

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 185
SENATE BILL 326

AN ACT TO ESTABLISH THE AUTHORITY OF THE DEPARTMENT OF HUMAN RESOURCES TO MAINTAIN A REGISTRY OF NURSE AIDES AND TO INCLUDE FINDINGS OF ABUSE, NEGLECT, AND MISAPPROPRIATION IN THE NURSE AIDE REGISTRY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 131E of the General Statutes is amended by adding a new section to read:

"§ 131E-111. Nurse Aide Registry.

(a) Pursuant to 42 U.S.C. § 1395i-3(e) and 42 U.S.C. § 1396r(e), the Department shall establish and maintain a registry containing the names of all nurse aides working in nursing facilities in North Carolina. The Department shall include in the nurse aide registry any findings by the Department of neglect of a resident in a nursing facility or abuse of a resident in a nursing facility or misappropriation of the property of a resident in a nursing facility by a nurse aide.

(b) A nurse aide who wishes to contest a finding of resident neglect, resident abuse, or misappropriation of resident property made against the aide, is entitled to an administrative hearing as provided by the Administrative Procedure Act, Chapter 150B of the General Statutes. A petition for contested case shall be filed within 30 days after the nurse aide receives written notice by certified mail of the Department's intent to place findings against the aide in the nurse aide registry.

(c) 'Nursing facility', as used in this section, means a 'combination home' as defined in G.S. 131E-101(1) and a 'nursing home' as defined in G.S. 131E-101(6) and also means 'facility' as that term is defined in G.S. 131E-116(2).

(d) The Commission shall adopt, amend, and repeal all rules necessary for the implementation of this section."

Sec. 2. This act becomes effective July 1, 1991.

In the General Assembly read three times and ratified this the 3rd day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives