

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 95

Short Title: Personal Care Svces/Patient Consent. (Public)

Sponsors: Representatives K. Alexander; Faison and Hughes.

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

February 10, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE HEALTH CARE FACILITIES TO GIVE A PATIENT OR CLIENT
3 THE OPTION OF CHOOSING TO HAVE A PERSONAL CARE SERVICES
4 PROVIDER BE OF THE SAME GENDER AS THE CLIENT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 1 of Chapter 131D of the General Statutes is amended by
7 adding the following new section to read:

8 "**§ 131D-9.1. Personal care services.**

9 Each facility licensed under this Part shall provide facility residents the option to have the
10 personal care services of toileting, bathing, and dressing provided to the resident by a person of
11 the same gender as the resident's gender. The facility shall inform the resident of this option. A
12 facility that does not have personal care service staff of both genders in its employ shall so
13 inform the resident. Nothing in this section shall be construed as requiring the facility to
14 employ additional personal care service staff to comply with this section."

15 SECTION 2. Part 1 of Article 6 of Chapter 131E of the General Statutes is
16 amended by adding the following new section to read:

17 "**§ 131E-114.4. Personal care services.**

18 Each facility licensed under this Part shall provide facility residents the option to have the
19 personal care services of toileting, bathing, and dressing provided to the resident by a person of
20 the same gender as the resident's gender. The facility shall inform the resident of this option. A
21 facility that does not have personal care service staff of both genders in its employ shall so
22 inform the resident. Nothing in this section shall be construed as requiring the facility to
23 employ additional personal care service staff to comply with this section."

24 SECTION 3. G.S. 131E-144.4 reads as rewritten:

25 "**§ 131E-144.4. Notice to client.**

26 (a) During the agency's initial evaluation visit or before furnishing services, a home
27 care agency shall provide each client with the following:

- 28 (1) A copy of the declaration of home care clients' rights.
- 29 (2) A copy of the agency's policies regarding client responsibilities as it relates
30 to safety and care plan compliance.
- 31 (3) The address and telephone number for information, questions, or complaints
32 about services provided by the agency.
- 33 (4) The address and telephone number of the section of the Department of
34 Health and Human Services responsible for the enforcement of the
35 provisions of this Part.
- 36 (5) Notice of the client's option to have the personal care services of bathing,
37 toileting, and dressing provided by an agency employee who is of the same



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1 gender as the client. Nothing in this section shall be construed as requiring
2 the agency to employ additional personal care service staff to comply with
3 this section.

4 (b) Receipts for the declaration of home care clients' rights and contact information
5 required in this section shall be signed by the client and shall be retained in the agency's files."

6 **SECTION 4.** Part 2 of Article 5 of Chapter 131E of the General Statutes is
7 amended by adding the following new section to read:

8 **"§ 131E-79.2. Personal care services.**

9 A hospital licensed pursuant to this Chapter or Chapter 122C of the General Statutes
10 providing personal care services to patients shall allow the patient the option of having the
11 personal care services of toileting, dressing, and bathing provided to the patient by a person of
12 the same gender as the patient. The hospital shall inform patients of this option. Nothing in this
13 section shall be construed as requiring a hospital to employ additional personal care service
14 staff to comply with this section."

15 **SECTION 5.** This act becomes effective October 1, 2009.
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