



CHAPTER 131E
ARTICLE 6 - HEALTH CARE FACILITY LICENSURE ACT

N.C.G.S. § 131E-109.

Penalties.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2021-84, s. 11 — ninth act in the lineage	RETRIEVED 21 September 2026, 02:57 UTC	SOURCE FINGERPRINT 9bf5a4b1a3befa79885f30df - f6e9c5b84c3b4f3cc2349a3e - c587c7fdea2c8869
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§ 131E-109(a) Any person establishing, conducting, managing, or operating any nursing home without a license is guilty of a Class 3 misdemeanor, and upon conviction is only liable for a fine of not more than five hundred dollars (\$500.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. Each day of a continuing violation after conviction is a separate offense.

§ 131E-109(b) Any person acting under the authority of the Department that gives advance notice to an operator of a nursing home of the date or time that the nursing home is to be inspected is guilty of a Class 3 misdemeanor. The inspection of a nursing home for initial licensure is exempt from the prohibition of prior notice. All subsequent inspections shall comply with this subsection.

§ 131E-109(c) The Secretary or a designee of the Secretary may suspend the admission of any new patients or residents at any nursing home or domiciliary home where the conditions of the nursing home or domiciliary home are detrimental to the health or safety of the patient or resident. This suspension remains in effect until the Secretary is satisfied that conditions or circumstances merit the removal of the suspension. This subsection is in addition to the authority to suspend or revoke the license of the home. Any facility wishing to contest a suspension of admissions is entitled to an administrative hearing as provided in the Administrative Procedure Act, Chapter 150B of the General Statutes. The petition for a contested case shall be filed in the Office of Administrative Hearings within 20 days after the Department mails a written notice of suspension of admissions to the facility.

§ 131E-109(d)

Except as otherwise provided in this Part, any person that violates any provision of this Part, willfully fails to perform any act required by this Part, or willfully performs any act prohibited by this Part is guilty of a Class 1 misdemeanor.

§ 131E-109(e) The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
9 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

197719992021

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1977	c. 656, ss. 1, 2	ENACTED
02	1981	c. 667, ss. 1, 2	AMENDED
03	1983	c. 775, s. 1	AMENDED
04	1991	c. 143, s. 3	AMENDED
05	1991	c. 761, s. 25	AMENDED
06	1993	c. 539, s. 960	AMENDED
07	1994	Ex. Sess., c. 24, s. 14(c)	AMENDED
08	1998	S.L. 1998-215, s. 78(c)	AMENDED
09	2021	S.L. 2021-84, s. 11	AMENDED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 115C-457.2	(e)	"and Forfeiture Fund in accordance with"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 131E-109 (2021).

PINPOINT

N.C. Gen. Stat. § 131E-109(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 656, ss. 1, 2; 1981, c. 667, ss. 1, 2; 1983, c. 775, s. 1; 1991, c. 143, s. 3; c. 761, s. 25; 1993, c. 539, s. 960; 1994, Ex. Sess., c. 24, s. 14(c); 1998-215, s. 78(c); 2021-84, s. 11.)

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