

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 561

Short Title: Local Confinement Facility Inspection Appeals. (Public)

Sponsors: Representatives Greene, Stevens, McNeill, and Miller (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

April 15, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE RIGHTS OF APPEAL PURSUANT TO INSPECTIONS OF
3 LOCAL CONFINEMENT FACILITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 153A-222 reads as rewritten:

6 **"§ 153A-222. Inspections of local confinement facilities.**

7 (a) Department personnel shall visit and inspect each local confinement facility at least
8 semiannually. The purpose of the inspections is to investigate the conditions of confinement, the
9 treatment of prisoners, the maintenance of entry level employment standards for jailers and
10 supervisory and administrative personnel of local confinement facilities as provided for in
11 G.S. 153A-216(4), and to determine whether the facilities meet the minimum standards published
12 pursuant to G.S. 153A-221. The inspector shall make a written report of each inspection and
13 submit it within 30 days after the day the inspection is completed to the governing body and other
14 local officials responsible for the facility. The report shall specify each way in which the facility
15 ~~does not meet the minimum standards~~ is alleged to be deficient.

16 (b) ~~The~~ Within 30 days of receiving the inspection report under subsection (a) of this
17 section, the governing body shall consider the report at its first regular meeting after receipt of
18 the report and shall promptly (i) initiate any action necessary to bring the facility into conformity
19 with the ~~standards~~ minimum standards published pursuant to G.S. 153A-221 or (ii) request a
20 contested case hearing regarding any or all findings in the report pursuant to subsection (c) of
21 this section.

22 (c) A governing body, sheriff, or other administrator of a local confinement facility has
23 a right to request a contested case hearing regarding any or all findings in the report pursuant to
24 and in accordance with the provisions of Article 3 of Chapter 150B of the General Statutes.
25 Appeals of any contested case hearing shall be conducted pursuant to Article 4 of Chapter 150B
26 of the General Statutes.

27 (d) Notwithstanding the provisions of G.S. 8-53 or any other provision of law relating to
28 the confidentiality of communications between physician and patient, the representatives of the
29 Department of Health and Human Services who make ~~these~~ inspections under this section may
30 review any writing or other record in any recording medium which pertains to the admission,
31 discharge, medication, treatment, medical condition, or history of persons who are or have been
32 inmates of the facility being inspected. Physicians, psychologists, psychiatrists, nurses, and
33 anyone else involved in giving treatment at or through a facility who may be interviewed by
34 representatives of the Department may disclose to these representatives information related to an



1 inquiry, notwithstanding the existence of the physician-patient privilege in G.S. 8-53 or any other
2 rule of law; provided the ~~patient, resident or client~~ inmate has not made written objection to such
3 disclosure. The facility, its employees, and any person interviewed during these inspections shall
4 be immune from liability for damages resulting from the disclosure of any information to the
5 Department. Any confidential or privileged information received from review of records or
6 interviews shall be kept confidential by the Department and not disclosed without written
7 authorization of the inmate or legal representative, or unless disclosure is ordered by a court of
8 competent jurisdiction. The Department shall institute appropriate policies and procedures to
9 ensure that this information shall not be disclosed without authorization or court order. The
10 Department shall not disclose the name of anyone who has furnished information concerning a
11 facility without the consent of that person. Neither the names of persons furnishing information
12 nor any confidential or privileged information obtained from records or interviews shall be
13 considered "public records" within the meaning of G.S. 132-1. Prior to releasing any information
14 or allowing any inspections referred to in this ~~section~~ section, the ~~patient, resident or client~~ inmate
15 must be advised in writing ~~that he has the~~ of the inmate's right to object in writing to ~~such~~ the
16 release of information or review of ~~his records~~ the inmate's records, and that by ~~an objection~~
17 objecting in writing ~~he~~ the inmate may prohibit the inspection or release of ~~his~~ the inmate's
18 records."

19 **SECTION 2.** The Department of Health and Human Services shall adopt temporary
20 rules under G.S. 150B-21.1 to comply with this act and shall adopt permanent rules to comply
21 with this act by October 1, 2022.

22 **SECTION 3.** This act becomes effective October 1, 2021.