

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 37 – BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Nursing Home Administrators intends to adopt the rule cited as 21 NCAC 37G .0402 and amend the rules cited as 21 NCAC 37D .0202, .0402; 37E .0102; 37F .0102; and 37G .0102.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncbenha.org

Proposed Effective Date: January 1, 2021

Public Hearing:

Date: October 7, 2020

Time: 10:00 a.m.

Location: 3733 National Drive, Suite 110, Raleigh, NC 27612

Reason for Proposed Action: The Board is self-sustaining; therefore, fee increases are needed to ensure the fiscal integrity of the Board. Fees have not increased since 2014.

Comments may be submitted to: Jane A. Baker, 3733 National Drive, Suite 110, Raleigh, NC 27612; email nhaboard@ncbenha.org

Comment period ends: November 16, 2020

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

SUBCHAPTER 37D - NEW LICENSES

SECTION .0200 - APPLICATION FOR LICENSE

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.

SECTION .0400 - ADMINISTRATOR-IN-TRAINING

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.
- (g) The owner or governing board of the facility shall submit to the Board three weeks prior to the personal interview a letter of approval for the AIT applicant to train in the facility.
- (h) A non-refundable processing fee of ~~two hundred fifty dollars (\$250.00)~~ three hundred dollars (\$300.00) shall be submitted with the application.
- (i) An AIT applicant shall maintain at all times a current residential mailing address with the Board office.
- (j) The applicant may obtain an application and forms from the Board's website or from the Board office.

*History Note: Authority G.S. 90-278; 90-280; 90-285; 90-288.01;
Eff. February 1, 1976;
Amended Eff. August 1, 1977; April 8, 1977;
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 .0502 Eff. April 1, 1996;
Amended Eff. July 1, 2014; July 1, 2004; April 1, 1996;
Readopted Eff. October 1, 2015;
Amended Eff. January 1, 2021.*

SUBCHAPTER 37E – RECIPROCITY/ENDORSEMENT

SECTION .0100 – GENERAL PROVISIONS

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.

SUBCHAPTER 37F – TEMPORARY LICENSES

SECTION .0100 – TEMPORARY LICENSE REQUIREMENTS

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;
 Readopted Eff. October 1, 2015;
 Amended Eff. January 1, 2021.

SUBCHAPTER 37G – RENEWAL, INACTIVE, RESTORATION, REINSTATEMENT, DUPLICATE AND VERIFICATION OF LICENSE

SECTION .0100 - RENEWAL REQUIREMENTS

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.*

SECTION .0400 – DUPLICATE LICENSES AND VERIFICATION OF LICENSE

21 NCAC 37G .0402 VERIFICATION OF LICENSE

The Board shall verify a license upon receipt of a written request from the licensee specifying the jurisdiction to which it is to be sent including contact information and the non-refundable fee of fifty dollars (\$50.00).

*History Note: Authority G.S. 90-280(d);
Eff. January 1, 2021.*