

REQUEST FOR TECHNICAL CHANGE

AGENCY: Medical Care Commission

RULE CITATION: 10A NCAC 13D .2201

**DEADLINE FOR RECEIPT: Friday, December 8, 2017**

***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:

*Lines 5 thru 6, the language published clarified the role of a temporary license. Is that language not necessary for implementation of this Rule? There is no need for change, but this request is merely trying to clarify.*

*Line 15, add a comma after ".0204" and add "which is"*

*Line 16, replace "can" with "may"*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Tuesday, November 28, 2017

1 10A NCAC 13D .2201 is amended with changes as published in 32:05 NCR 278-279 as follows:

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3 **10A NCAC 13D .2201 ADMINISTRATOR**

4 (a) ~~The A~~ facility shall be under the ~~direct management~~ control of an ~~administrator.~~ administrator licensed by the  
5 North Carolina State Board of Examiners for Nursing Home ~~[Administrators or one with a temporary license issued~~  
6 ~~in accordance with G.S. 90-278(3).]~~ The administrator shall not serve simultaneously as the director of nursing.  
7 Administrators.

8 (b) If an administrator is not the sole owner of a facility, his or her authority and responsibility shall be ~~clearly~~ defined  
9 in a written agreement or in the facility's governing bylaws.

10 (c) The administrator shall be responsible for the operation of a ~~facility on a full-time basis.~~ facility.

11 (d) The administrator shall ~~ensure patient services are provided in accordance~~ comply with all applicable local, State  
12 and federal regulations and codes, and with acceptable standards of practice that apply to professionals providing such  
13 services in the facility. the rules of this Subchapter.

14 (e) The administrator shall be responsible for developing and implementing policies for the management and  
15 operation of the ~~facility.~~ facility as set forth in 21 NCAC 37B .0204 incorporated herein by reference including  
16 subsequent amendments and editions. These rules can be accessed free of charge at  
17 <http://reports.oah.state.nc.us/ncac.asp>.

18 (f) In the ~~temporary~~ physical absence of the administrator, a person shall be on-site who is designated to be in charge  
19 of the ~~overall~~ facility operation.

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21 *History Note: Authority G.S. ~~90-284~~; 131E-104; 131E-116;*

22 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*

23 *Eff. January 1, 1996;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*  
25 *~~2015.~~ 2015.*

26 *Amended Eff. January 1, 2018.*