

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH50044-LN-21 (1/14)

Short Title: Personal Care Svces/Patient Consent.

(Public)

Sponsors: Representative K. Alexander.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE HEALTH CARE FACILITIES TO GIVE A PATIENT OR CLIENT  
3 THE OPTION OF CHOOSING TO HAVE A PERSONAL CARE SERVICES  
4 PROVIDER BE OF THE SAME GENDER AS THE CLIENT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 1 of Chapter 131D of the General Statutes is amended by  
7 adding the following new section to read:

8 "**§ 131D-9.1. Personal care services.**

9 Each facility licensed under this Part shall provide facility residents the option to have the  
10 personal care services of toileting, bathing, and dressing provided to the resident by a person of  
11 the same gender as the resident's gender. The facility shall inform the resident of this option. A  
12 facility that does not have personal care service staff of both genders in its employ shall so  
13 inform the resident. Nothing in this section shall be construed as requiring the facility to  
14 employ additional personal care service staff to comply with this section."

15 **SECTION 2.** Part 1 of Article 6 of Chapter 131E of the General Statutes is  
16 amended by adding the following new section to read:

17 "**§ 131E-114.4. Personal care services.**

18 Each facility licensed under this Part shall provide facility residents the option to have the  
19 personal care services of toileting, bathing, and dressing provided to the resident by a person of  
20 the same gender as the resident's gender. The facility shall inform the resident of this option. A  
21 facility that does not have personal care service staff of both genders in its employ shall so  
22 inform the resident. Nothing in this section shall be construed as requiring the facility to  
23 employ additional personal care service staff to comply with this section."

24 **SECTION 3.** G.S. 131E-144.4 reads as rewritten:

25 "**§ 131E-144.4. Notice to client.**

26 (a) During the agency's initial evaluation visit or before furnishing services, a home  
27 care agency shall provide each client with the following:

- 28 (1) A copy of the declaration of home care clients' rights.  
29 (2) A copy of the agency's policies regarding client responsibilities as it relates  
30 to safety and care plan compliance.  
31 (3) The address and telephone number for information, questions, or complaints  
32 about services provided by the agency.  
33 (4) The address and telephone number of the section of the Department of  
34 Health and Human Services responsible for the enforcement of the  
35 provisions of this Part.



1           (5) Notice of the client's option to have the personal care services of bathing,  
2           toileting, and dressing provided by an agency employee who is of the same  
3           gender as the client. Nothing in this section shall be construed as requiring  
4           the agency to employ additional personal care service staff to comply with  
5           this section.

6           (b) Receipts for the declaration of home care clients' rights and contact information  
7 required in this section shall be signed by the client and shall be retained in the agency's files."

8           **SECTION 4.** Part 2 of Article 5 of Chapter 131E of the General Statutes is  
9 amended by adding the following new section to read:

10 **"§ 131E-79.2. Personal care services.**

11           A hospital licensed pursuant to this Chapter or Chapter 122C of the General Statutes  
12 providing personal care services to patients shall allow the patient the option of having the  
13 personal care services of toileting, dressing, and bathing provided to the patient by a person of  
14 the same gender as the patient. The hospital shall inform patients of this option. Nothing in this  
15 section shall be construed as requiring a hospital to employ additional personal care service  
16 staff to comply with this section."

17           **SECTION 5.** This act becomes effective October 1, 2009.  
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