

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 51
SENATE BILL 13

1 AN ACT TO AMEND CERTAIN SECTIONS OF THE GENERAL STATUTES TO
2 PROVIDE FOR THE LICENSING OF NURSING HOMES BY THE STATE BOARD OF
3 HEALTH RATHER THAN BY THE NORTH CAROLINA MEDICAL CARE
4 COMMISSION AND THE STATE BOARD OF PUBLIC WELFARE.
5

6 The General Assembly of North Carolina do enact:
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8 **Section 1.** Subsection (3) entitled "Convalescent Home" and subsection 4 entitled
9 "Same; Home for the Aged and Infirm Distinguished", of G.S. 131-126.1 of Article 13A of
10 Chapter 131 of the General Statutes are hereby repealed.

11 **Sec. 2.** Subsection (15) of G.S. 108-3, entitled "Powers and Duties of Board", of
12 Article 1 of Chapter 108 of the General Statutes is hereby amended by striking out the words
13 "Medical Care Commission under the provisions of G.S. 131-126.1(3) unless the facility
14 receives public welfare funds", as the same appears in lines 15 and 16 of said subsection, and
15 inserting in lieu thereof "State Board of Health under the provisions of G.S. 130-9(e)."
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17 **Sec. 3.** G.S. 130-9, entitled "Powers and Duties of the State Board of Health", of
18 Article 2 of Chapter 130 of the General Statutes is hereby amended by adding a new subsection
19 immediately following subsection (d), to be designated subsection (e), and to read as follows:
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21 "(e) (1) Licensing of Nursing Homes. The State Board of Health shall establish
22 standards, provide rules and regulations for the operation of, and to inspect
23 and license nursing homes as the same are hereinafter defined.

24 "(2) Nursing Home Defined. For the purposes of this Section, a 'nursing home' is
25 defined as an institution, however named, which is advertised, announced, or
26 maintained for the express or implied purpose of providing nursing or
27 convalescent care for three or more persons unrelated to the licensee. A
28 'nursing home' is a home for chronic or convalescent patients who, on
29 admission, are not as a rule, acutely ill and who do not usually require
30 special facilities, such as an operating room X-ray facilities, laboratory
31 facilities, and obstetrical facilities. A 'nursing home' provides care for
32 persons who have remedial ailments or other ailments, for which medical
33 and nursing care is indicated; who, however, are not sick enough to require
34 general hospital care. Nursing care is their primary need, but they will
35 require continuing medical supervision.

36 "(3) Penalties. Any person establishing, conducting, managing, or operating any
37 nursing home without a license shall be guilty of a misdemeanor, and upon
38 conviction thereof shall be liable to a fine of not more than fifty dollars
39 (\$50.00) for the first offense and not more than five hundred dollars
40 (\$500.00) for each subsequent offense, and each day of a continuing
41 violation after conviction shall be considered a separate offense.

42 "(4) Home for the Aged and Infirm Distinguished. A 'home for the aged and
43 infirm', usually designated as a boarding home, as distinguished from a
'nursing home' is a place for the care of aged and infirm persons whose
principal need is a home with such sheltered and custodial care as their age

1 and infirmities require. In such homes, medical care is only occasional or
2 incidental, such as may be required in the home of any individual or family
3 for persons who are aged and infirm. The residents of such homes will not,
4 as a rule, have remedial ailments or other ailments for which continuing
5 skilled planned medical and nursing care is indicated. A major factor which
6 distinguishes these homes is that the residents may be given congregate
7 services as distinguished from the individualization of medical care required
8 in 'patient' care. A person may be accepted for sheltered or custodial care
9 because of a disability which does not require continuing planned medical
10 care, but which does make him unable to maintain himself in individual
11 living arrangements. In further distinguishing between a 'nursing home' and
12 a 'home for the aged and infirm', it is recognized that a 'nursing home' is not
13 a place for the care of aged and infirm persons whose principal need is a
14 home with such custodial and sheltered care as their age and infirmities
15 require. In such 'nursing homes' medical care is not merely occasional and
16 incidental, such as may be required in the home of any individual or family.
17 The residents of these 'nursing homes' will, as a rule, have remedial ailments,
18 or other ailments, for which continuing planned medical and skilled nursing
19 care is indicated. A major factor which distinguishes these 'nursing homes' is
20 that the residents will require the individualization of medical care required
21 in 'patient' care."

22 **Sec. 4.** G.S. 130-11, entitled "Duties of the administrative staff of the State Board
23 of Health", of Article 2 of Chapter 130 of the General Statutes is hereby amended by adding a
24 new subsection immediately following subsection (12), to be designated subsection (13), and to
25 read as follows:

26 "(13) To perform the duties set forth in G.S. 130-9(e) in accordance with rules and
27 regulations established by the State Board of Health."

28 **Sec. 4 1/2.** Nothing contained in this Act shall be applicable to any facility operated
29 by, under the auspices of or in conjunction with any hospital required to be licensed by the
30 North Carolina Medical Care Commission.

31 **Sec. 5.** All laws and clauses of laws in conflict with the provisions of this Act are
32 hereby repealed.

33 **Sec. 6.** This Act shall be in full force and effect from and after its ratification.

34 In the General Assembly read three times and ratified, this the 17th day of March,
35 1961.