

1 10A NCAC 130 .0101 is proposed for readoption with substantive changes as follows:

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3 **SUBCHAPTER 130 – HEALTH CARE PERSONNEL REGISTRY**

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5 **SECTION .0100 – HEALTH CARE PERSONNEL REGISTRY**

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7 **10A NCAC 130 .0101 DEFINITIONS**

8 The following definitions shall apply throughout this Subchapter:

- 9 (1) “Abuse” is defined by 42 CFR Part 488 Subpart E which is incorporated by reference, including  
10 subsequent amendments. Copies of the Code of Federal Regulations may be purchased from the  
11 Superintendent of Documents, U.S. Government Printing, Washington D.C. ~~20402~~20402 or may  
12 be accessed electronically free of charge at <http://www.ecfr.gov>.
- 13 (2) “Division of drugs” means the unauthorized taking or use of any drugs.
- 14 (3) “Drug” means any chemical compound that may be used on or administered to humans or animals  
15 as an aid in the diagnosis, treatment or prevention of disease or other condition of for the relief of  
16 pain or suffering or to control or improve any physiological pathologic condition.
- 17 (4) “Finding” (when used in conjunction with the Health Care Personnel Registry) means a  
18 determination by the Department that an allegation of resident abuse or neglect, misappropriation  
19 of resident or health care facility property, diversion of drugs belonging to a resident or health care  
20 facility, and fraud against a resident or health care facility has been substantiated.
- 21 (5) “Fraud” means an intentional deception or misrepresentation made by a person with the knowledge  
22 that the deception could result in some unauthorized benefit to himself or some other person. It  
23 includes any act that constitutes fraud under applicable Federal or State Law.
- 24 (6) “Health Care Facility” means all the facilities and agencies as defined in G.S. 131E-256(b).
- 25 (7) “Health Care Personnel” means all the persons as defined in G.S. 131E-256(c).
- 26 (8) “Misappropriation of the resident property” is defined by 42 CFR Part 488 Subpart E which is  
27 incorporated by reference, including subsequent amendments. Copies of the Code of Federal  
28 Regulations may be purchased from the Superintendent of Documents, U.S. Government Printing  
29 Office, Washington D.C. ~~20402~~20402 or may be accessed electronically free of charge at  
30 <http://www.ecfr.gov>.
- 31 (9) “Misappropriation of the property of a health care facility” means the deliberate misplacement,  
32 exploitation, or wrongful, temporary or permanent use of a health care facility’s property without  
33 the facility’s consent.
- 34 (10) “Neglect” is defined by 42 CFR Part 488 Subpart E which is incorporated by reference, including  
35 subsequent amendments. Copies of the Code of Federal Regulations may be purchased from the  
36 Superintendent of Documents, U.S. Government Printing Office, Washington D.C. ~~20402~~20402 or  
37 may be accessed electronically free of charge at <http://www.ecfr.gov>.

1           (11)   “Resident” means all the individuals residing in or being served by a health care facility as defined  
2                   in G.S. 131E-256(b).

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4   *History Note:*    *Authority G.S. 131E-256; 42 U.S.C. 1395; 42 U.S.C. 1396;*

5                    *Temporary Adoption Eff. December 20, 1996;*

6                    *Eff. August 1, 1998;*

7                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20,*  
8                    *2015-2015;*

9                    *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. June 25, 2025;*

10                   *Readopted Eff. October 1, 2026.*