

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: All rules

DEADLINE FOR RECEIPT: Friday, July 10, 2015

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 state that these rules were adopted on June 17, 2015. I note that was the last day of the comment period. Please confirm these rules were adopted by the Board after 5 p.m. that day.

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: June 26, 2015

1 21 NCAC 37D .0202 is readopted without change as published in 29:19 NCR 2247

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

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

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8 *History Note:* Authority G.S. 90-280;
9 Eff. February 1, 1976;
10 Amended Eff. August 1, 1977;
11 Readopted Eff. October 1, 1981; December 15, 1977;
12 Amended Eff. December 30, 1981;
13 Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9,
14 1982;
15 Amended Eff. February 1, 1991; October 1, 1982;
16 Transferred and Recodified from 21 NCAC 37A .0302 Eff. April 1, 1996;
17 Amended Eff. August 1, 1996;
18 Temporary Amendment Eff. August 15, 1996;
19 Amended Eff. July 1, 1998;
20 Temporary Amendment Eff. August 15, 1999;
21 Amended Eff. July 1, 2014; September 1, 2004; July 1, 2000;
22 Readopted Eff. August 1, 2015.

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37D .0303

DEADLINE FOR RECEIPT: Friday, July 10, 2015

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 recommend turning this Rule into two Paragraphs. Paragraph (a) would be lines 4- 6. Paragraph (b) would be lines 6 – 9.

On line 4, please insert a comma after "field"

On line 5, are you still relying upon the 2003 version of this course? Also, I believe this should be incorporated by reference under G.S. 150B-21.6.

On line 8, what exactly is meant by this? The applicant must get permission to use college courses in lieu of the required course, but the applicant must also "test out" of the portions of the examination that cover that subject area?

In the History Note, can you please change the period after "April 1, 1996" to a semicolon?

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: June 26, 2015

1 21 NCAC 37D .0303 is readopted without change as published in 29:19 NCR 2247

2

3 **21 NCAC 37D .0303 REQUIRED COURSE**

4 The course prescribed by the Board pursuant to G.S. 90-278(1)c shall be comprised of in-class, field and
5 correspondence components substantially equivalent to the 2003 description of the Basic Nursing Home
6 Administrator Course provided by the School of Public Health at UNC-Chapel Hill. An applicant with a health care
7 administration degree may request in writing that the Board approve college courses as substantially equivalent to
8 portions of the required course, provided the applicant tests out of portions of the required course with a passing
9 score of at least 70 percent.

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11 *History Note: Authority G.S. 90-278(1)c;*
12 *Eff. April 1, 1996.*
13 *Amended Eff. July 1, 2004; July 1, 2000;*
14 *Readopted Eff. August 1, 2015.*

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17

1 21 NCAC 37D .0402 is readopted without change as published in 29:19 NCR 2247

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3 **21 NCAC 37D .0402 APPLICATION TO BECOME ADMINISTRATOR-IN-TRAINING (AIT)**

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

5 (1) name;

6 (2) education;

7 (3) employment history;

8 (4) questions pertaining to moral character;

9 (5) criminal history; and

10 (6) an affidavit stating that the applicant if granted a license, shall obey the laws of the state and the
11 rules of the Board, and shall maintain the honor and dignity of the profession.

12 (b) The applicant shall submit a resume.

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

15 (1) the Employer Reference Form shall include the address of employment and duties assigned; and

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

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

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

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

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

26 (2) a letter accepting individual as an AIT;

27 (3) a Preceptor Disclosure Form stating number of years the individual has served as an administrator
28 and number of AITs precepted;

29 (4) a curriculum outline for the AIT program that provides the AIT with job experience in each
30 department. A curriculum outline shall include each department in the facility and the information
31 that will be covered, including the recommended number of weeks in the program as outlined on
32 the AIT Curriculum Request and Rationale Form;

33 (5) an AIT Curriculum Request and Rationale Form shall be based on education and experience of the
34 AIT applicant. The preceptor shall be responsible for providing a rationale for all subject areas with
35 the recommended number of weeks for the AIT; and

36 (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) shall be submitted with the application.
- 4 (i) An AIT applicant shall maintain at all times a current residential mailing address with the Board office.
- 5 (j) The applicant may obtain an application and forms from the Board's website or from the Board office.

6
7 *History Note: Authority G.S. 90-278; 90-280; 90-285; 90-288.01;*
8 *Eff. February 1, 1976;*
9 *Amended Eff. August 4, 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;*
16 *Readopted Eff. August 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37D .0404

DEADLINE FOR RECEIPT: Friday, July 10, 2015

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), who approves this list and where is it found?

In (c), line 8, change "must" to "shall"

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: June 26, 2015

1 21 NCAC 37D .0404 is readopted without change as published in 29:19 NCR 2247

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3 **21 NCAC 37D .0404 ADMINISTRATOR-IN-TRAINING SELECTION OF PRECEPTOR**

4 (a) From an approved list of preceptors, the AIT applicant shall select a preceptor prior to submitting application to
5 the Board.

6 (b) It shall be the responsibility of the AIT applicant to contact a preceptor to ensure that the preceptor accepts the
7 AIT applicant.

8 (c) The AIT must notify the Board of any change in preceptor. Any change in preceptor shall be from the approved
9 list.

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11 *History Note: Authority G.S. 90-278; 90-285;*
12 *Eff. February 1, 1976;*
13 *Amended Eff. April 8, 1977;*
14 *Readopted Eff. October 1, 1981; December 15, 1977;*
15 *Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;*
16 *Transferred and Recodified from 21 NCAC 37A .0505 Eff. April 1, 1996;*
17 *Amended Eff. July 1, 2004; April 1, 1996;*
18 *Readopted Eff. August 1, 2015.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37D .0602

DEADLINE FOR RECEIPT: Friday, July 10, 2015

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, how is it submitted electronically to this third party? Is this in another Rule? How does your public know how to submit it?

You do not state what "NAB" stands for until Rule .0603. Does your regulated public know what this stands for, or should you spell it out here?

What is your authority for the second sentence of this Rule? The History Note cites to 90-285, which states:

§ 90-285. Functions and duties of the Board.

The Board shall meet at least once annually in Raleigh or any other location designated by the chairman and shall have the following functions and duties:

- (1) Develop, impose and enforce rules and regulations setting out standards which must be met by individuals in order to receive and hold a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators shall be individuals who are of good character and who are otherwise suitable, by education, training and experience in the field of institutional administration, to serve as nursing home administrators.
- (2) Develop and apply appropriate methods and procedures, including examination and investigations, for determining whether individuals meet such standards, and administer an examination at least twice each year at such times and places as the Board shall designate.
- (3) Issue licenses to qualified individuals consistent with G.S. 90-278 and G.S. 90-287 and any rules adopted by the Board implementing those provisions.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 26, 2015

- (4) Establish and implement procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.
- (5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.
- (6) Conduct a continuing study and investigation of nursing homes and nursing home administrators within the State in order to make improvements in the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of such standards, and to raise the quality of nursing home administration in such other ways as may be effective.
- (7) Conduct, or cause to be conducted by contract or otherwise, one or more courses of instruction and training sufficient to meet the requirements of this Article, and make provisions for the conduct of such courses and their accessibility to residents of this State, unless it finds that there are sufficient courses conducted by others within this State. In lieu thereof the Board may approve courses conducted within and without this State as sufficient to meet the education and training requirements of this Article.
- (8) Make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the State to meet the requirements set forth in section 1908 of the Social Security Act, the federal rules and regulations promulgated thereunder, and other pertinent federal authority.
- (9) Receive and disburse any funds appropriated or given to the Board, including any federal funds, to carry out the purposes of this Article.
- (10) Maintain a register of all applications for licensing and registration of nursing home administrators, which register shall show: the place or residence, name and age of each applicant; the name and address of employer or business connection of each applicant; the date of application; information of educational and experience qualifications; the action taken by the Board and the dates; the serial number of the license issued to the applicant; and such other pertinent information as may be deemed necessary.
- (11) Develop an administrator-in-training program to insure that nursing home administrators have adequate training and experience prior to licensure. (1969, c. 843, s. 1; 1981, c. 722, ss. 10, 11; 1981 (Reg. Sess., 1982), c. 1234, s. 3; 2013-346, s. 4.)

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Commission Counsel
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That statute does not confer the authority to levy fees. I note that G.S. 90-280 gives the Board authority to create fees; however, is the NAB exam administered by the Board such that you can collect the fee under 90-280(a)?

§ 90-280. Fees; display of license; duplicate license; inactive list.

- (a) Each applicant for an examination administered by the Board and each applicant for an administrator-in-training program and reciprocity endorsement shall pay a processing fee set by the Board not to exceed five hundred dollars (\$500.00) plus the actual cost of the exam.
- (b) Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount set by the Board not to exceed one thousand dollars (\$1,000). A license shall expire on the thirtieth day of September of the second year following its issuance and shall be renewable biennially upon payment of a renewal fee set by the Board not to exceed one thousand dollars (\$1,000).
- (c) Each person licensed as a nursing home administrator shall display his or her license certificate, along with the current certificate of renewal, in a conspicuous place in his or her place of employment.
- (d) Any person licensed as a nursing home administrator may receive a duplicate license or verification of license by payment of a fee set by the Board not to exceed one hundred dollars (\$100.00).
- (e) Any person licensed as a nursing home administrator who is not acting, serving, or holding himself or herself out to be a nursing home administrator may have his or her name placed on an inactive list for such period of time not to exceed four years upon payment of a fee set by the Board not to exceed two hundred dollars (\$200.00) per year. Each year during that four-year period, upon request and payment of the fee, the person's name may remain on an inactive list for one additional year.
- (f) Any person having a temporary license issued pursuant to G.S. 90-278(3) shall pay a fee in an amount set by the Board not to exceed five hundred dollars (\$500.00). If the Board renews the temporary license, no further fee shall be required.
- (g) 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. (1969, c. 843, s. 1; 1977, c. 652; 1979, 2nd Sess., c. 1282; 1981

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(Reg. Sess., 1982), c. 1234, s. 4; 1983, c. 215; 1995 (Reg. Sess., 1996), c. 645, s. 1; 1999-217, s. 1; 2013-346, s. 2.)

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

Withdrawn

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 26, 2015

1 21 NCAC 37D .0602 is readopted without change as published in 29:19 NCR 2247

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3 **21 NCAC 37D .0602 NATIONAL EXAM APPLICATION**

4 To sit for the National Exam, a person shall submit an exam application electronically to the NAB. In order to
5 release the results of the NAB exam score, the applicant shall pay to the Board a processing fee of fifty dollars
6 (\$50.00).

7

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

9 *Eff. April 1, 1996;*

10 *Amended Eff. September 1, 2004;*

11 *Readopted Eff. August 1, 2015.*

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1 21 NCAC 37D .0703 is readopted without change as published in 29:19 NCR 2247

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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 located on the Board's website. It may also be offered to reciprocity applicants and to
6 AIT applicants who passed the National Examination but previously failed the State Examination on different dates if
7 the applicants show good cause, such as unavailability due to illness, inclement weather, employment, or survey.

8 (b) An applicant shall pay a non-refundable processing fee of one hundred fifty dollars (\$150.00) each time the
9 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 the applicant will keep test questions confidential. This form is provided by the Board on the
12 website and in the information package.

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

14

15 *History Note: Authority G.S. 90-280; 90-285;*
16 *Eff. April 1, 1996;*
17 *Amended Eff. July 1, 2014; July 1, 2004;*
18 *Readopted Eff. August 1, 2015.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37E .0101

DEADLINE FOR RECEIPT: Friday, July 10, 2015

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 Paragraph (a), line 5, define "proper"

On line 6, what is "satisfactory to the Board"?

I suggest rewording Paragraph (a), beginning on line 6 to state:

"...evidence that the applicant for licensure:

- (1) has personal qualifications...*
- (2) is licensed...;*
- (3) holds a valid...; and*
- (4) shall appear.."*

In (a)(1), line 7, please insert a comma after "training"

Also in (a)(1), generally "at least" is not favored in rule language, as the rules set the minimum standards. Do you need "at least" on lines 7 and 8? I don't think you do, but if you believe it is necessary, please retain it.

I see that you refer to the term as "reciprocity/endorsement" but the statute establishing the process says "reciprocity." Is there a reason for the dual term in the Rule?

§ 90-287. Reciprocity with other states.

The Board may issue a nursing home administrator's license to any person who holds a current license as a nursing home administrator from another jurisdiction, provided that the Board finds that the standards for licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this State and that the applicant has passed the national and the State examinations administered by the Board and is otherwise qualified. (1969, c. 843, s. 1; 2013-346, s. 6.)

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 26, 2015

In Paragraph (a), is the Board making a determination of unusual circumstances preventing compliance with licensure?

§ 90-278. Qualifications for licensure.

The Board shall have authority to issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators.

(3) A temporary license may be issued under requirements and conditions prescribed by the Board to any person to act or serve as administrator of a nursing home without meeting the requirements for full licensure, but only when there are unusual circumstances preventing compliance with the procedures for licensing elsewhere provided by this Article. The temporary license shall be issued by the chairman only for the period prior to the next meeting of the Board, at which time the Board may renew such temporary license for a further period only up to one year. (1969, c. 843, s. 1; 1973, c. 476, s. 128; 1981, c. 722, ss. 5-7; 1981 (Reg. Sess., 1982), c. 1234, s. 2; 1983, c. 737; 1987, c. 492, s. 1; 1991, c. 710, s. 1; 2013-346, s. 1.)

What is your authority for Subparagraph (a)(2)?

In Subparagraph (a)(3), line 12, please state "he or she"

In Paragraph (b), line 14, it would be clearer to simply state, "If the applicant for reciprocity does not submit the information required by Subparagraphs (a)(1) or (a)(2)..."

On line 15, since the Board "may" issue a temporary license, when will it not do so?

So that I understand, in Paragraph (b) if the Board issues a temporary license, it will require one of the conditions?

To be consistent with the rest of the Rule, please begin Subparagraphs (b)(1) and (2) with lowercase letters.

In Subparagraph (b)(1), this condition is met after the expiration of the license? How does that work?

In Subparagraph (b)(2), what is the Board basing the decision upon? The missing components of the individual's education or background? You do not have to say what will be decided in Rule, but you do need to give some guidance on how the Board will decide what is required.

The language on lines 22 through 26 is cluttered and not easy to understand. What exactly are you trying to say here?

In Paragraph (c), on line 29, who determines it is no longer applicable? The applicant? And when will this occur?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 26, 2015

Also in (c), if the condition imposed the first time was (b)(1), how will the Board determine the courses to require? At a meeting?

In (c)(4), line 37, why is "Federal Surveying" capitalized? (Note the same question for (d)(4) on Page 2, line 10)

So that I understand – in Paragraph (c), if the applicant says the conditions no longer apply, another condition may be imposed. In Paragraph (d), if the applicant says they could not comply with the conditions, the Board will not impose a new condition? Is this a correct interpretation?

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: June 26, 2015

1 21 NCAC 37E .0101 is readopted without change as published in 29:19 NCR 2247

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3 **21 NCAC 37E .0101 APPLICATION PROCESS**

4 (a) The Board may issue a license to a nursing home administrator who holds a nursing home administrator license
5 issued by the proper authorities of any other state, upon payment of the current licensing fee, successful completion
6 of the state examination, and submission of evidence satisfactory to the Board as to the following:

- 7 (1) such applicant for licensure shall have personal qualifications, education, training and experience at
8 least substantially equivalent to those required in this state;
- 9 (2) such applicant shall be licensed in another state that gives similar recognition and
10 reciprocity/endorsement to nursing home administrator licenses of this state;
- 11 (3) such applicant for license by reciprocity/endorsement holds a valid active license as a nursing home
12 administrator in the state from which he is transferring; and
- 13 (4) such applicant shall appear before the Board for a personal interview.

14 (b) If the applicant for reciprocity does not submit evidence satisfactory to the Board as required by Subparagraph
15 (a)(1) or (a)(2) of this Rule, the Board may issue a temporary reciprocal license for six months upon the following
16 conditions:

- 17 (1) Within one month of expiration of the temporary reciprocal license, submission of a statement that
18 the temporary licensee has administered the nursing home in a manner satisfactory to the nursing
19 home owner or representative of the owner; or
- 20 (2) Completion of Continuing Education course(s) that the Board may require as a condition of issuance
21 of a temporary reciprocal license.

22 If the applicant for temporary reciprocal license does not submit evidence satisfactory to the Board as required by
23 Subparagraph (a)(1) or (a)(2) of this Rule and at the time of the interview with the Board would qualify for condition
24 Subparagraph (b)(1) of this Rule and the Board determines from the application that the applicant does not possess
25 education substantially equivalent to the qualifications required by this state, the Board may also require completion
26 of Continuing Education course(s) as a condition of issuance of a temporary reciprocal license.

27 (c) If a temporary reciprocal license is issued pursuant to Paragraph (b) of this Rule and the applicant notifies the
28 Board prior to the expiration of the six-month term that the circumstances have changed such that the condition(s)
29 imposed is no longer applicable, the Board may extend the temporary reciprocal license for an additional period not
30 to exceed six months and require the applicant to fulfill the other condition from Paragraph (b) of this Rule not
31 originally imposed, upon consideration of the following:

- 32 (1) the period of extension requested;
- 33 (2) the extent of control the applicant had over the situation causing the request for extension;
- 34 (3) the applicant's good faith effort at compliance with the original term imposed;
- 35 (4) if condition Subparagraph (b)(1) of this Rule was imposed, any issues arising during the term of the
36 applicant at the facility identified during a survey conducted by the Division of Health Service
37 Regulation or a Federal Surveying agency.

1 (d) If a temporary reciprocal license is issued pursuant to Paragraph (b) of this Rule and the applicant notifies the
2 Board prior to the expiration of the six-month term that the applicant was unable to fulfill the condition within the six-
3 month time period, the Board may extend the temporary reciprocal license for an additional period not to exceed six
4 months upon consideration of the following:

- 5 (1) the period of extension requested;
- 6 (2) the extent of control the applicant had over the situation causing the request for extension;
- 7 (3) the applicant's good faith effort at compliance with the original term imposed;
- 8 (4) if condition Subparagraph (b)(1) of this Rule was imposed, any issues arising during the term of the
9 applicant at the facility identified during a survey conducted by the Division of Health Service
10 Regulation or a Federal Surveying agency.

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12 *History Note: Authority G.S. 90-278; 90-280; 90-285; 90-287;*
13 *Eff. February 1, 1976;*
14 *Readopted Eff. December 15, 1977;*
15 *Amended Eff. February 1, 1980;*
16 *Readopted Eff. October 1, 1981;*
17 *Amended Eff. August 1, 1995; August 2, 1993; February 1, 1991; May 1, 1989;*
18 *Transferred and Recodified from 21 NCAC 37A .0912(a) Eff. April 1, 1996;*
19 *Amended Eff. July 1, 2004; July 1, 2000; April 1, 1996;*
20 *Readopted Eff. August 1, 2015.*
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1 21 NCAC 37E .0102 is readopted without change as published in 29:19 NCR 2247

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

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

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

21
22 *History Note: Authority G.S. 90-280; 90-285; 90-287; 90-288.01;*
23 *Eff. February 1, 1976;*
24 *Readopted Eff. December 15, 1977;*
25 *Amended Eff. February 1, 1980;*
26 *Readopted Eff. October 1, 1981;*
27 *Amended Eff. August 1, 1995; August 2, 1993; February 1, 1991; May 1, 1989;*
28 *Transferred and Recodified from 21 NCAC 37A .0912(b) Eff. April 1, 1996;*
29 *Amended Eff. April 1, 1996;*
30 *Temporary Amendment Eff. August 15, 1999;*
31 *Amended Eff. July 1, 2014; July 1, 2004; July 1, 2000;*
32 *Readopted Eff. August 1, 2015.*
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1 21 NCAC 37F .0102 is readopted without change as published in 29:19 NCR 2247

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

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

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

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

21 (c) A temporary license may be extended at the discretion of the Board in accordance with the requirements of Rule
22 .0101(d) of this Section.

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

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

26
27 *History Note: Authority G.S. 90-278; 90-280; 90-285; 90-288.01;*
28 *Eff. February 1, 1980;*
29 *Amended Eff. April 15, 1980;*
30 *Readopted Eff. October 1, 1981;*
31 *Amended Eff. May 1, 1989; December 1, 1983; October 1, 1982;*
32 *Transferred and Recodified from 21 NCAC 37A .1003 Eff. April 1, 1996;*
33 *Amended Eff. April 1, 1996;*
34 *Temporary Amendment Eff. August 15, 1999;*
35 *Amended Eff. July 1, 2014; July 1, 2000;*
36 *Readopted Eff. August 1, 2015.*

1 21 NCAC 37G .0102 is readopted without change as published in 29:19 NCR 2247

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

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

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6 *History Note: Authority G.S. 90-280; 90-285; 90-286;*

7 *Eff. February 1, 1976;*

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

9 *Readopted Eff. December 15, 1977;*

10 *Readopted w/change Eff. October 1, 1981;*

11 *Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9, 1982;*

12 *Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983; October 1, 1982;*

13 *Transferred and Recodified from 21 NCAC 37A .0904 Eff. April 1, 1996;*

14 *Amended Eff. August 1, 1996;*

15 *Temporary Amendment Eff. August 15, 1996;*

16 *Amended Eff. July 1, 1998;*

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

18 *Amended Eff. July 1, 2014; September 1, 2004; July 1, 2000;*

19 *Readopted Eff. August 1, 2015.*

20

21

1 21 NCAC 37G .0201 is readopted without change as published in 29:19 NCR 2247

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

4 (a) An administrator who desires to be placed on the inactive list shall make a written request on the biennial renewal
5 form provided by the Board and submit a non-refundable inactive fee of one hundred dollars (\$100.00) per year fee
6 to the Board.

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

10 (c) If an administrator makes a request to be placed on the inactive list pursuant to Paragraph (b) of this Rule, an
11 administrator may remain on the inactive list for a period not to exceed four years provided the licensee pays an
12 inactive fee of one hundred dollars (\$100.00) for each additional year prior to expiration of the inactive period.

13

14 *History Note: Authority G.S. 90-280; 90-285;*
15 *Eff. February 1, 1976;*
16 *Amended Eff. April 8, 1977;*
17 *Readopted Eff. December 15, 1977;*
18 *Readopted with Change Eff. October 1, 1981;*
19 *Amended Eff. February 1, 1991;*
20 *Transferred and Recodified from 21 NCAC 37A .0906 Eff. April 1, 1996;*
21 *Amended Eff. April 1, 1999;*
22 *Temporary Amendment Eff. August 15, 1999;*
23 *Amended Eff. July 1, 2014; July 1, 2000.*
24 *Readopted Eff. August 1, 2015.*

25

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Nursing Home Administrators

RULE CITATION: 21 NCAC 37G .0401

DEADLINE FOR RECEIPT: Friday, July 10, 2015

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 Paragraph (a), define "satisfactory evidence"

On line 5, do you really mean "may"? Or do you mean "shall"? If you mean "may," then under what circumstances will the Board refuse to issue a duplicate license when the licensee has submitted such evidence?

This is simply a suggestion, but I think Paragraph (b) would flow better in the Rule if reorganized slightly. "Licensees seeking a duplicate certificate following a legal name change from the name under which the individual was licensed shall furnish..."

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: June 26, 2015

1 21 NCAC 37G .0401 is readopted without change as published in 29:19 NCR 2247

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3 **21 NCAC 37G .0401 DUPLICATE LICENSE REQUIREMENTS**

4 (a) Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated, or
5 destroyed, the Board may issue a duplicate license or certificate of registration upon payment of a fee of twenty five
6 dollars (\$25.00).

7 (b) If a licensee's name has legally changed from the name under which the individual was originally licensed by the
8 Board, the licensee shall furnish copies of the documents legally authorizing the name change, along with the twenty-
9 five dollar (\$25.00) fee, when requesting a duplicate certificate.

10

11 *History Note: Authority G.S. 90-280(d);*
12 *Eff. February 1, 1976;*
13 *Readopted Eff. October 1, 1981; December 15, 1977;*
14 *Amended Eff. May 1, 1989;*
15 *Transferred and Recodified from 21 NCAC 37A .0914 Eff. April 1, 1996;*
16 *Amended Eff. April 1, 1996;*
17 *Readopted Eff. August 1, 2015.*

18

1 21 NCAC 37H .0102 is readopted without change as published in 29:19 NCR 2247

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

8 (1) contain a minimum of one classroom hour of academic work and not more than eight classroom
9 hours within a 24-hour period; and

10 (2) include instruction in one or more of the following general subject areas or their equivalents:

11 (A) Resident Care and Quality of Life;

12 (B) Human Resources;

13 (C) Finance;

14 (D) Physical Environment and Atmosphere; or

15 (E) Leadership and Management.

16 (b) In lieu of certifying each course offered by a provider, the Board may certify the course provider for an annual
17 fee not to exceed four thousand dollars (\$4,000.00). The Board Office shall conduct a review annually of the number
18 of courses each provider presented in the prior year. The annual fee shall be set at one hundred dollars (\$100.00) for
19 every course offered in the prior year. The course provider shall submit a list of courses offered for credit and agree
20 to comply with the requirements of Paragraph (a) of this Rule.

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

22 (1) submitted to the Board for approval 30 days prior to the presentation of the program; and

23 (2) accompanied with a processing fee to cover the cost of reviewing and maintaining records associated
24 by the continuing education program. The fee schedule is as follows:

25 (A) any course submitted for review, up to and including six hours, shall be accompanied by a
26 non-refundable fee of one hundred dollars (\$100.00); and

27 (B) the sponsor shall pay ten dollars (\$10.00) for each additional hour for any course submitted
28 for review that is greater than six hours.

29 (d) Courses shall be approved for a period of one year from the date of initial presentation.

30 (e) In order to receive Board approval for distance learning programs that are via printed material, cd, dvd, videotape,
31 or web-based, the course shall have tests before and after the session. For every credit hour claimed, the course shall
32 include five questions on each test administered before and after the course. These questions may be the same.

33 (f) Continuing education credit for licensees may include up to 10 hours for participation in distance learning courses
34 only if:

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

1 (2) the approved course sponsor sends to the Board a verification of the individual's completion of the
2 distance learning course.

3 (g) The Board shall charge a fee covering the cost of continuing education courses it sponsors, not to exceed five
4 hundred dollars (\$500.00).

5

6 *History Note: Authority G.S. 12-3.1(c)(3); 90-278; 90-280; 90-285; 90-286;*

7 *Eff. February 1, 1976;*

8 *Amended Eff. April 8, 1977;*

9 *Readopted Eff. December 15, 1977;*

10 *Readopted w/change Eff. October 1, 1981;*

11 *Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989; February 1, 1986;*

12 *Transferred and Recodified from 21 NCAC 37A .0404 Eff. April 1, 1996;*

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

14 *Amended Eff. July 1, 2014; September 1, 2004; July 1, 2000;*

15 *Readopted Eff. August 1, 2015.*

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