

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE BILL 1431**

Short Title: Residential Care and Safety Study. (Public)

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Sponsors: Representatives Farmer-Butterfield, Insko (Primary Sponsors); Adams, Bordsen, Bowie, Carney, Coates, Fox, Glazier, Gorman, Hackney, Luebke, McLawhorn, Moore, and Pate.

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Referred to: Rules, Calendar, and Operations of the House.

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May 13, 2004

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON  
2 THE CARE AND SAFETY OF RESIDENTS OF RESIDENTIAL CARE  
3 FACILITIES.  
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5 Whereas, residents of residential care facilities licensed by the State have a  
6 right to be free of mental and physical abuse, neglect, and exploitation in the facilities;  
7 and

8 Whereas, recent incidents of death and injury to residents of residential care  
9 facilities raise concerns about whether the current licensing system is sufficient to  
10 prevent harm and identify threats to the safety of residential care facility residents; and

11 Whereas, although suspension of license and imposition of fines are measures  
12 to punish violations of the law that cause harm or pose an imminent threat of serious  
13 harm, more effective programmatic and other interventions by facility management may  
14 be needed to more effectively prevent harm from occurring; and

15 Whereas, consideration of whether a monitoring process or other system  
16 change is needed to ensure that residents of residential care facilities receive the  
17 support, services, and protection they need; Now, therefore,

18 The General Assembly of North Carolina enacts:

19 **SECTION 1.(a)** Commission Established. – There is established the Joint  
20 Legislative Study Commission on the Care and Safety of Residents in Residential Care  
21 Facilities.

22 **SECTION 1.(b)** Membership. – The Commission membership shall be  
23 representative of skilled nursing homes, adult care homes, group homes, intermediate  
24 care facilities, the Department of Health and Human Services, consumers of residential  
25 care services, and family members of residents in residential care facilities. The  
26 Commission shall consist of 21 members as follows:

1           (1) The Speakers of the House of Representatives shall appoint 10  
2 members, as follows: two members of the House of Representatives  
3 and eight members representing providers and consumers of  
4 residential care services, and family members of residents of  
5 residential care facilities.

6           (2) The President Pro Tempore of the Senate shall appoint 10 members, as  
7 follows: two members of the Senate and eight members representing  
8 providers and consumers of residential care services, and family  
9 members of residents of residential care facilities.

10          (3) The Secretary of Health and Human Services, or her designee.

11          **SECTION 1.(c) Duties.** – The Commission shall study the adequacy of  
12 services provided to residents of residential care facilities in this State. The purpose of  
13 the study is to ascertain whether programmatic or other changes are needed to ensure  
14 that residential care facility residents live in an environment that attends to each  
15 resident's safety, health, and dignity. In conducting the study, the Commission shall  
16 review staffing requirements, incidents of harm that have occurred in the past three  
17 years in residential care facilities, amounts of and reasons for penalties imposed on  
18 facilities, and other matters the Commission deems appropriate.

19          **SECTION 1.(d) Vacancies.** – Vacancies on the Commission shall be filled  
20 by the initial appointing authority.

21          **SECTION 1.(e) Cochairs; Meetings.** – The Speakers of the House of  
22 Representatives shall appoint a cochair and the President Pro Tempore of the Senate  
23 shall appoint a cochair for the Commission. The Commission shall meet upon the call of  
24 the cochairs. A quorum of the Commission shall be a majority of the members. The  
25 Legislative Services Commission may provide meeting space to the Commission in the  
26 Legislative Building or the Legislative Office Building.

27          **SECTION 1.(f) Expenses of Members.** – Members of the Commission shall  
28 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,  
29 138-5, or 138-6, as appropriate.

30          **SECTION 1.(g) Staff.** – The Legislative Services Office shall assign  
31 professional and clerical staff to assist the Study Commission in its work.

32          **SECTION 1.(h) Consultants.** – The Study Commission may hire consultants  
33 to examine specific issues and subjects related to the study, in accordance with  
34 G.S. 120-32.02.

35          **SECTION 2.** The Commission may make an interim report to the 2005  
36 General Assembly upon its convening, including proposed legislation, and shall make  
37 its final report to the 2005 General Assembly, 2006 Regular Session. Upon submitting  
38 its final report, the Commission shall expire.

39          **SECTION 3.** From funds appropriated to the General Assembly, the  
40 Legislative Services Office shall allocate the sum of fifty thousand dollars (\$50,000) to  
41 implement this act.

42          **SECTION 4.** This act becomes effective July 1, 2004.