

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 667  
Committee Substitute Favorable 4/22/15  
PROPOSED SENATE COMMITTEE SUBSTITUTE H667-PCS10549-SH-74

Short Title: Facility Penalty & Remedy/Electron. Supervise.

(Public)

Sponsors:

Referred to:

April 14, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND PENALTIES AND REMEDIES FOR FACILITIES LICENSED TO CARE FOR THE MENTALLY ILL, DEVELOPMENTALLY DISABLED, OR SUBSTANCE ABUSERS AND FOR ADULT CARE HOME FACILITIES AND TO REMOVE THE SUNSET FOR THE PILOT PROGRAM TO STUDY THE USE OF ELECTRONIC SUPERVISION DEVICES IN CERTAIN FACILITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 122C-24.1 reads as rewritten:

**"§ 122C-24.1. Penalties; remedies.**

(a) Violation Classification and Penalties. – The Department of Health and Human Services shall impose an administrative penalty in accordance with provisions of this Article on any facility licensed under this Article which is found to be in violation of Article 2 or 3 of this Chapter or applicable State and federal laws and regulations. Citations for violations shall be classified and penalties assessed according to the nature of the violation as follows:

(1) "Type A1 Violation" means a violation by a facility of the regulations, standards, and requirements set forth in Article 2 or 3 of this Chapter or applicable State or federal laws and regulations governing the licensure or certification of a facility which results in death or serious physical harm, abuse, neglect, or exploitation. The person making the findings shall do the following:

- a. Orally and immediately inform the facility of the Type A1 Violation and the specific findings.
- a1. Require a written plan of protection regarding how the facility will immediately abate the Type A1 Violation in order to protect clients from further risk or additional harm.
- b. Within 15 working days of the investigation, send a report of the findings to the facility.
- c. Require a plan of correction to be submitted to the Department, based on a written report of the findings, that describes steps the facility will take to achieve and maintain compliance.

The Department shall impose a civil penalty in an amount not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000) for each Type A1 Violation in facilities or programs that serve six or fewer persons. The Department shall impose a civil penalty in an amount not less than one thousand dollars (\$1,000) nor more than twenty thousand dollars (\$20,000) for each Type A1 Violation in facilities or programs that serve seven or more



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persons. Where a facility has failed to correct a Type A1 Violation, the Department shall assess the facility a civil penalty in the amount of up to one thousand dollars (\$1,000) for each day that the violation continues beyond the time specified for correction. The Department or its authorized representative shall determine whether the violation has been corrected.

(1a) "Type A2 Violation" means a violation by a facility of the regulations, standards, and requirements set forth in Article 2 or 3 of this Chapter or applicable State or federal laws and regulations governing the licensure or certification of a facility which results in substantial risk that death or serious physical harm, abuse, neglect, or exploitation will occur. The person making the findings shall do the following:

- a. Orally and immediately inform the facility of the Type A2 Violation and the specific findings.
- b. Require a written plan of protection regarding how the facility will immediately abate the Type A2 Violation in order to protect clients or residents from further risk or additional harm.
- c. Within 15 working days of the investigation, send a report of the findings to the facility.
- d. Require a plan of correction to be submitted to the Department, based on the written report of the findings, that describes steps the facility will take to achieve and maintain compliance.

The violation or violations shall be corrected within the time specified for correction by the Department or its authorized representative. The Department may or may not assess a penalty taking into consideration the compliance history, preventative measures, and response to previous violations by the facility. Where a facility has failed to correct a Type A2 Violation, the Department shall assess the facility a civil penalty in the amount of up to one thousand dollars (\$1,000) for each day that the deficiency continues beyond the time specified for correction by the Department or its authorized representative. The Department or its authorized representative shall determine whether the violation has been corrected.

~~(1b) "Past Corrected Type A1 or Type A2 Violation" means either (i) the violation was not previously identified by the Department or its authorized representative or (ii) the violation was discovered by the facility and was self-reported, but in either case the violation has been corrected. In determining whether a penalty should be assessed under this section, the Department shall consider the following factors:~~

- ~~a. Preventative measures in place prior to the violation.~~
- ~~b. Whether the violation or violations were abated immediately.~~
- ~~c. Whether the facility implemented corrective measures to achieve and maintain compliance.~~
- ~~d. Whether the facility's system to ensure compliance is maintained and continues to be implemented.~~
- ~~e. Whether the regulatory area remains in compliance.~~

(1c) As used in this section, "substantial risk" shall mean the risk of an outcome that is substantially certain to materialize if immediate action is not taken.

(2) "Type B Violation" means a violation by a facility of the regulations, standards, and requirements set forth in Article 2 or 3 of this Chapter or applicable State or federal laws and regulations governing the licensure or certification of a facility which is detrimental to the health, safety, or welfare of any client or patient, but which does not result in substantial risk that death or serious physical harm,

- 1 abuse, neglect, or exploitation will occur. The person making the findings shall  
 2 do the following:
- 3 a. Orally and immediately inform the facility of the Type B Violation and  
 4 the specific findings.
  - 5 b. Require a written plan of protection regarding how the facility will  
 6 immediately abate the Type B Violation in order to protect clients or  
 7 residents from further risk or additional harm.
  - 8 c. Within 15 working days of the investigation, send a report of the  
 9 findings to the facility.
  - 10 d. Require a plan of correction to be submitted to the Department, based  
 11 on the written report of the findings, that describes steps the facility will  
 12 take to achieve and maintain compliance.

13 Where a facility has failed to correct a Type B Violation within the time  
 14 specified for correction by the Department or its authorized representative, the  
 15 Department shall assess the facility a civil penalty in the amount of up to four  
 16 hundred dollars (\$400.00) for each day that the violation continues beyond the  
 17 date specified for correction without just reason for the failure. The Department  
 18 or its authorized representative shall ensure that the violation has been  
 19 corrected.

20 (2a) A Type A1, Type A2, or Type B Violation as defined above shall not include a  
 21 violation by a facility of the regulations, standards, and requirements set forth  
 22 in Article 2 or 3 of this Chapter or applicable State or federal laws and  
 23 regulations governing the licensure or certification of a facility if all of the  
 24 following criteria are met:

- 25 a. The violation was discovered by the facility.
- 26 b. The Department determines that the violation was abated immediately.
- 27 c. The violation was corrected prior to inspection by the Department.
- 28 d. The Department determines that reasonable preventative measures were  
 29 in place prior to the violation.
- 30 e. The Department determines that subsequent to the violation, the facility  
 31 implemented corrective measures to achieve and maintain compliance.

32 (3) Repeat Violations. – The Department shall impose a civil penalty which is  
 33 treble the amount assessed under this subsection when a facility under the same  
 34 management or ownership has received a citation during the previous 12  
 35 months for which the appeal rights are exhausted and penalty payment is  
 36 expected or has occurred, and the current violation is for the same specific  
 37 provision of a statute or regulation for which it received a violation during the  
 38 previous 12 months.

39 (b) Repealed by Session Laws 2011-249, s. 1, effective June 23, 2011.

40 (c) Factors to Be Considered in Determining Amount of Initial Penalty. – In determining  
 41 the amount of the initial penalty to be imposed under this section, the Department shall consider  
 42 the following factors:

- 43 (1) There is substantial risk that serious physical harm, abuse, neglect, or  
 44 exploitation will occur, and this has not been corrected within the time specified  
 45 by the Department or its authorized representative;
- 46 (2) Serious physical harm, abuse, neglect, or exploitation, without substantial risk  
 47 for client death, did occur;
- 48 (3) Serious physical harm, abuse, neglect, or exploitation, with substantial risk for  
 49 client death, did occur;
- 50 (3a) A client died;

- 1 (3b) A client died and there is substantial risk to others for serious physical harm,  
2 abuse, neglect, or exploitation;  
3 (3c) A client died and there is substantial risk for further client death;  
4 (4) The reasonable diligence exercised by the licensee to comply with  
5 G.S. 131E-256 and other applicable State and federal laws and regulations;  
6 (5) Efforts by the licensee to correct violations;  
7 (6) The number and type of previous violations committed by the licensee within  
8 the past 36 months; and  
9 (7) Repealed by Session Laws 2011-249, s. 1, effective June 23, 2011.  
10 (8) The number of clients or patients put at risk by the violation.

11 (d) The facts found to support the factors in subsection (c) of this section shall be the basis  
12 in determining the amount of the penalty. The Department shall document the findings in written  
13 record and shall make the written record available to all affected parties including:

- 14 (1) The licensee involved;  
15 (2) The clients or patients affected; and  
16 (3) The family members or guardians of the clients or patients affected.

17 (e) The Department shall impose a civil penalty of fifty dollars (\$50.00) per day on any  
18 facility which refuses to allow an authorized representative of the Department to inspect the  
19 premises and records of the facility.

20 (f) Any facility wishing to contest a penalty shall be entitled to an administrative hearing  
21 as provided in Chapter 150B of the General Statutes. A petition for a contested case shall be filed  
22 within 30 days after the Department mails a notice of penalty to a licensee. At least the following  
23 specific issues shall be addressed at the administrative hearing:

- 24 (1) The reasonableness of the amount of any civil penalty assessed, and  
25 (2) The degree to which each factor has been evaluated pursuant to subsection (c)  
26 of this section to be considered in determining the amount of an initial penalty.

27 If a civil penalty is found to be unreasonable or if the evaluation of each factor is found to be  
28 incomplete, the hearing officer may recommend that the penalty be adjusted accordingly.

29 (g) Any penalty imposed by the Department of Health and Human Services under this  
30 section shall commence on the date of the letter of notification of the penalty amount.

31 (h) The Secretary may bring a civil action in the superior court of the county wherein the  
32 violation occurred to recover the amount of the administrative penalty whenever a facility:

- 33 (1) Which has not requested an administrative hearing fails to pay the penalty  
34 within 60 days after being notified of the penalty, or  
35 (2) Which has requested an administrative hearing fails to pay the penalty within  
36 60 days after receipt of a written copy of the decision as provided in  
37 G.S. 150B-37.

38 (i) In lieu of assessing all or some of the administrative penalty, the Secretary may order a  
39 facility to provide staff ~~training~~ training, or consider the approval of training completed by the  
40 facility after the violation, ~~if the training is~~ if all of the following criteria are met:

- 41 (1) ~~Specific to the violation;~~ The training is determined by the Department to be  
42 specific to the violation.  
43 (2) ~~Approved~~ The training is approved by the Department of Health and Human  
44 Services; and ~~Department.~~  
45 (3) ~~Taught~~ The training is taught by someone approved by the Department.  
46 (4) The facility has corrected the violation and continues to remain in compliance  
47 with the regulation.

48 (j) The clear proceeds of civil penalties provided for in this section shall be remitted to the  
49 State Treasurer for deposit in accordance with State law.

50 (k) In considering renewal of a license, the Department shall not renew a license if  
51 outstanding fines and penalties imposed by the Department against the facility or program have

1 not been paid. Fines and penalties for which an appeal is pending are exempt from consideration  
2 for nonrenewal under this subsection."

3 **SECTION 2.** G.S. 131D-34 reads as rewritten:

4 **"§ 131D-34. Penalties; remedies.**

5 (a) Violation Classification and Penalties. – The Department of Health and Human  
6 Services shall impose an administrative penalty in accordance with provisions of this Article on  
7 any facility which is found to be in violation of requirements of G.S. 131D-21 or applicable State  
8 and federal laws and regulations. Citations for violations shall be classified and penalties assessed  
9 according to the nature of the violation as follows:

10 (1) "Type A1 Violation" means a violation by a facility of the regulations,  
11 standards, and requirements set forth in G.S. 131D-21 or applicable State or  
12 federal laws and regulations governing the licensure or certification of a facility  
13 which results in death or serious physical harm, abuse, neglect, or exploitation.  
14 The person making the findings shall do the following:

- 15 a. Orally and immediately inform the facility of the Type A1 Violation and  
16 the specific findings.
- 17 a1. Require a written plan of protection regarding how the facility will  
18 immediately abate the Type A1 Violation in order to protect residents  
19 from further risk or additional harm.
- 20 b. Within 15 working days of the investigation, send a report of the  
21 findings to the facility.
- 22 c. Require a plan of correction to be submitted to the Department, based  
23 on the written report of the findings, that describes steps the facility will  
24 take to achieve and maintain compliance.

25 The Department shall impose a civil penalty in an amount not less than five  
26 hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000) for  
27 each Type A1 Violation in facilities licensed for six or fewer beds. The  
28 Department shall impose a civil penalty in an amount not less than one  
29 thousand dollars (\$1,000) nor more than twenty thousand dollars (\$20,000) for  
30 each Type A1 Violation in facilities licensed for seven or more beds. Where a  
31 facility has failed to correct a Type A1 Violation, the Department shall assess  
32 the facility a civil penalty in the amount of up to one thousand dollars (\$1,000)  
33 for each day that the violation continues beyond the time specified for  
34 correction by the Department or its authorized representative. The Department  
35 or its authorized representative shall determine whether the violation has been  
36 corrected.

37 (1a) "Type A2 Violation" means a violation by a facility of the regulations,  
38 standards, and requirements set forth in G.S. 131D-21 or applicable State or  
39 federal laws and regulations governing the licensure or certification of a facility  
40 which results in substantial risk that death or serious physical harm, abuse,  
41 neglect, or exploitation will occur. The person making the findings shall do the  
42 following:

- 43 a. Orally and immediately inform the facility of the Type A2 Violation and  
44 the specific findings.
- 45 b. Require a written plan of protection regarding how the facility will  
46 immediately abate the Type A2 Violation in order to protect clients or  
47 residents from further risk or additional harm.
- 48 c. Within 15 working days of the investigation, send a report of the  
49 findings to the facility.

d. Require a plan of correction to be submitted to the Department, based on the written report of the findings, that describes steps the facility will take to achieve and maintain compliance.

The violation or violations shall be corrected within the time specified for correction by the Department or its authorized representative. The Department may or may not assess a penalty taking into consideration the compliance history, preventative measures, and response to previous violations by the facility. Where a facility has failed to correct a Type A2 Violation, the Department shall assess the facility a civil penalty in the amount of up to one thousand dollars (\$1,000) for each day that the deficiency continues beyond the time specified for correction by the Department or its authorized representative. The Department or its authorized representative shall determine whether the violation has been corrected.

(1b) ~~"Past Corrected Type A1 or Type A2 Violation" means either (i) the violation was not previously identified by the Department or its authorized representative or (ii) the violation was discovered by the facility and was self-reported, but in either case the violation has been corrected. In determining whether a penalty should be assessed under this section, the Department shall consider the following factors:~~

- ~~a. Preventive systems in place prior to the violation.~~
- ~~b. Whether the violation or violations were abated immediately.~~
- ~~c. Whether the facility implemented corrective measures to achieve maintain compliance.~~
- ~~d. Whether the facility's system to ensure compliance is maintained and continues to be implemented.~~
- ~~e. Whether the regulatory area remains in compliance.~~

(1c) As used in this section, "substantial risk" shall mean the risk of an outcome that is substantially certain to materialize if immediate action is not taken.

(2) "Type B Violation" means a violation by a facility of the regulations, standards and requirements set forth in G.S. 131D-21 or applicable State or federal laws and regulations governing the licensure or certification of a facility which is detrimental to the health, safety, or welfare of any resident, but which does not result in substantial risk that death or serious physical harm, abuse, neglect, or exploitation will occur. The person making the findings shall do the following:

- a. Orally and immediately inform the facility of the Type B Violation and the specific findings.
- b. Require a written plan of protection regarding how the facility will immediately abate the Type B Violation in order to protect residents from further risk or additional harm.
- c. Within 15 working days of the investigation, send a report of the findings to the facility.
- d. Require a plan of correction to be submitted to the Department, based on the written report of the findings, that describes steps the facility will take to achieve and maintain compliance.

Where a facility has failed to correct a Type B Violation within the time specified for correction by the Department or its authorized representative, the Department shall assess the facility a civil penalty in the amount of up to four hundred dollars (\$400.00) for each day that the violation continues beyond the date specified for correction without just reason for such failure. The Department or its authorized representative shall ensure that the violation has been corrected.

- 1           (2a) A Type A1, Type A2, or Type B Violation as defined above shall not include a  
2 violation by a facility of the regulations, standards, and requirements set forth  
3 in G.S. 131D-21 or applicable State or federal laws and regulations governing  
4 the licensure or certification of a facility if all of the following criteria are met:  
5           a. The violation was discovered by the facility.  
6           b. The Department determines that the violation was abated immediately.  
7           c. The violation was corrected prior to inspection by the Department.  
8           d. The Department determines that reasonable preventative measures were  
9 in place prior to the violation.  
10          e. The Department determines that subsequent to the violation, the facility  
11 implemented corrective measures to achieve and maintain compliance.  
12          (3) Repeat Violations. – The Department shall impose a civil penalty which is  
13 treble the amount assessed under subsection (a) of this section when a facility  
14 under the same management or ownership has received a citation during the  
15 previous 12 months for which the appeal rights are exhausted and penalty  
16 payment is expected or has occurred, and the current violation is for the same  
17 specific provision of a statute or regulation for which it received a violation  
18 during the previous 12 months. The counting of the 12-month period shall be  
19 tolled during any time when the facility is being operated by a court-appointed  
20 temporary manager pursuant to Article 4 of this Chapter.  
21          (b) Repealed by Session Laws 2011-249, s. 2, effective June 23, 2011.  
22          (c) Factors to Be Considered in Determining Amount of Initial Penalty. – In determining  
23 the amount of the initial penalty to be imposed under this section, the Department shall consider  
24 the following factors:  
25           (1) There is substantial risk that serious physical harm, abuse, neglect, or  
26 exploitation will occur;  
27           (1a) Serious physical harm, abuse, neglect, or exploitation, without substantial risk  
28 for resident death, did occur;  
29           (1b) Serious physical harm, abuse, neglect, or exploitation, with substantial risk for  
30 resident death, did occur;  
31           (1c) A resident died;  
32           (1d) A resident died and there is substantial risk to others for serious physical harm,  
33 abuse, neglect, or exploitation;  
34           (1e) A resident died and there is substantial risk for further resident death;  
35           (2) The reasonable diligence exercised by the licensee to comply with  
36 G.S. 131E-256 and G.S. 131D-40 and other applicable State and federal laws  
37 and regulations;  
38           (2a) Efforts by the licensee to correct violations;  
39           (3) The number and type of previous violations committed by the licensee within  
40 the past 36 months; and  
41           (4) Repealed by Session Laws 2011-249, s. 2, effective June 23, 2011;  
42           (5) The number of residents put at risk by the violation.  
43          (c1) The facts found to support the factors in subsection (c) of this section shall be the basis  
44 in determining the amount of the penalty. The Department shall document the findings in written  
45 record and shall make the written record available to all affected parties including:  
46           ~~(1) The penalty review committee;~~  
47           (2) The local department of social services who is responsible for oversight of the  
48 facility involved;  
49           (3) The licensee involved;  
50           (4) The residents affected; and

- 1 (5) The family member who serves as a responsible party or those who have legal  
2 authority on behalf of the affected resident.
- 3 (c2) Local county departments of social services and Division of Health Service Regulation  
4 personnel shall submit proposed penalty recommendations to the Department within 45 days of  
5 the citation of a violation.
- 6 (d) The Department shall impose a civil penalty of fifty dollars (\$50.00) per day on any  
7 facility which refuses to allow an authorized representative of the Department to inspect the  
8 premises and records of the facility.
- 9 (d1) The Department shall impose a civil penalty on any applicant for licensure who  
10 provides false information or omits information on the portion of the licensure application  
11 requesting information on owners, administrators, principals, or affiliates of the facility. The  
12 amount of the penalty shall be as is prescribed for a Type A1 Violation.
- 13 (e) Any facility wishing to contest a penalty shall be entitled to an administrative hearing  
14 as provided in Chapter 150B of the General Statutes. A petition for a contested case shall be filed  
15 within 30 days after the Department mails a notice of penalty to a licensee. At least the following  
16 specific issues shall be addressed at the administrative hearing:
- 17 (1) The reasonableness of the amount of any civil penalty assessed, and  
18 (2) The degree to which each factor has been evaluated pursuant to subsection (c)  
19 of this section to be considered in determining the amount of an initial penalty.
- 20 If a civil penalty is found to be unreasonable or if the evaluation of each factor is found to be  
21 incomplete, the administrative law judge may order that the penalty be adjusted accordingly.
- 22 (f) Any penalty imposed by the Department of Health and Human Services under this  
23 section shall commence on the date ~~the violation was identified~~ of the letter of notification of the  
24 penalty amount.
- 25 (g) The Secretary may bring a civil action in the superior court of the county wherein the  
26 violation occurred to recover the amount of the administrative penalty whenever a facility:
- 27 (1) Which has not requested an administrative hearing fails to pay the penalty  
28 within 60 days after being notified of the penalty, or  
29 (2) Which has requested an administrative hearing fails to pay the penalty within  
30 60 days after receipt of a written copy of the decision as provided in  
31 G.S. 150B-36.
- 32 (g1) In lieu of assessing all or some of the administrative penalty, the Secretary may order a  
33 facility to provide staff ~~training if the training is training, or consider the approval of training~~  
34 completed by the facility after the violation, if all of the following criteria are met:
- 35 (1) ~~Specific to the violation;~~ The training is determined by the Department to be  
36 specific to the violation.
- 37 (2) ~~Approved~~ The training is approved by the Department of Health and Human  
38 Services; and ~~Department.~~
- 39 (3) ~~Taught~~ The training is taught by someone approved by the Department.
- 40 (4) The facility has corrected the violation and continues to remain in compliance  
41 with the regulation.
- 42 (h) ~~The Secretary shall establish a penalty review committee within the Department, which~~  
43 ~~shall meet as often as needed, but no less frequently than once each quarter of the year, to review~~  
44 ~~administrative penalties assessed pursuant to this section and pursuant to G.S. 131E-129 as~~  
45 ~~follows:~~
- 46 (1) ~~The Secretary shall administer the work of the Committee and provide public~~  
47 ~~notice of its meetings via Web site, and provide direct notice to the following~~  
48 ~~parties involved in the penalties the Committee will be reviewing:~~
- 49 a. ~~The licensed provider, who upon receipt of the notice, shall post the~~  
50 ~~notice of the scheduled Penalty Review Committee meeting in a~~



- 1                    conspicuous place available to residents, family members, and the  
2                    public;
- 3                    b.        ~~The local department of social services that is responsible for oversight~~  
4                    ~~of the facility involved;~~
- 5                    e.        ~~The residents affected; and~~
- 6                    d.        ~~Those individuals lawfully designated by the affected resident to make~~  
7                    ~~health care decisions for the resident.~~
- 8                    (2)       ~~The Secretary shall ensure that the Nursing Home/Adult Care Home Penalty~~  
9                    ~~Review Committee established by this subsection is comprised of nine~~  
10                   ~~members. At least one member shall be appointed from each of the following~~  
11                   ~~categories:~~
- 12                   a.        ~~A licensed pharmacist;~~
- 13                   b.        ~~A registered nurse experienced in long term care;~~
- 14                   e.        ~~A representative of a nursing home;~~
- 15                   d.        ~~A representative of an adult care home; and~~
- 16                   e.        ~~Two public members. One shall be a "near" relative of a nursing home~~  
17                   ~~patient, chosen from a list prepared by the Office of State Long Term~~  
18                   ~~Care Ombudsman, Division of Aging, Department of Health and~~  
19                   ~~Human Services. One shall be a "near" relative of a rest home patient,~~  
20                   ~~chosen from a list prepared by the Office of State Long Term Care~~  
21                   ~~Ombudsman, Division of Aging, Department of Health and Human~~  
22                   ~~Services. For purposes of this subdivision, a "near" relative is a spouse,~~  
23                   ~~sibling, parent, child, grandparent, or grandchild.~~
- 24                   (3)       ~~Neither the pharmacist, nurse, nor public members appointed under this~~  
25                   ~~subsection nor any member of their immediate families shall be employed by or~~  
26                   ~~own any interest in a nursing home or adult care home.~~
- 27                   (4)       ~~Repealed by Session Laws 2005-276, s. 10.40A(1), effective July 1, 2005.~~
- 28                   (4a)      ~~Repealed by Session Laws 2007-544, s. 1, effective October 1, 2007.~~
- 29                   (4b)      ~~Prior to serving on the Committee, each member shall complete a training~~  
30                   ~~program provided by the Department of Health and Human Services that covers~~  
31                   ~~standards of care and applicable State and federal laws and regulations~~  
32                   ~~governing facilities licensed under Chapter 131D and Chapter 131E of the~~  
33                   ~~General Statutes.~~
- 34                   (5)       ~~Each member of the Committee shall serve a term of two years. The initial~~  
35                   ~~terms of the members shall commence on August 3, 1989. The Secretary shall~~  
36                   ~~fill all vacancies. Unexcused absences from three consecutive meetings~~  
37                   ~~constitute resignation from the Committee.~~
- 38                   (6)       ~~The Committee shall be cochaired by:~~
- 39                   a.        ~~One member of the Department outside of the Division of Health~~  
40                   ~~Service Regulation; and~~
- 41                   b.        ~~One member who is not affiliated with the Department.~~
- 42                   (i)       ~~The clear proceeds of civil penalties provided for in this section shall be remitted to the~~  
43                   ~~State Treasurer for deposit in accordance with State law."~~
- 44                   **SECTION 3.** ~~S.L. 2015-264, Section 91.4.(b), is repealed.~~
- 45                   **SECTION 4.** ~~This act is effective when it becomes law.~~