

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: All rules

**DEADLINE FOR RECEIPT: Monday, June 9, 2014**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On the Submission for Permanent Rule Form, you must provide the link to the agency website in Box 6 where it asks for "Link to Agency Notice." The publication in the Register indicates that was [www.ncbenha.org](http://www.ncbenha.org). Assuming that is correct, please use that link.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37B .0101

**DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*This particular does not establish or create a fee. On the Submission for Permanent Rule Form, do not check yes. Check no.*

*In the Rule text, on line 5, properly insert a comma after Board before the punctuation mark. It should look like this:*

**Board" Board,"**

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

1 21 NCAC 37B .0101 is amended as published in 28:18 NCR 2210 as follows:

2

3 **21 NCAC 37B .0101      AUTHORITY: NAME & LOCATION OF BOARD**

4 The "North Carolina State Board of Examiners for Nursing Home Administrators," subsequently herein referred to  
5 as the "Board" is established and authorized by G.S. 90, Article 20. The Board's physical location and mailing  
6 address is: 3733 National Drive, Suite ~~228~~, 110, Raleigh, North Carolina 27612. The Board's website address is  
7 [www.ncbenha.org](http://www.ncbenha.org).

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9 *History Note:      Authority G.S. 90-277;*

10 *Eff. April 1, 1996;*

11 *Amend Eff. July 1, 2014.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37D .0202

**DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Delete the "as" on line 6 before "required"*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

1 21 NCAC 37D .0202 is amended as published in 28:18 NCR 2210 as follows:

2  
3 **21 NCAC 37D .0202 INITIAL LICENSURE FEE**

4 ~~The applicant shall send to the Board, prior to licensure,~~ Prior to licensure, the applicant shall send an initial  
5 licensure non-refundable fee of ~~four hundred twenty five dollars (\$425.00)~~ five hundred dollars (\$500.00) when the  
6 applicant has successfully passed the examinations as required by the Board under Sections .0600 and .0700 of this  
7 Subchapter.

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9 *History Note: Authority G.S. 90-280;*  
10 *Eff. February 1, 1976;*  
11 *Amended Eff. August 1, 1977;*  
12 *Readopted Eff. October 1, 1981; December 15, 1977;*  
13 *Amended Eff. December 30, 1981;*  
14 *Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9,*  
15 *1982;*  
16 *Amended Eff. February 1, 1991; October 1, 1982;*  
17 *Transferred and Recodified from 21 NCAC 37A .0302 Eff. April 1, 1996;*  
18 *Amended Eff. August 1, 1996;*  
19 *Temporary Amendment Eff. August 15, 1996;*  
20 *Amended Eff. July 1, 1998;*  
21 *Temporary Amendment Eff. August 15, 1999;*  
22 *Amended Eff. 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

**DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), line 4, delete the comma after "application" and replace "which" with "that"*

*Is the Board providing the application in (a)? If so, tell how or where they can get it.*

*In (a), I am partial to lists and think this would read better as a list.*

*"The applicant shall submit an application containing:*

- (1) name;*
- (2) education;..."*

*Please not throughout this Rule and all rules submitted that when using lists, while it is not required, it is preferred that the subparts begin with lowercase letters.*

*If you decide not to make the list, in (a), line 6, insert a comma after "applicant"*

*In (c), where does someone get these forms?*

*In (c), line 11, do not delete "three"*

*End (c), line 12, with a colon, not a period.*

*In (c), you state the references are required by Rule .0203 of the Subchapter, which states:*

**21 NCAC 37D .0203 REFERENCES**

A candidate for licensure shall submit with his application three reference forms (one of which shall be from an employer) from individuals not related to the candidate who shall certify to the good moral character of the applicant. It shall be prima facie evidence of good moral character if a candidate has not violated any standards stated in G.S. 90-285.1.

*It seems that (c)(1) and (2) require more than what is in 37D .0203. Is this by design? Wouldn't it be better to amend Rule 37D .0203?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

*In (c)(1) and (2), begin with an article “The” and state “shall include”*

*End (c)(1) with “and”*

*In (c)(2), will the individual be able to give an opinion on the ability to supervise the care of the residents? Are you anticipating it will be submitted by colleagues? Or do you just want someone’s opinion on the matter?*

*In (d), I take it you mean “certified” as an official transcript by the institution?*

*In (f)(1) through 6, begin with an article where you can, i.e. “A Facility Survey form...”*

*Where can someone find the forms in (f)(1), (3), (4) and (5)?*

*In (f)(2) and elsewhere, I take it “AIT” means “Administrator in Training” Is this correct?*

*In (f)(3), do you mean “the number of years the individual has served as an administrator...”?*

*In (f)(4), what is the “Curriculum Outline”? Why is it capitalized? In line 29, you refer to a “basic outline.” Is that the same as the “Curriculum Outline”?*

*Also in (f)(4), what is a “department”? And on line 30, insert a comma after “covered”*

*On Page 2, (g), line 2, delete the comma after “interview” and replace “their” with “the” before facility.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

1 21 NCAC 37D .0402 is amended as published in 28:18 NCR 2210 as follows:

2  
3 **21 NCAC 37D .0402 APPLICATION TO BECOME ADMINISTRATOR-IN-TRAINING**

4 (a) The applicant shall submit to the Board an application, which shall contain such information as name, education,  
5 employment history, questions pertaining to moral character, ~~and any other information the Board may require to~~  
6 ~~process an application according to these Rules, criminal history,~~ and an affidavit stating that the applicant if granted  
7 a license, shall obey the laws of the state and the rules of the Board, and shall maintain the honor and dignity of the  
8 profession.

9 (b) The applicant shall submit a ~~background resume indicating the areas in which he is competent or lacking,~~  
10 ~~resume.~~

11 (c) The applicant shall submit ~~three~~ reference forms (one employer and two character) as ~~required and defined by~~  
12 ~~set forth in~~ Rule .0203 of this Subchapter.

13 (1) Employer Reference Form includes the address of employment and duties assigned;

14 (2) Character Reference Form includes how this individual knows the applicant and whether the  
15 applicant is capable to supervise the care of residents of a skilled facility. No character reference  
16 shall be from a relative of the applicant.

17 (d) The applicant shall supply a certified copy of each college transcript indicating the courses completed and hours  
18 earned, specifying whether semester or quarter hours. The applicant shall supply documentation of his or her  
19 supervisory experience in a nursing home if ~~he~~ the applicant is utilizing the experience substitute for the education  
20 requirement as allowed by G.S. 90-278(1)b.

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

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

23 (1) Facility Survey Form stating the facility license number, address and the number of beds;

24 (2) Letter accepting individual as an AIT;

25 (3) Preceptor Disclosure Form stating number of years as an administrator and number of AITs  
26 precepted;

27 ~~(3)(4)~~ An individualized curriculum Curriculum Outline for the AIT program that provides the AIT with  
28 on the job experience in the subject areas as outlined in Rule .0605 of this Subchapter, each  
29 department. A basic outline shall include each department and the information that will be  
30 covered including the recommended number of weeks in the program as outlined on the AIT  
31 Curriculum Request and Rationale Form;

32 ~~(4)(5)~~ Based AIT Curriculum Request and Rationale Form shall be based on the education ~~or~~ and  
33 experience of the AIT applicant, applicant, the The preceptor shall be responsible for providing a  
34 rationale for any all subject area areas with in which the recommended number of weeks for the  
35 AIT is less than the number of weeks provided on the Form; AIT; and

36 ~~(5)(6)~~ Map to facility or directions. Directions to the facility.



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

3 (h) A non-refundable processing fee of one hundred fifty dollars (\$150.00) two hundred fifty dollars (\$250.00) shall  
4 be submitted with the application.

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

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

8 *Eff. February 1, 1976;*

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

10 *Readopted Eff. December 15, 1977;*

11 *Amended Eff. February 1, 1980;*

12 *Readopted Eff. October 1, 1981;*

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

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

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

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37D .0703

**DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), lines 4 and 5, where can I find the State Examination Application form?*

*In (a), line 6, delete "have" both places.*

*In (a), line 7, insert a comma after "cause" Insert an "or" before "survey" and end the sentence there. Don't use "etc."*

*In (c), line 10, insert a comma after "Form" and where can I get it?*

*The sentence on lines 10 and 11 isn't a complete sentence. Is it a release form stating the applicant will keep the test questions confidential?*

*In (d), do you need "sit for and"? Wouldn't "An applicant shall pass the State Exam..." suffice?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

1 21 NCAC 37D .0703 is amended as published in 28:18 NCR 2210 as follows:

2  
3 **21 NCAC 37D .0703 STATE EXAMINATION ADMINISTRATION**

4 (a) The State Examination shall be administered on dates to be determined and published by the Board on the State  
5 Examination Application form. It may also be offered ~~on different dates~~ to reciprocity applicants and to AIT  
6 applicants who have passed the National Examination but have previously failed the State Examination on different  
7 dates who show good cause such as unavailability due to illness, inclement weather, employment, survey, etc.

8 (b) An applicant shall pay a non-refundable processing fee of seventy five dollars (\$75.00)-one hundred fifty dollars  
9 (\$150.00) each time ~~he~~ the applicant takes the State Examination.

10 (c) To sit for the State Examination, the applicant shall submit a Test Confidentiality and Attestation Form which is  
11 a release form stating to keep test questions confidential. This form is provided by the Board on the website and in  
12 the information package.

13 (d) An applicant shall sit for and pass the State Exam within one year of the date of completion of the AIT program.

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15 *History Note: Authority G.S. 90-280; 90-285;*  
16 *Eff. April 1, 1996;*  
17 *Amended Eff. July 1, 2014; July 1, 2004.*  
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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37E .0102

**DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), line 4, replace "which" with "that"*

*Also in (a), line 5, delete "which is" so it reads,*

*"next scheduled Board meeting [which is] posted"*

*Begin Items (1), (2), (5) and (6) with "a"*

*In Item (4), lines 12 and 13, do not have a space between the period and the rule citation. Further, state "Rule 21 NCAC 37D .0203"*

*In Item (4), begin "three reference forms..."*

*In Sub-Item (4)(a), state "the Employer Reference Form shall include..." End the sentence with a semicolon and "and"*

*In Sub-Item (4)(b), state "the Character Reference Forms shall include how the individual..."*

*Also in (4)(b), will the individual be able to give an opinion on the ability to supervise the care of the residents? Are you anticipating it will be submitted by colleagues? Or do you just want someone's opinion on the matter?*

*And where does one get the forms in Sub-Items (4)(a) and (b)?*

*Also in Item (4), you state the references are required by Rule .0203 of the Subchapter, which states:*

**21 NCAC 37D .0203 REFERENCES**

A candidate for licensure shall submit with his application three reference forms (one of which shall be from an employer) from individuals not related to the candidate who shall certify to the good moral character of the applicant. It shall be prima facie evidence of good moral character if a candidate has not violated any standards stated in G.S. 90-285.1.

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: May 23, 2014

*It seems that (4)(a) and (b) require more than what is in 37D .0203. Is this by design? Wouldn't it be better to amend Rule 37D .0203?*

*In Item (5), line 18, I'd prefer: "a licensing questionnaire(s) from every state where the applicant held a license. The questionnaire is on the Board's website;"*

*If you don't make that change, state "a licensing questionnaire(s) [~~which is~~] provided on..." and delete "has" on line 19.*

*In Item (7), how do people know the fee and the forms?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

1 21 NCAC 37E .0102 is amended as published in 28:18 NCR 2211 as follows:

2  
3 **21 NCAC 37E .0102 APPLICATION CONTENTS**

4 An applicant for reciprocity/endorsement shall submit the following items which ~~must~~ shall be received by the  
5 Board three weeks prior to the ~~personal interview~~ next scheduled Board Meeting which is posted on the Board's  
6 website:

- 7 (1) a completed application;
- 8 (2) ~~background~~-resume;
- 9 (3) certified college transcript(s);
- 10 (4) ~~three reference forms (one of which shall be from an employer) from individuals not related to the~~  
11 ~~applicant who shall certify the good moral character of the applicant as defined in 21 NCAC 37D-~~  
12 ~~.0203; - reference forms (one employer and two character) as set forth in Subchapter 37D Rule .~~  
13 0203:
- 14 (a) Employer Reference Form includes the address of employment and duties assigned.
- 15 (b) Character Reference Form includes how this individual knows the applicant and whether  
16 the applicant is capable to supervise the care of residents of a skilled facility. No  
17 character reference shall be from a relative of the applicant.
- 18 (5) licensing questionnaire(s) which is provided on the Board's website from every state where the  
19 applicant has held a license; ~~and~~
- 20 (6) ~~a two hundred dollars (\$200.00) application fee non-refundable processing fee of two hundred~~  
21 fifty dollars (\$250.00); and
- 22 (7) submission of fingerprint card, necessary forms and required fee for criminal background check.

23  
24 *History Note: Authority G.S. 90-280; 90-285; 90-287; 90-288.01;*  
25 *Eff. February 1, 1976;*  
26 *Readopted Eff. December 15, 1977;*  
27 *Amended Eff. February 1, 1980;*  
28 *Readopted Eff. October 1, 1981;*  
29 *Amended Eff. August 1, 1995; August 2, 1993; February 1, 1991; May 1, 1989;*  
30 *Transferred and Recodified from 21 NCAC 37A .0912(b) Eff. April 1, 1996;*  
31 *Amended Eff. April 1, 1996;*  
32 *Temporary Amendment Eff. August 15, 1999;*  
33 *Amended Eff. July 1, 2014; July 1, 2004; July 1, 2000.*  
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## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37F .0102

### **DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Begin Subparagraphs (a)(1), (2), (4) with "a"*

*In Subparagraph (a)(3), line 10, begin "three reference forms..." Further, state "Rule 21 NCAC 37D .0203" and end with a colon.*

*In Subparagraph (a)(3), it should be "(a)(3)(A)" and "(B)"*

*In Subparagraph (a)(3)(a), state "the Employer Reference Form shall include..." End the sentence with an "and"*

*In Subparagraph (a)(3)(b), state "the Character Reference Forms shall include how the individual..."*

*Also in (a)(3)(b), will the individual be able to give an opinion on the ability to supervise the care of the residents? Are you anticipating it will be submitted by colleagues? Or do you just want someone's opinion on the matter?*

*And where does one get the forms in Subparagraphs (3)(a) and (b)?*

*Also in (3), you state the references are required by Rule .0203 of the Subchapter, which states:*

#### **21 NCAC 37D .0203 REFERENCES**

A candidate for licensure shall submit with his application three reference forms (one of which shall be from an employer) from individuals not related to the candidate who shall certify to the good moral character of the applicant. It shall be prima facie evidence of good moral character if a candidate has not violated any standards stated in G.S. 90-285.1.

*It seems that (4)(a) and (b) require more than what is in 37D .0203. Is this by design? Wouldn't it be better to amend Rule 37D .0203?*

*Begin (a)(5) with "the"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

*In Paragraph (b), how do people know the fee and the forms?*

*In Paragraph (c), why are you changing the citation to the Subchapter? Currently, there are only two rules in the Subchapter: this one and .0101.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014



1 21 NCAC 37F .0102 is amended as published in 28:18 NCR 2211 as follows:

2  
3 **21 NCAC 37F .0102 ISSUANCE AND RENEWAL OF TEMPORARY LICENSE**

4 (a) An applicant for a temporary license shall ~~request, in writing, a temporary license package from the Board,~~  
5 submit the following items: provide a letter from the owner or regional manager requesting the issue of such license  
6 for the facility, stating the circumstances necessitating the issuance of a temporary license, and submit a completed  
7 application package including of a two hundred dollar (\$200.00) fee.

8 (1) completed application;

9 (2) resume;

10 (3) reference forms (one employer and two character) as set forth in Subchapter 37D, Rule .0203:

11 (a) Employer Reference Form includes the address of employment and duties assigned;

12 (b) Character Reference Form includes how this individual knows the applicant and whether  
13 the applicant is capable to supervise the care of residents of a skilled facility. No  
14 character reference shall be from a relative of the applicant;

15 (4) letter from the owner or regional manager requesting the issuance of a Temporary License for the  
16 facility stating the circumstances necessitating the issuance of the license; and

17 (5) processing fee of three hundred dollars (\$300.00).

18 (b) After an applicant is issued a temporary license he or she shall submit a fingerprint card, necessary forms and  
19 required fee for a criminal background check and successfully pass the state examination as administered by the  
20 Board at the next scheduled testing period at the next exam date to retain the temporary license.

21 (c) A temporary license may be ~~renewed~~ extended at the discretion of the Board ~~for an additional period not to~~  
22 ~~exceed a total of six months subject to~~ in accordance with the requirements of 21 NCAC37F .0101(d), this  
23 Subchapter.

24 (d) A temporary license shall be issued to the ~~licensee~~ applicant to permit him to practice only in the nursing home  
25 to which ~~he~~ the applicant is assigned on the date of issuance.

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

27  
28 *History Note: Authority G.S. 90-278; 90-280; 90-285; 90-288.01;*

29 *Eff. February 1, 1980;*

30 *Amended Eff. April 15, 1980;*

31 *Readopted Eff. October 1, 1981;*

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

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

34 *Amended Eff. April 1, 1996;*

35 *Temporary Amendment Eff. August 15, 1999;*

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

37

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37G .0102

**DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On line 4, what is a "new certificate of registration"?*

*Insert a comma after "registration" on line 4.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

1 21 NCAC 37G .0102 is amended as published in 28:18 NCR 2211 as follows:

2  
3 **21 NCAC 37G .0102 RENEWAL FEE**

4 Upon making application for a new certificate of registration a licensee shall pay a biennial licensure fee of ~~four~~  
5 ~~hundred twenty five dollars (\$425.00);~~ five hundred dollars (\$500.00).

6  
7 *History Note: Authority G.S. 90-280; 90-285; 90-286;*  
8 *Eff. February 1, 1976;*  
9 *Amended Eff. August 1, 1977; April 8, 1977;*  
10 *Readopted Eff. December 15, 1977;*  
11 *Readopted w/change Eff. October 1, 1981;*  
12 *Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9,*  
13 *1982;*  
14 *Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983; October 1, 1982;*  
15 *Transferred and Recodified from 21 NCAC 37A .0904 Eff. April 1, 1996;*  
16 *Amended Eff. August 1, 1996;*  
17 *Temporary Amendment Eff. August 15, 1996;*  
18 *Amended Eff. July 1, 1998;*  
19 *Temporary Amendment Eff. August 15, 1999;*  
20 *Amended Eff. 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 .0201

**DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), the Board will provide the form. Does the administrator request it from the Board?*

*I don't fully understand the second sentence of Paragraph (b). Wouldn't the license have already expired? I note that Rule .0101(a) of the Subchapter states:*

**21 NCAC 37G .0101 RENEWAL**

(a) A license shall expire on the 30th day of September of the second year following its issuance.

*Is the second sentence necessary?*

*In (c), I read G.S. 90-280(e) as requiring not just a fee but a request from the individual to remain on the inactive list. I think it would be helpful to make it clear in the Rule.*

*In (c), line 13, how far in advance must this be paid?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

1 21 NCAC 37G .0201 is amended as published in 28:18 NCR 2211 as follows:

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3 **21 NCAC 37G .0201 INACTIVE STATUS REQUIREMENTS**

4 (a) ~~An inactive list of administrators who are not practicing in this state shall be maintained by the Board.~~ An  
5 administrator who desires to be placed on the inactive ~~status~~ list shall make a written request on the biennial renewal  
6 form provided by the Board and submit a ~~fifty dollar (\$50.00)~~ non-refundable inactive fee of one hundred dollars  
7 (\$100.00) per year fee to the Board. ~~Inactive status shall only be granted on a prospective basis.~~

8 (b) A request to be placed on the inactive ~~status~~ list shall be submitted to the Board no later than 30 days after  
9 expiration of the license under ~~21 NCAC 37G .0101(a).~~ Rule .0101(a) of this Subchapter. Failure to submit the  
10 request and payment of the fee within this time shall result in automatic expiration of the license retroactive to the  
11 expiration date.

12 (c) An administrator may remain on the inactive list for a period not to exceed four years provided ~~he~~ the licensee  
13 pays a fifty dollar (\$50.00) fee an inactive fee of one hundred dollars (\$100.00) in advance for each additional year.

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15 *History Note: Authority G.S. 90-280; 90-285;*  
16 *Eff. February 1, 1976;*  
17 *Amended Eff. April 8, 1977;*  
18 *Readopted Eff. December 15, 1977;*  
19 *Readopted with Change Eff. October 1, 1981;*  
20 *Amended Eff. February 1, 1991;*  
21 *Transferred and Recodified from 21 NCAC 37A .0906 Eff. April 1, 1996;*  
22 *Amended Eff. April 1, 1999;*  
23 *Temporary Amendment Eff. August 15, 1999;*  
24 *Amended Eff. July 1, 2014; July 1, 2000.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37H .0102

### **DEADLINE FOR RECEIPT: Monday, June 9, 2014**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*I note that G.S. 90-286 requires the Board to keep a record of the courses successfully completed by the licensee. By requiring the licensees to keep a list, is this how you're doing it?*

*In (a)(1), we usually don't like the use of "minimum" in rules, as the rules set the minimum standard. Do you have a compelling reason to keep it here?*

*In (a)(2), can this be done in one hour? Do you mean online 11 "include instruction in one or more of the following..."*

*Also in (a)(1)(A) through (E), why do these begin with uppercase letters? Are these topic titles?*

*In (b), when will the fees be less than \$4000? I see on lines 18 and 19, you're saying it's based on the number of courses offered in the prior year, but I don't understand the formula you're using. Is it what is in Subparagraph (c)(2)? And state "annual fee shall be based on..."*

*On line 20, replace "agrees" with "agree"*

*On line 21, what do you mean by this?*

*In (c), I suggest inserting "be" after "shall:" and deleting "be" on lines 23 and 24.*

*In (c)(1), line 23, delete "at least" unless you have a compelling reason to keep it.*

*Also on line 23, insert an "and" at the end of the line.*

*In (c)(2), line 24, replace "with" with "by"*

*Be consistent with the capitalization within the Rule. In (c)(2)(A) and (B), begin with a lowercase letter.*

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*Subparagraph (c)(2)(B) doesn't read well. Why not, "the sponsor shall pay ten (\$10.00) for each additional hour for any course submitted for review that is greater than six hours."?*

*In Paragraph (d) on Page 2, line 1, state "Courses shall be..."*

*Paragraph (e) is missing language. Should it read, "In order to receive Board approval for distance learning programs that are via printed material, cd, dvd, videotape, or web-based, the course shall have tests before and after the session."?*

*Also in (e), I believe "pretest" and "post-test" are written like this. It might be easier to avoid the issue by simply saying "The course shall include five questions on each test administered before and after the course. These questions may be the same."*

*In (f)(1), if you're adding the information about the NAB to make it clear why you're using them to have approval, that's fine. Is that why you are using this?*

*In (f)(2), who is the approved course planner?*

*In Paragraph (g), I take it this fee is G.S. 90-280(g), which states:*

*The Board may set fees not to exceed one thousand dollars (\$1,000) for conducting and administering initial training and continuing education courses, and may set a fee not to exceed one hundred dollars (\$100.00) per hour for certifying a course submitted for review by another individual or agency wishing to offer such courses or may set an annual fee not to exceed four thousand dollars (\$4,000) for certifying a course provider in lieu of certifying each course offered by the provider.*

*Is this correct?*

*Why is G.S. 12-3.1(c)(3) in the History Note?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: May 23, 2014

1 21 NCAC 37H .0102 is amended as published in 28:18 NCR 2212 as follows:

2  
3 **21 NCAC 37H .0102 CONTINUING EDUCATION PROGRAMS OF STUDY**

4 (a) The Board shall certify and administer courses in continuing education for the professional development of  
5 nursing home administrators and to enable persons to meet the requirements of the Rules in this Chapter. The  
6 licensee shall keep a record of his or her continuing education hours. Certified courses, including those sponsored  
7 by the Board, an accredited university, college or community college, associations, professional societies, or  
8 organizations shall:

- 9 (1) contain a minimum of one classroom hour of academic work and not more than eight classroom  
10 hours within a 24-hour period; and  
11 (2) include instruction in the following general subject areas or their equivalents:  
12 (A) Resident Care and Quality of Life;  
13 (B) Human Resources;  
14 (C) Finance;  
15 (D) Physical Environment and Atmosphere; or  
16 (E) Leadership and Management.

17 (b) In lieu of certifying each course offered by a provider, the Board may certify the course provider for an  
18 annual fee not to exceed ~~two thousand dollars (\$2,000.00)~~ four thousand dollars (\$4,000.00). The annual fee is  
19 based on the number of courses offered in the prior year. ~~(so long as the~~ The course provider submits shall submit a  
20 list of courses offered for credit and agrees to comply with the requirements of Paragraph (a) of this Rule)-Rule.  
21 Providers will be reviewed annually.

22 (c) Certified courses not administered by the Board shall:

- 23 (1) be submitted to the Board for approval at least 30 days prior to the presentation of the program;  
24 (2) be accompanied with a processing fee to cover the cost of reviewing and maintaining records  
25 associated with the continuing education program. The fee schedule is as follows:  
26 (A) Any course submitted for review, up to and including ~~five~~ six hours, shall be  
27 accompanied by a non-refundable fee of ~~seventy five dollars (\$75.00)~~ one hundred  
28 dollars (\$100.00); and  
29 (B) ~~Courses~~ Any course submitted for review ~~of at least~~ is greater than six hours, ~~and up to~~  
30 ~~and including nine hours shall be accompanied by a fee of ninety dollars (\$90.00); the~~  
31 sponsor shall pay ten dollars (\$10.00) for each additional hour.  
32 (C) ~~Courses submitted for review of 10 hours or more shall be accompanied by a fee of one~~  
33 ~~hundred dollars (\$100.00).~~  
34 (3) ~~be approved for a period of one year from the date of initial presentation.~~

35 (d) ~~Courses from an accredited university or community college shall meet all requirements as~~  
36 ~~outlined in Paragraphs (a) and (b) of this Rule. A licensee submitting such courses for continuing education credit~~  
37 ~~shall submit a copy of the final grade for said course work. Continuing education credit hours granted by the Board~~



1 ~~shall be the same as those granted by the institution.~~ Courses will be approved for a period of one year from the date  
2 of initial presentation.

3 (e) ~~Credit may be earned for participating in teleconferenced course only if there is a third party representative of~~  
4 ~~the course sponsor or the Board present to verify the licensee's attendance throughout the course.~~ Board approval  
5 for distance learning programs that are cd, dvd, videotape, printed material or web-based, tests are required before  
6 and after the session. For every credit hour claimed, the course shall include five pre test questions and five post test  
7 questions. Pre and post test questions may be the same.

8 (f) ~~Up to ten (10) hours of credit may be earned for participation in correspondence courses, only if, Continuing~~  
9 education credit for licensees may include up to 10 hours for participation in distance learning courses only if:

10 (1) ~~the eorrespondence~~ distance learning course is approved by the Board or the National Association  
11 of Boards of Examiners of Long Term Care Administrators ~~(NAB); (NAB).~~ The NAB is a  
12 certifying association of continuing education across the nation; and

13 (2) the approved course planner sends to the Board a verification of the individual's completion of the  
14 ~~eorrespondence~~ distance learning course.

15 (g) The Board shall charge a ~~registration~~ fee covering the cost of continuing education courses it sponsors, not to  
16 exceed ~~two hundred fifty dollars (\$250.00).~~ five hundred dollars (\$500.00).

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18 *History Note: Authority G.S. 12-3.1(c)(3); 90-278; 90-280; 90-285; 90-286;*  
19 *Eff. February 1, 1976;*  
20 *Amended Eff. April 8, 1977;*  
21 *Readopted Eff. December 15, 1977;*  
22 *Readopted w/change Eff. October 1, 1981;*  
23 *Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989; February 1, 1986;*  
24 *Transferred and Recodified from 21 NCAC 37A .0404 Eff. April 1, 1996;*  
25 *Temporary Amendment Eff. August 15, 1999;*  
26 *Amended Eff. July 1, 2014; September 1, 2004; July 1, 2000.*