

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-110
SENATE BILL 1023

AN ACT TO AMEND THE POWERS AND DUTIES OF THE DEPARTMENT OF HUMAN RESOURCES TO REQUIRE THE DEPARTMENT TO ACT ON REQUESTS FOR WAIVERS TO COMMISSION OF HEALTH SERVICES RULES AND TO REPORT TO THE GENERAL ASSEMBLY ON PROGRESS AND RECOMMENDATIONS TO IMPROVE THE PROCESS FOR THE GRANTING OR DENIAL OF APPLICATIONS FOR LICENSURE AND WAIVERS.

The General Assembly of North Carolina enacts:

Section 1. Effective July 1, 1997, Chapter 131D-10.6 of the General Statutes is amended to read:

"§ 131D-10.6. Powers and duties of the Department.

In addition to other powers and duties prescribed by law, the Department shall exercise the following powers and duties:

- (1) Investigate applicants for licensure to determine whether they are in compliance with licensing rules adopted by the Commission and the provisions of this Article.
- (2) Grant a license when an investigation shows compliance with this Article and Commission rules. The license shall be valid for a period not to exceed 24 months as specified by Commission rules and may be revoked or placed in suspended or provisional status sooner if the Department finds that licensure rules are not being met or upon a finding that the health, safety or welfare of children is threatened.
- (3) Administer and enforce the provisions of this Article and the rules of the Commission.
- (4) Appoint hearing officers to conduct appeals pursuant to this Article.
- (5) Prescribe the form in which application for licensure or a request for waiver of Commission rules shall be submitted.
- (6) Inspect facilities and obtain records, documents and other information necessary to determine compliance with the provisions of this Article and Commission rules.
- (7) Grant, deny, suspend or revoke a license or a provisional license, in accordance with Commission rules.
- (8) Act to grant or deny a request for waiver of Commission rules within 10 business days after its receipt. Grant a waiver for good cause to

Commission rules that do not affect the health, safety, or welfare of children in facilities subject to licensure under this Article, in accordance with Commission rules.

- (9) Undertake a comprehensive study of the existing procedures for granting or denying an application for licensure or a request for waiver of Commission rules and report to the General Assembly on or before May 1, 1998, regarding its efforts to make the process more efficient and less time-consuming and its recommendations for any changes in the licensing laws or rules. The study shall include the development of a procedure that will ensure that the local Guardian Ad Litem Program is notified by the county department of social services of the request for a waiver if a guardian has been appointed for any child who may be affected by the waiver."

Section 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22nd day of May, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 4:30 p.m. this 29th day of May, 1997