

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 622
Committee Substitute Favorable 6/2/11
Committee Substitute #2 Favorable 6/7/11

Short Title: Nursing Homes/Food Service Inspections.

(Public)

Sponsors:

Referred to:

April 6, 2011

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE FREQUENCY OF FOOD SERVICE INSPECTIONS IN
3 NURSING HOMES AND NURSING HOME BEDS LICENSED UNDER CHAPTER
4 131E OF THE GENERAL STATUTES THAT ARE ALSO CERTIFIED BY MEDICARE
5 AND MEDICAID.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 130A-235 is amended by adding a new subsection to read:

8 **"§ 130A-235. Regulation of sanitation in institutions; setback requirements applicable to**
9 **certain water supply wells.**

10 (a) For protection of the public health, the Commission shall adopt rules to establish
11 sanitation requirements for all institutions and facilities at which individuals are provided room
12 or board and for which a license to operate is required to be obtained or a certificate for
13 payment is obtained from the Department. The rules shall also apply to facilities that provide
14 room and board to individuals but are exempt from licensure under G.S. 131D-10.4(1). No
15 other State agency may adopt rules to establish sanitation requirements for these institutions
16 and facilities. The Department shall issue a license to operate or a certificate for payment to
17 such an institution or facility only upon compliance with all applicable sanitation rules of the
18 Commission, and the Department may suspend or revoke a license or a certificate for payment
19 for violation of these rules. In adopting rules pursuant to this section, the Commission shall
20 define categories of standards to which such institutions and facilities shall be subject and shall
21 establish criteria for the placement of any such institution or facility into one of the categories.
22 This section shall not apply to State institutions and facilities subject to inspection under
23 G.S. 130A-5(10). This section shall not apply to a single-family dwelling that is used for a
24 family foster home or a therapeutic foster home, as those terms are defined in G.S. 131D-10.2.

25 (a1) Notwithstanding any law, rule, or policy to the contrary, the frequency of food
26 service inspections in nursing homes or nursing home beds licensed under Part 1 of Article 5 of
27 Chapter 131E of the General Statutes or Part 1 of Article 6 of Chapter 131E of the General
28 Statutes that are also certified by the Centers for Medicare and Medicaid Services shall be
29 reduced to a minimum of one inspection per year if the facility achieves a grade "A" sanitation
30 score. If the facility receives a grade "B" or lower on its annual food service inspection, the
31 county may conduct inspections until the food service operation achieves a grade "A" sanitation
32 score. Nothing in this section prohibits the county from conducting an evaluation or inspection
33 in response to a complaint or in the interest of public safety.

34 (b) Rules that establish a minimum distance from a building foundation for a water
35 supply well shall provide that an institution or facility located in a single-family dwelling



1 served by a water supply well that is located closer to a building foundation than the minimum
2 distance specified in the rules may be licensed or approved if the results of water testing meet
3 or exceed standards established by the Commission and there are no other potential health
4 hazards associated with the well. At the time of application for licensure or approval, water
5 shall be sampled and tested for pesticides, nitrates, and bacteria. Thereafter, water shall be
6 sampled and tested at intervals determined by the Commission but not less than annually. A
7 registered sanitarian or other health official who is qualified by training and experience shall
8 collect the water samples as required by this subsection and may examine the well location to
9 determine if there are other potential health hazards associated with the well. A well shall
10 comply with all other applicable sanitation requirements established by the Commission.

11 (c) The Department may suspend or revoke a license or approval for a violation of this
12 section or rules adopted by the Commission."

13 **SECTION 2.** This act becomes effective October 1, 2011.