

Nursing Home Licensure Rules

Agency: North Carolina Medical Care Commission

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Impact: State government impact: No
 Local government impact: No
 Federal government impact: No
 Substantial economic impact: No

Introductory Note:

Nursing home rule 10A NCAC 13D .2210 was amended effective 2/1/13. The amendment resulted in a change in the timeframe for reporting abuse, neglect, and misappropriation from 24 hours to one working day. This change created a conflict with the Centers for Medicare & Medicaid Services’ (CMS) federal reporting requirement. The proposed rule amendment changes the timeframe back to the original language requiring facilities to report within 24 hours.

The amendment does not have an economic impact on state or local government, licensed providers, the public, or any other entity.

Table 1. Rule change description and impact

Title of Rule Change	Statutory Citation	Summary of the Rule Change	Impact
Reporting and Investigating Abuse, Neglect or Misappropriation, .2210	G.S. 131E-104; 131E-131; 131E-255; 131E-256	Change reporting requirement of 1 working day to 24 hours. The change in the 2/1/13 is wrong and created a conflict with the reporting requirement in the federal regulation.	None

10A NCAC 13D .2210 is proposed for amendment as follows:

**10A NCAC 13D .2210 REPORTING AND INVESTIGATING ABUSE, NEGLECT OR
MISAPPROPRIATION**

(a) A facility shall take measures to prevent patient abuse, patient neglect, or misappropriation of patient property, including orientation and instruction of facility staff on patients' rights, and the screening of and requesting of references for all prospective employees.

(b) The facility shall ensure that the Health Care Personnel Registry Section of the Division of Health Service Regulation is notified within ~~one working day~~ 24 hours of the facility's becoming aware of any allegation against health care personnel as defined in G.S. 131E-256(a)(1).

(c) The facility shall investigate allegations as defined in G.S. 131E-256(a)(1) and shall document all relevant information pertaining to such investigation and shall take the necessary steps to prevent further incidents of abuse, neglect or misappropriation of patient property while the investigation is in progress.

(d) The facility shall ensure that the report of investigation is printed or typed and postmarked to the Health Care Personnel Registry Section of the Division of Health Service Regulation within five working days of the allegation.

The report shall include:

- (1) the date and time of the alleged incident;
- (2) the patient's full name and room number;
- (3) details of the allegation and any injury;
- (4) names of the accused and any witnesses;
- (5) names of the facility staff who investigated the allegation;
- (6) results of the investigation;
- (7) and any corrective action that may have been taken by the facility.

History Note: Authority G.S. 131E-104; 131E-131; 131E-255; 131E-256;

Eff. January 1, 1996;

Amended Eff. November 1, 2013; February 1, 2013; August 1, 2008; October 1, 1998.