

1 10A NCAC 13D .2210 is proposed for amendment as follows:

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3 **10A NCAC 13D .2210 ~~REPORTING AND INVESTIGATING ABUSE, NEGLECT OR~~**
4 **~~MISAPPROPRIATION~~ FREEDOM FROM ABUSE, NEGLECT AND**
5 **EXPLOITATION**

6 (a) Nursing homes shall comply with 42 CFR 483.12, which is incorporated by reference, including subsequent
7 amendments. The Code of Federal Regulations may be accessed at <https://www.ecfr.gov>.

8 ~~(a) A facility shall take measures to prevent patient abuse, patient neglect, exploitation or mistreatment, including~~
9 ~~injuries of unknown source and misappropriation of patient property, including orientation and instruction of facility~~
10 ~~staff on patients' rights and the screening of and requesting of references for all prospective employees.~~

11 (b) A facility shall ensure that the administrator of the facility, the Division of Health Service Regulation, Regulation,
12 Complaint Intake and Health Care Investigation Section, and adult protective services is are notified within 24 hours
13 of the facility's becoming aware of any allegation against health care personnel of any act listed in G.S. 131E-
14 256(a)(1), about all alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of
15 unknown source and misappropriation of patient property within the time periods for notification specified in 42 CFR
16 483.12.

17 (c) A facility shall ensure that the administrator of the facility and the Division of Health Service Regulation are
18 notified about misappropriation of the property of the facility, diversion of drugs belonging to the facility and fraud
19 against the facility. The facility shall notify within 24 hours of the facility's becoming aware of the allegation.

20 (d) A facility shall investigate allegations of any act listed in ~~G.S. 131E-256(a)(1)~~, Paragraphs (b) and (c), shall
21 document all information pertaining to such investigation, and shall take the necessary steps to prevent further
22 incidents while the investigation is in progress.

23 (e) A facility shall ensure that the report of investigation is printed or typed and sent to the Division of Health Service
24 Regulation within five working days of the allegation. The report shall include:

- 25 (1) the date and time of the alleged incident;
- 26 (2) the patient's full name and room number;
- 27 (3) details of the allegation and any injury;
- 28 (4) names of the accused and any witnesses;
- 29 (5) names of the facility staff who investigated the allegation;
- 30 (6) results of the investigation; and
- 31 (7) any corrective action that was taken by the facility.

32 (f) A facility shall report any reasonable suspicion of a crime against a patient receiving care in the facility to the
33 Division of Health Service Regulation, Complaint Intake and Health Care Investigations Section and local law
34 enforcement where the facility is located within the time periods for notification specified in 42 CFR 483.12.

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36 *History Note: Authority G.S. 131E-104; 131E-131; 131E-255; 131E-256; 131E-117;*
37 *Eff. January 1, 1996;*

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