

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

**SESSION LAW 2001-465  
SENATE BILL 826**

AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY RECORD CHECKS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Notwithstanding G.S. 131E-265, the requirements of that statute for nursing homes and home care agencies to conduct national criminal history record checks shall apply only to nursing home and home care agency employment positions involving direct patient care, and the national checks shall be conducted in accordance with Public Law 105-277.

**SECTION 1.(b)** This section expires January 1, 2003.

**SECTION 2.(a)** The requirements of G.S. 131E-265(a1) for contract agencies of nursing homes and home care agencies, G.S. 131D-40 for adult care homes and contract agencies of adult care homes, and of G.S. 122C-80 for area mental health, developmental disabilities, and substance abuse services authorities, to conduct national criminal history record checks are suspended until January 1, 2003.

**SECTION 2.(b)** The requirements of G.S. 131E-265(a) for nursing homes and home care agencies to conduct national criminal history record checks for employment positions other than those involving direct patient care are suspended until January 1, 2003.

**SECTION 3.(a)** The Legislative Research Commission may study how federal law affects the distribution of national criminal history record check information requested for nursing homes, home care agencies, adult care homes, assisted living facilities, and area mental health, developmental disabilities, and substance abuse services authorities, and the problems federal restrictions pose for effective and efficient implementation of State-required criminal record checks. The study may include the following:

- (1) Ways in which national record checks may be obtained and reviewed for these facilities to effectuate State policy and protections of facility residents, and the advantages, disadvantages, and costs of various approaches to implementation.
- (2) A review of ways in which national record checks are obtained by the Division of Child Development, Department of Health and Human Services, and other State agencies, and related costs to the State.
- (3) Solutions adopted by other states to effectively and efficiently implement criminal record check requirements, including costs to the State in implementing these solutions.
- (4) Other issues relevant to State requirements for criminal history record checks in long-term care facilities.

The Legislative Research Commission may make its findings and recommendations in a final report to the 2002 Regular Session of the 2001 General Assembly.

**SECTION 4.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13<sup>th</sup> day of November, 2001.

s/ Beverly E. Perdue  
President of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 1:51 p.m. this 16<sup>th</sup> day of November, 2001