

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 254

Short Title: Health Care Facility/Patient Abuse/AB.

(Public)

Sponsors: Representatives Edwards; Milton and Mosley.

Referred to: Health, if favorable, Judiciary III.

March 4, 1999

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE ABUSE OR NEGLECT OF A PATIENT AT A
2 HEALTH CARE FACILITY OR A RESIDENTIAL CARE FACILITY THAT DOES
3 NOT RESULT IN SERIOUS BODILY INJURY OR DEATH IS A
4 MISDEMEANOR.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 14-32.2 reads as rewritten:

8 **"§ 14-32.2. Patient abuse and neglect; punishments.**

9 (a) It shall be unlawful for any ~~person~~ natural person, association, corporation,
10 partnership, or other individual or entity to physically abuse a patient of a health care
11 facility or a resident of a residential care facility, when the abuse is the result of an
12 intentional or culpable negligent act or omission which causes serious bodily injury or
13 death.

14 (b) Unless the conduct is prohibited by some other provision of law providing for
15 greater punishment,

16 (1) ~~Any person who violates~~ A violation of subsection (a) above is ~~guilty of a~~
17 Class C felony where intentional conduct proximately causes the death
18 of the patient or resident;

1 (2) ~~Any person who violates~~ A violation of subsection (a) above is ~~guilty of a~~
2 Class E felony where culpably negligent conduct proximately causes the
3 death of the patient or resident;

4 (3) ~~Any person who violates~~ A violation of subsection (a) above is ~~guilty of a~~
5 Class F felony where such conduct proximately causes serious bodily
6 injury to the patient or resident.

7 **(b1)** Any natural person, association, corporation, partnership, or other individual or
8 entity who abuses or neglects a patient of a health care facility or a resident of a
9 residential care facility that does not result in serious bodily injury or death is guilty of a
10 Class A1 misdemeanor.

11 (c) 'Health Care Facility' shall include hospitals, skilled nursing facilities,
12 intermediate care facilities, intermediate care facilities for the mentally retarded,
13 psychiatric facilities, rehabilitation facilities, kidney disease treatment centers, home
14 health agencies, ambulatory surgical facilities, and any other health care related facility
15 whether publicly or privately owned.

16 'Residential Care Facility' shall include adult care homes and any other residential
17 care related facility whether publicly or privately owned.

18 ~~(d) "Person" shall include any natural person, association, corporation, partnership,~~
19 ~~or other individual or entity.~~

20 (e) 'Culpably negligent' shall mean conduct of a willful, gross and flagrant
21 character, evincing reckless disregard of human life.

22 ~~(e1) 'Abuse' means the willful or grossly negligent infliction of physical pain, injury~~
23 ~~or mental anguish, unreasonable confinement, or the willful or grossly negligent~~
24 ~~deprivation of services which are necessary to maintain mental or physical health.~~

25 ~~(e2) 'Neglect' means the willful violation of any law or rule of a State agency~~
26 ~~designed to protect the health, welfare, or comfort of the patient or resident.~~

27 (f) Any defense which may arise under G.S. 90-321(h) or G.S. 90-322(d) pursuant
28 to compliance with Article 23 of Chapter 90 shall be fully applicable to any prosecution
29 initiated under this section.

30 (g) Criminal process for a violation of this section may be issued only upon the
31 request of a District Attorney.

32 (h) The provisions of this section shall not supersede any other applicable statutory
33 or common law offenses."

34 Section 2. This act becomes effective December 1, 1999, and applies to
35 offenses committed on or after that date.