

G.S. 150B-21.3A Report for 21 NCAC 37, Board of Examiners for Nursing Home Administrators

Agency - Board of Examiners for Nursing Home Administrators

Comment Period - February 10, 2024 - April 15, 2024

Date Submitted to APO - August 1, 2024

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 37B – DEPARTMENTAL RULES	SECTION .0100 – GENERAL PROVISIONS	21 NCAC 37B .0101	AUTHORITY: NAME & LOCATION OF BOARD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37B .0102	ELECTION OF OFFICERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37B .0103	LICENSED ADMINISTRATOR REQUIRED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	Yes If yes, include the citation to the federal law	42 C.F.R. 431.701; 42 C.F.R. 431.703	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37B .0104	FEES	Eff. May 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 - DEFINITIONS	21 NCAC 37B .0201	ADMINISTRATOR OF RECORD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37B .0202	LICENSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37B .0203	NATIONAL EXAM	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37B .0204	PRACTICE OF NURSING HOME ADMINISTRATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
21 NCAC 37B .0205		STATE EXAM	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	
SUBCHAPTER 37C - RULEMAKING AND DECLARATORY RULINGS	SECTION .0100 - ADOPTION OF RULES	21 NCAC 37C .0101	PETITIONS FOR ADOPTION OF RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37C .0102	PROCEDURE FOR ADOPTION OF RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37C .0103	DECLARATORY RULINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 37D - NEW LICENSES	SECTION .0100 - GENERAL	21 NCAC 37D .0101	OVERVIEW	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0102	STEPS FOR NEW LICENSE APPLICANTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 - APPLICATION FOR LICENSE	21 NCAC 37D .0201	APPLICATION PACKAGE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0202	INITIAL LICENSURE FEE	Amended Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0203	REFERENCES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	21 NCAC 37D .0204	FELONIES AND/OR MISDEMEANORS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt	

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	SECTION .0300 - EDUCATION, EXPERIENCE AND REQUIRED COURSE	21 NCAC 37D .0301	EDUCATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0302	COMBINATION OF EDUCATION AND EXPERIENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0303	REQUIRED COURSE	Readopted Eff. October 1, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 - ADMINISTRATOR-IN-TRAINING	21 NCAC 37D .0401	TRAINING REQUIREMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0402	APPLICATION TO BECOME ADMINISTRATOR-IN-TRAINING (AIT)	Amended Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0403	TRAINING PERMIT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0404	ADMINISTRATOR-IN-TRAINING SELECTION OF PRECEPTOR	Readopted Eff. October 1, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0405	ADMINISTRATOR-IN-TRAINING PROGRAM	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0406	AIT REPORTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0407	AIT TIME ON THE JOB	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0408	CHANGE OF STATUS AND DISCONTINUANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0409	DISMISSAL FROM PROGRAM	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0410	COMPENSATION OF AITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0412	INITIAL ON-THE-JOB TRAINING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0500 - PRECEPTORS	21 NCAC 37D .0501	APPLICATION FOR PRECEPTOR CERTIFICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0502	PRECEPTOR QUALIFICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0503	PRECEPTOR'S REPORTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0504	PRECEPTOR COMPLIANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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	SECTION .0600 – NATIONAL EXAM	21 NCAC 37D .0601	ELIGIBILITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0602	NATIONAL EXAM APPLICATION	Readopted Eff. October 1, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0603	NATIONAL EXAMINATION ADMINISTRATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0604	GRADE REQUIRED	Amended Eff May 1, 2023	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0700 – STATE EXAM	21 NCAC 37D .0701	ELIGIBILITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0702	APPLICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0703	STATE EXAMINATION ADMINISTRATION	Readopted Eff. October 1, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37D .0704	GRADE REQUIRED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 37E – RECIPROCITY/ENDORSEMENT	SECTION .0100 – GENERAL PROVISIONS	21 NCAC 37E .0101	APPLICATION PROCESS	Readopted Eff. October 1, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37E .0102	APPLICATION CONTENTS	Amended Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37E .0103	DENIAL AND REVOCATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 37F – TEMPORARY LICENSES	SECTION .0100 – TEMPORARY LICENSE REQUIREMENTS	21 NCAC 37F .0101	PREREQUISITES FOR TEMPORARY LICENSURE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37F .0102	ISSUANCE OF TEMPORARY LICENSE	Amended Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 37G - RENEWAL, INACTIVE, RESTORATION AND REINSTATEMENT, DUPLICATE and verification of license	SECTION .0100 - RENEWAL REQUIREMENTS	21 NCAC 37G .0101	RENEWAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37G .0102	RENEWAL FEE	Amended Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 - INACTIVE LICENSES	21 NCAC 37G .0201	INACTIVE REQUIREMENTS	Readopted Eff. October 1, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37G .0202	ACTIVATION OF INACTIVE LICENSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0300 - REINSTATEMENT	21 NCAC 37G .0301	REINSTATEMENT OF LICENSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37G .0302	RESTORATION OF LAPSED LICENSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 – DUPLICATE AND VERIFICATION OF LICENSE	21 NCAC 37G .0401	DUPLICATE LICENSE REQUIREMENTS	Readopted Eff. October 1, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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	SECTION .0400 – DUPLICATE AND VERIFICATION OF LICENSE	21 NCAC 37G .0402	VERIFICATION OF LICENSE	Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 37H - CONTINUING EDUCATION	SECTION .0100 - CONTINUING EDUCATION REQUIREMENTS	21 NCAC 37H .0101	CONTINUING EDUCATION HOURS REQUIREMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37H .0102	CONTINUING EDUCATION PROGRAMS OF STUDY	Readopted Eff. October 1, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37H .0103	VERIFICATION OF ATTENDANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 37H .0104	PRECEPTOR CREDIT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 37I – PROFESSIONAL STANDARDS	SECTION .0100 - INVESTIGATIONS	21 NCAC 37I .0101	INVESTIGATION: DISCIPLINE AND CONTESTED CASE PROCEEDINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt