

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 159

Short Title: Rest Home Due Process.

(Public)

Sponsors: Senators Seymour; Daniel, Hunt, Martin of Pitt, Richardson, Smith, and Walker.

Referred to: Human Resources.

February 21, 1991

A BILL TO BE ENTITLED

AN ACT TO PROTECT DOMICILIARY HOME PENALTY REVIEW COMMITTEE
PROCEDURE FROM ABUSE OF PROCESS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 131D of the General Statutes is amended by adding a new section to read:

"§ 131D-35. Abuse of appellate process; sanctions.

(a) Any penalties assessed pursuant to G.S. 131D-34 are assessed as of the date of the decision of the Penalty Review Committee. The interest payable on such a penalty is accrued from the date of this decision until the date of payment.

(b) In cases appealed from the Penalty Review Committee, if the Administrative Law Judge finds that there was no foundation for the penalty or for the appeal or that the imposition of the penalty or that the appeal was frivolous, the judge shall assess the costs including a reasonable attorney's fee to the prevailing party of defending the appeal against the appellant."

Sec. 2. This act becomes effective October 1, 1991.