



HOUSE BILL 355: Enhance Protection for Group Home Residents

2015-2016 General Assembly

Committee:	House Health, if favorable, Judiciary II	Date:	April 14, 2015
Introduced by:	Reps. Reives, Stam	Prepared by:	Tawanda Foster
Analysis of:	PCS to First Edition H355-CSTV-5		Committee Counsel

SUMMARY: *House Bill 355 would enhance protections for clients of facilities whose primary purpose is to provide services for the care, treatment, habilitation, and rehabilitation of individuals with mental illness, developmental disabilities, or substance abuse disorders. Further, this bill increases punishments for client abuse, exploitation, or neglect; imposes a reporting requirement on employees and volunteers who witness a sexual offense or offense against morality perpetrated against a client; and makes the failure to report these violations a Class A1 or Class 1 misdemeanor.*

The PCS to House Bill 355 adds a requirement that the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (the Commission) establish standardized procedures to train and keep records of the measures used to comply with the employee and volunteer reporting requirements in G.S. 122C-66.

CURRENT LAW: G.S. 122C-26 provides the Commission with powers and duties to issue declaratory rulings, to make rules to meet the provisions and purposes of the Article and to govern licensure and accreditation of residential treatment facilities.

G.S. 122C-66 provides protection from abuse and exploitation, as well as reporting requirements for individuals in facilities that provide care, treatment, habilitation, or rehabilitation of mentally ill, developmentally disabled, or substance abuser clients.

BILL ANALYSIS:

House Bill 355 would make the following changes to the current statute.

- Increases the penalty from a Class 1 misdemeanor to a Class A1 misdemeanor for any employee or volunteer who knowingly causes pain or injury to a client.
- Increases the penalty from a Class 3 misdemeanor to a Class 1 misdemeanor for any employee or volunteer who witnesses and does not report another employee or volunteer who knowingly causes pain or injury to a client or takes personal property from a client.
- Adds a provision that requires an employee or volunteer who witnesses a sex crime or offense against morality perpetrated against a client to report the alleged crime within 24 hours to the department of social services in the county where the facility serves the client and the district attorney in the district where the facility serves the client. Failure to report this alleged crime would be a Class A1 misdemeanor.

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Director



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- Adds a provision that the county department of social services and district attorney who receives a report of an alleged sex crime or offense against morality shall investigate or provide for the investigation of each such report.

The PCS to House Bill 355 adds a section to require the Commission establish standardized procedures for facilities in training and record keeping of the measures taken to inform employees and volunteers of these duties to report abuse of a client they witness or have knowledge of to the appropriate person or agency.

EFFECTIVE DATE: This act would become effective December 1, 2015 and would apply to offenses committed on or after that date.