

§ 58-64A-290. Corrective action plan.

(a) If the Commissioner has determined that a provider is in a hazardous condition, the Commissioner may, in lieu of taking action under G.S. 58-64A-280 or G.S. 58-64A-335, and after notice and opportunity for hearing, issue an order requiring a provider to (i) submit a corrective action plan within 45 days and (ii) notify all residents and depositors within five business days of the Commissioner's order. The corrective action plan shall include both of the following:

- (1) Proposals of corrective actions the provider intends to take which would be expected to result in the elimination of the hazardous condition.
- (2) A date when the provider anticipates it will rectify the problems and deficiencies identified by the Commissioner.

(b) Within 45 days after the submittal of a corrective action plan, the Commissioner shall notify the provider whether the corrective action plan shall be implemented or is, in the judgment of the Commissioner, unsatisfactory. If the Commissioner determines the corrective action plan is unsatisfactory, the notification to the provider shall set forth the reasons for the determination and may set forth proposed revisions that will render the corrective action plan satisfactory in the judgment of the Commissioner. After receiving notification from the Commissioner, the provider shall prepare a revised corrective action plan, if applicable, which may incorporate by reference any revisions proposed by the Commissioner and shall submit the revised corrective action plan to the Commissioner within 30 days after notification from the Commissioner. If the corrective action plan is approved, the provider shall immediately implement the corrective action plan, distribute a copy of the plan to all residents and depositors, and begin reporting to the Commissioner on the implementation and progress of the corrective action plan in accordance with a schedule and in a format established by the Commissioner. Each report shall also be distributed to all residents and depositors at the time the report is submitted to the Commissioner.

(c) If the corrective action plan is disapproved, or if a corrective action plan is not submitted, the Commissioner may engage consultants to develop a corrective action plan. After the corrective action plan is developed, the Commissioner shall direct the provider to implement the corrective action plan and to distribute a copy of the corrective action plan to all residents and depositors. Expenses incurred by the Commissioner to engage consultants shall be paid by the provider.

(d) This section shall not be construed to delay or prevent the Commissioner from taking any regulatory measures deemed necessary regarding the provider.

(e) The provider shall distribute its approved corrective action plan and its most recent report to the Commissioner to a prospective resident at the time the provider distributes its current disclosure statement pursuant to G.S. 58-64A-155. Subsections (b) and (c) of G.S. 58-64A-155 shall apply to the corrective action plan and the most recent report to the Commissioner required to be distributed pursuant to this subsection. (2025-58, s. 2.)