

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37D .0202

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 5, delete or define "successfully"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: November 23, 2020

21 NCAC 37D .0202 is proposed for amendment as follows:

**21 NCAC 37D .0202 INITIAL LICENSURE FEE**

Prior to licensure, the applicant shall send an initial licensure non-refundable fee of ~~five hundred dollars (\$500.00)~~  
six hundred dollars (\$600.00) when the applicant has successfully passed the examinations required by the Board  
under Sections .0600 and .0700 of this Subchapter.

*History Note: Authority G.S. 90-280;*  
*Eff. February 1, 1976;*  
*Amended Eff. August 1, 1977;*  
*Readopted Eff. October 1, 1981; December 15, 1977;*  
*Amended Eff. December 30, 1981;*  
*Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9, 1982;*  
*Amended Eff. February 1, 1991; October 1, 1982;*  
*Transferred and Recodified from 21 NCAC 37A .0302 Eff. April 1, 1996;*  
*Amended Eff. August 1, 1996;*  
*Temporary Amendment Eff. August 15, 1996;*  
*Amended Eff. July 1, 1998;*  
*Temporary Amendment Eff. August 15, 1999;*  
*Amended Eff. January 1, 2021; July 1, 2014; September 1, 2004; July 1, 2000.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37D .0402

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In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(6), what does it mean to "maintain the honor and dignity of the profession"?*

*In (d), what sort of documentation would be sufficient? Can you provide some examples?*

*In (f)(1), please add a comma after "address"*

*In (f)(2), add "the" in between "accepting" and "individual"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: November 23, 2020

21 NCAC 37D .0402 is proposed for amendment as follows:

**21 NCAC 37D .0402 APPLICATION TO BECOME ADMINISTRATOR-IN-TRAINING (AIT)**

(a) The applicant shall submit to the Board an application containing:

- (1) name;
- (2) education;
- (3) employment history;
- (4) questions pertaining to moral character;
- (5) criminal history; and
- (6) an affidavit stating that the applicant if granted a license, shall obey the laws of the state and the rules of the Board, and shall maintain the honor and dignity of the profession.

(b) The applicant shall submit a resume.

(c) The applicant shall submit three reference forms (one employer and two character) as set forth in Rule .0203 of this Subchapter:

- (1) the Employer Reference Form shall include the address of employment and duties assigned; and
- (2) the Character Reference Form shall include how this individual knows the applicant and whether the applicant is capable to supervise the care of residents of a skilled facility. No character reference shall be from a relative of the applicant.

(d) The applicant shall submit an official transcript issued by the institution indicating the courses completed and hours earned, specifying whether semester or quarter hours. The applicant shall supply documentation of his or her supervisory experience in a nursing home if the applicant is utilizing the experience substitute for the education requirement as allowed by G.S. 90-278(1)b.

(e) The applicant and the preceptor shall appear before the Board for a personal interview.

(f) The preceptor shall submit to the Board three weeks prior to the personal interview:

- (1) a Facility Survey Form stating the facility license number, address and the number of beds;
- (2) a letter accepting individual as an AIT;
- (3) a Preceptor Disclosure Form stating number of years the individual has served as an administrator and number of AITs precepted;
- (4) a curriculum outline for the AIT program that provides the AIT with job experience in each department. A curriculum outline shall include each department in the facility and the information that will be covered, including the recommended number of weeks in the program as outlined on the AIT Curriculum Request and Rationale Form;
- (5) an AIT Curriculum Request and Rationale Form shall be based on education and experience of the AIT applicant. The preceptor shall be responsible for providing a rationale for all subject areas with the recommended number of weeks for the AIT; and
- (6) the directions to the facility.

1 (g) The owner or governing board of the facility shall submit to the Board three weeks prior to the personal interview  
2 a letter of approval for the AIT applicant to train in the facility.

3 (h) A non-refundable processing fee of ~~two hundred fifty dollars (\$250.00)~~ three hundred dollars (\$300.00) shall be  
4 submitted with the application.

5 (i) An AIT applicant shall maintain at all times a current residential mailing address with the Board office.

6 (j) The applicant may obtain an application and forms from the Board's website or from the Board office.

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8 *History Note: Authority G.S. 90-278; 90-280; 90-285; 90-288.01;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. August 1, 1977; April 8, 1977;*

11 *Readopted Eff. December 15, 1977;*

12 *Amended Eff. February 1, 1980;*

13 *Readopted Eff. October 1, 1981;*

14 *Amended Eff. August 1, 1995; August 2, 1993; February 1, 1991; May 1, 1989;*

15 *Transferred and Recodified from 21 NCAC 37A .0502 Eff. April 1, 1996;*

16 *Amended Eff. July 1, 2014; July 1, 2004; April 1, 1996;*

17 *Readopted Eff. October 1, 2015.*

18 *Amended Eff. January 1, 2021*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37E .0102

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2020**

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In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 4, please change "reciprocity/endorsement" to "reciprocity endorsement" to match the statutory language found in G.S. 90-280.*

*In Item (1), please confirm that the contents of the application are set forth elsewhere in rule or statute.*

*In Item (5), are the contents of the licensing questionnaire set forth elsewhere in rule or statute?*

*In Item (7), what are the "necessary forms"? Those referenced in this Rule?*

*In Item (7), what is the "required fee" for the criminal background check? I am assuming that this is not set by you?*

*In Item (7), what is the intent of "Information regarding the forms and fees for the criminal background check is available at the Board office"? I assume that you simply mean that the forms and the fee (that is not set by y'all) can be found there. If so, please consider deleting "information regarding the" and just begin the last sentence with "The forms and fees for the criminal record check are available at the Board office." Also, is this not available on your website?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: November 23, 2020

21 NCAC 37E .0102 is proposed for amendment as follows:

**21 NCAC 37E .0102 APPLICATION CONTENTS**

An applicant for reciprocity/endorsement shall submit the following items that shall be received by the Board three weeks prior to the next scheduled Board Meeting posted on the Board's website:

- (1) a completed application;
- (2) a resume;
- (3) certified college transcript(s);
- (4) three reference forms (one employer and two character) located on the Board's website as set forth in Rule 21 NCAC 37D .0203:
  - (a) the Employer Reference Form shall include the address of employment and duties assigned; and
  - (b) the Character Reference Form shall include how the individual knows the applicant and whether the applicant is capable of supervising the care of residents of a skilled facility. No character reference shall be from a relative of the applicant.
- (5) a licensing questionnaire(s) from every state where the applicant held a license. The questionnaire is available on the Board's website;
- (6) a non-refundable processing fee of ~~two hundred fifty dollars (\$250.00)~~; three hundred dollars (\$300.00); and
- (7) a fingerprint card, necessary forms, and required fee for criminal background check. Information regarding the forms and fees for the criminal background check is available in the Board office.

*History Note: Authority G.S. 90-280; 90-285; 90-287; 90-288.01;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 15, 1977;*  
*Amended Eff. February 1, 1980;*  
*Readopted Eff. October 1, 1981;*  
*Amended Eff. August 1, 1995; August 2, 1993; February 1, 1991; May 1, 1989;*  
*Transferred and Recodified from 21 NCAC 37A .0912(b) Eff. April 1, 1996;*  
*Amended Eff. April 1, 1996;*  
*Temporary Amendment Eff. August 15, 1999;*  
*Amended Eff. July 1, 2014; July 1, 2004; July 1, 2000;*  
*Readopted Eff. October 1, 2015.*  
*Amended Eff. January 1, 2021.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37F .0102

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In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), please confirm that the contents of the application are set forth elsewhere in rule or statute.*

*In (b), what are the "necessary forms"?*

*In (b), what is the "required fee" for the criminal background check? I am assuming that this is not set by you?*

*In (b), line 18, delete or define "successfully"*

*In (b), consider deleting "information regarding the" and just begin the last sentence with "The forms and fees for the criminal record check is available at the board office." Also, is this not available on your website?*

*Given Paragraph (d) of Rule .0101 of this Section, do you need (c)? I think it's okay if you do, it just appears to be duplicative.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: November 23, 2020



21 NCAC 37F .0102 is proposed for amendment as follows:

**21 NCAC 37F .0102      ISSUANCE OF TEMPORARY LICENSE**

(a) An applicant for a temporary license shall submit the following items:

- (1) a completed application;
- (2) a resume;
- (3) three reference forms (one employer and two character) located on the Board's website as set forth in Rule 21 NCAC 37D .0203:
  - (A) the Employer Reference Form shall include the address of employment and duties assigned; and
  - (B) the Character Reference Form shall include how the individual knows the applicant and whether the applicant is capable of supervising the care of residents of a skilled facility. No character reference shall be from a relative of the applicant;
- (4) a letter from the owner or regional manager requesting the issuance of a Temporary License for the facility stating the circumstances necessitating the issuance of the license; and
- (5) the processing fee of ~~three hundred dollars (\$300.00)~~ five hundred dollars (\$500.00).

(b) After an applicant is issued a temporary license he or she shall submit a fingerprint card, necessary forms, and the required fee for a criminal background check, and successfully pass the state examination administered by the Board at the next exam date to retain the temporary license. Information regarding the forms and fees for the criminal background check is available in the Board office.

(c) A temporary license may be extended at the discretion of the Board in accordance with the requirements of Rule .0101(d) of this Section.

(d) A temporary license shall be issued to the applicant to permit him or her to practice only in the nursing home to which the applicant is assigned on the date of issuance.

(e) If the Board extends the temporary license, no further fee shall be required.

*History Note: Authority G.S. 90-278; 90-280; 90-285; 90-288.01;*

*Eff. February 1, 1980;*

*Amended Eff. April 15, 1980;*

*Readopted Eff. October 1, 1981;*

*Amended Eff. May 1, 1989; December 1, 1983; October 1, 1982;*

*Transferred and Recodified from 21 NCAC 37A .1003 Eff. April 1, 1996;*

*Amended Eff. April 1, 1996;*

*Temporary Amendment Eff. August 15, 1999;*

*Amended Eff. July 1, 2014; July 1, 2000;*

1                    *Readopted Eff. October 1, 2015.*  
2                    *Amended Eff. January 1, 2021.*  
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21 NCAC 37G .0102 is proposed for amendment as follows:

**21 NCAC 37G .0102      RENEWAL FEE**

Upon making application for renewal, a licensee shall pay a biennial licensure fee of ~~five hundred dollars (\$500.00).~~  
six hundred dollars (\$600.00).

*History Note:      Authority G.S. 90-280; 90-285; 90-286;*  
*Eff. February 1, 1976;*  
*Amended Eff. August 1, 1977; April 8, 1977;*  
*Readopted Eff. December 15, 1977;*  
*Readopted w/change Eff. October 1, 1981;*  
*Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9, 1982;*  
*Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983; October 1, 1982;*  
*Transferred and Recodified from 21 NCAC 37A .0904 Eff. April 1, 1996;*  
*Amended Eff. August 1, 1996;*  
*Temporary Amendment Eff. August 15, 1996;*  
*Amended Eff. July 1, 1998;*  
*Temporary Amendment Eff. August 15, 1999;*  
*Amended Eff. January 1, 2021; July 1, 2014; September 1, 2004; July 1, 2000.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37G .0402

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In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 8, contact information of whom? The licensee or the jurisdiction where it is to be sent.*

*Please consider breaking this into a list. Do you mean something like the following:*

*Any licensee requesting verification of a license shall submit to the Board the following:*

- (a) a written request, including the contact information and jurisdiction that the Board is to send the verification; and*
- (b) a non-refundable fee of fifty dollars (\$50.00).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: November 23, 2020

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## SECTION .0400 – DUPLICATE LICENSES AND VERIFICATION OF LICENSE

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