

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1271  
Committee Substitute Favorable 5/6/09

Short Title: Clarify Social Services Commission Authority.

(Public)

Sponsors:

Referred to:

April 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY AUTHORITY OF THE SOCIAL SERVICES COMMISSION IN  
3 SETTING QUALIFICATIONS FOR STAFF OF RESIDENTIAL CHILD CARE  
4 AGENCIES, RESIDENTIAL MATERNITY CARE AGENCIES, AND CHILD PLACING  
5 AGENCIES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 131D-1 reads as rewritten:

8 "§ 131D-1. **Licensing of maternity homes.**

9 (a) The Department of Health and Human Services shall inspect and license all  
10 maternity homes established in the State under rules adopted by the Social Services  
11 Commission. The Commission shall adopt rules establishing educational ~~requirements~~  
12 requirements, minimum age, relevant experience, and criminal record status for executive  
13 directors and staff employed in maternity homes.

14 (b) Facilities subject to the provisions of this section shall include:

- 15 (1) Institutions or homes maintained for the purpose of receiving pregnant  
16 women for care before, during, and after delivery, and  
17 (2) Institutions or lying-in homes maintained for the purpose of receiving  
18 pregnant women for care before and after delivery, when delivery takes  
19 place in a licensed hospital."

20 SECTION 2. G.S. 131D-10.5 reads as rewritten:

21 "§ 131D-10.5. **Powers and duties of the Commission.**

22 In addition to other powers and duties prescribed by law, the Commission shall exercise the  
23 following powers and duties:

- 24 (1) Adopt, amend and repeal rules consistent with the laws of this State and the  
25 laws and regulations of the federal government to implement the provisions  
26 and purposes of this Article;  
27 (2) Issue declaratory rulings as may be needed to implement the provisions and  
28 purposes of this Article;  
29 (3) Adopt rules governing procedures to appeal Department decisions pursuant  
30 to this Article granting, denying, suspending or revoking licenses;  
31 (4) Adopt criteria for waiver of licensing rules adopted pursuant to this Article;  
32 (5) Adopt rules on documenting the use of physical restraint in residential  
33 child-care facilities; ~~and~~  
34 (6) Adopt rules establishing personnel and training requirements related to the  
35 use of physical restraints and time-out for staff employed in residential  
36 child-care ~~facilities.~~facilities; and



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1           (7)    Adopt rules establishing educational ~~requirements~~requirements, minimum  
2                    age, relevant experience, and criminal record status for executive directors  
3                    and staff employed by child placing agencies and residential child care  
4                    facilities."

5           **SECTION 3.** This act is effective when it becomes law.