

10A NCAC 13B .1926 NURSING HOME PATIENT OR RESIDENT RIGHTS

- (a) Written policies and procedures shall be developed and enforced to implement requirements in G.S. 131E-115 et seq. (Nursing Home Patients' Bill of Rights) concerning the rights of patients and residents. The administrator shall make these policies and procedures known to the staff, patients and residents, and families of patients and residents and shall ensure their availability to the public by placing them in a conspicuous place.
- (b) Any violation of patient rights contained in G.S. 131E-117 shall be determined by representatives of the Department by investigation or survey.
- (c) If a licensed facility is found to be in violation of any of the rights contained in G.S. 131E-117, the Department shall impose penalties for each violation as provided by G.S. 131E-129.
- (d) When the Department has been notified that corrective action has been taken for each violation, verification of same shall be made by a representative of the Department.
- (e) The Department shall calculate a total of all fines levied against a facility based on the number of violations and the number of days and patients or residents involved in each violation.
- (f) The Department shall mail a statement to the facility showing a total fine for each violation and a total of fines due to be paid for all violations. The facility shall pay the penalty within 60 days unless a hearing is requested under G.S. Chapter 150B.
- (g) When it is found that a violation of G.S. 131E-117 has occurred but corrective action was taken prior to the date of discovery, fines shall be calculated and assessed in accordance with (e) and (f) of this Rule.
- (h) In matters of patient abuse, neglect or misappropriation the definitions shall have the meanings defined for abuse, neglect and exploitation respectively as contained in the North Carolina PROTECTION OF THE ABUSED, NEGLECTED OR EXPLOITED DISABLED ADULT ACT, G.S. 108A-99 et seq.

History Note: Authority G.S. 131E-79; 42 U.S.C. 1396 r (e)(2)(B);
Eff. February 1, 1986;
Amended Eff. March 1, 1990;
Temporary Amendment Eff. October 1, 1990 For a Period of 142 Days to Expire on February 28, 1991;
Amended Eff. March 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.