

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH10349-MG-148

Short Title: Restoration of ACH Licensure After Violations. (Public)

Sponsors: Representative Wray.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING RESTORATION OF FULL ADULT CARE HOME LICENSURE
3 FOLLOWING A LICENSE DOWNGRADE OR A SUSPENSION OF ADMISSIONS DUE
4 TO PRIOR LICENSE VIOLATIONS; AND ESTABLISHING FOR ALL ADULT CARE
5 HOME LICENSURE APPLICANTS THE RIGHT TO CONTEST A DENIAL OF
6 CERTIFICATION OF SUBSTANTIAL COMPLIANCE WITH A CORRECTION PLAN.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 131D-2.4(c) reads as rewritten:

9 "(c) Prior Violations. – No new license shall be issued for any adult care home to an
10 applicant for licensure under any of the following circumstances for the period of time indicated:

11 ...

12 (3) Is the owner, principal, or affiliate of an adult care home and is responsible
13 for the operation of the facility that had its license downgraded to provisional
14 status or had its admissions suspended as a result of violations under this
15 Article, Chapter 122C, or Article 7 of Chapter 110 of the General Statutes
16 until ~~six~~ the earlier of the following:

- 17 a. Six months from the date of restoration from provisional to full
18 licensure, termination of the provisional license, or lifting or
19 termination of the suspension of admissions, as applicable.
20 b. Until the home has substantially complied with the correction plan
21 established pursuant to G.S. 131D-34 and substantial compliance has
22 been certified by the Department.

23 ...

24 An applicant for new licensure may appeal a denial of certification of substantial compliance
25 under ~~subdivision (2)~~ of this subsection by filing with the Department a request for review by the
26 Secretary within 10 days of the date of denial of the certification. Within 10 days of receipt of
27 the request for review, the Secretary shall issue to the applicant a written determination that either
28 denies certification of substantial compliance or certifies substantial compliance. ~~The decision of~~
29 ~~the Secretary is final.~~ Any applicant for licensure who wishes to contest a determination that
30 denies certification of substantial compliance is entitled to an administrative hearing, as provided
31 in Chapter 150B of the General Statutes."

32 SECTION 2. G.S. 131D-2.7(d)(1) reads as rewritten:

33 "(1) In addition to the administrative penalties described in this Article, the
34 Secretary may suspend the admission of any new residents to an adult care
35 home where the conditions of the adult care home are detrimental to the health
36 or safety of the residents. This suspension ~~shall be for the period determined~~



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1 ~~by the Secretary and shall remain in effect until the Secretary is satisfied that~~
2 ~~conditions or circumstances merit removing the suspension.~~ home has
3 substantially complied with the correction plan established pursuant to
4 G.S. 131D-34 and substantial compliance has been certified by the
5 Department."

6 **SECTION 3.** This act becomes effective October 1, 2021, and applies to adult care
7 home licensure actions and suspensions of admission occurring on or after that date.