

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1271

Short Title: Clarify Social Services Commission Authority. (Public)

Sponsors: Representatives Goodwin, Glazier, Cotham (Primary Sponsors); Dickson and Lucas.

Referred to: State Government/State Personnel, if favorable, Judiciary I.

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY AUTHORITY OF THE SOCIAL SERVICES COMMISSION IN
3 SETTING QUALIFICATIONS FOR STAFF OF RESIDENTIAL CHILD CARE
4 AGENCIES, RESIDENTIAL MATERNITY CARE AGENCIES, AND CHILD PLACING
5 AGENCIES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 131D-1 reads as rewritten:

8 **"§ 131D-1. Licensing of maternity homes.**

9 (a) The Department of Health and Human Services shall inspect and license all
10 maternity homes established in the State under rules adopted by the Social Services
11 Commission. The Commission shall adopt rules establishing ~~educational requirements~~
12 qualifications for executive directors and staff employed in maternity homes.

13 (b) Facilities subject to the provisions of this section shall include:

- 14 (1) Institutions or homes maintained for the purpose of receiving pregnant
15 women for care before, during, and after delivery, and
16 (2) Institutions or lying-in homes maintained for the purpose of receiving
17 pregnant women for care before and after delivery, when delivery takes
18 place in a licensed hospital."

19 **SECTION 2.** G.S. 131D-10.5 reads as rewritten:

20 **"§ 131D-10.5. Powers and duties of the Commission.**

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

- 23 (1) Adopt, amend and repeal rules consistent with the laws of this State and the
24 laws and regulations of the federal government to implement the provisions
25 and purposes of this Article;
26 (2) Issue declaratory rulings as may be needed to implement the provisions and
27 purposes of this Article;
28 (3) Adopt rules governing procedures to appeal Department decisions pursuant
29 to this Article granting, denying, suspending or revoking licenses;
30 (4) Adopt criteria for waiver of licensing rules adopted pursuant to this Article;
31 (5) Adopt rules on documenting the use of physical restraint in residential
32 child-care facilities; ~~and~~
33 (6) Adopt rules establishing personnel and training requirements related to the
34 use of physical restraints and time-out for staff employed in residential
35 child-care ~~facilities.~~facilities; and



1 (7) Adopt rules establishing ~~educational requirements~~ qualifications for
2 executive directors and staff employed by child placing agencies and
3 residential child care facilities."

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