed from the registry upon a determination that:

- 11 (1) The employment and personal history of the ~~nurse~~ health care personnel
12 does not reflect a pattern of abusive behavior or neglect;
13 (1a) The health care personnel's name was added to the registry for a single
14 finding of neglect;
15 (2) The neglect involved in the original finding was a singular occurrence; and
16 (3) The petition for removal is submitted after the expiration of the one-year
17 period which began on the date the petitioner's name was added to the
18 registry under subdivision (1) of subsection (a) of this section.

19"
20 **SECTION 1.(b)** G.S. 131E-256 is amended by adding a new subsection to read:
21 "**(j)** Removal of a finding of neglect from the registry under this section may occur only
22 once with respect to any person."

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

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

31 **(i1)** Health care personnel who wish to contest a decision by the Department to deny a
32 removal of a single finding of neglect from the Health Care Personnel Registry under
33 subdivision (1a) of subsection (i) of this section are entitled to an administrative hearing under
34 Chapter 150B of the General Statutes. A petition for a contested case hearing shall be filed



1 within 30 days of the mailing of the written notice of the Department's denial of a removal of a
2 finding of neglect."

3 **SECTION 3.** This act is effective when it becomes law.