

CHAPTER 37 - BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

SUBCHAPTER 37A - BOARD OF NURSING HOME ADMINISTRATORS

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 37A .0101 COPIES OF RULES

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 1, 1995; May 1, 1989;
Repealed Eff. April 1, 1996.

21 NCAC 37A .0102 BOARD

21 NCAC 37A .0103 NURSING HOME ADMINISTRATOR

21 NCAC 37A .0104 NURSING HOME ADMINISTRATOR-IN-TRAINING

History Note: Authority G.S. 90-276; 90-285(1);
Eff. February 1, 1976;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980; April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. May 1, 1989.

21 NCAC 37A .0105 PRACTICE OF NURSING HOME ADMINISTRATION

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977
Transferred and Recodified to 21 NCAC 37B .0204 Eff. April 1, 1996.

21 NCAC 37A .0106 NURSING HOME

21 NCAC 37A .0107 PERSON

History Note: Authority G.S. 90-276; 90-285; 130-9(e)(2);
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. May 1, 1989.

21 NCAC 37A .0108 RELATED HEALTH CARE ADMINISTRATION

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Repealed Eff. April 1, 1996.

21 NCAC 37A .0109 PRECEPTOR

History Note: Authority G.S. 90-285;
Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. May 1, 1989.

21 NCAC 37A .0110 REFUSAL

*History Note: Authority G.S. 90-285; 90-285.1;
Eff. April 15, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. May 1, 1989; December 30, 1981;
Repealed Eff. April 1, 1996.*

**21 NCAC 37A .0111 SUSPENSION
21 NCAC 37A .0112 REVOCATION**

*History Note: Authority G.S. 90-285; 90-285.1;
Eff. April 15, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. December 1, 1981; December 30, 1981;
Repealed Eff. May 1, 1989.*

**21 NCAC 37A .0113 HEARING
21 NCAC 37A .0114 HEARING OFFICER
21 NCAC 37A .0115 BOARD DIRECTOR**

*History Note: Authority G.S. 90-279; 90-285;
Eff. May 23, 1981;
Readopted Eff. October 1, 1981;
Repealed Eff. May 1, 1989.*

SECTION .0200 - PREREQUISITES TO LICENSURE

**21 NCAC 37A .0201 AGE
21 NCAC 37A .0202 CHARACTER
21 NCAC 37A .0203 HEALTH**

*History Note: Authority G.S. 90-278;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. December 1, 1983;
Repealed Eff. May 1, 1989.*

**21 NCAC 37A .0204 SECONDARY EDUCATION
21 NCAC 37A .0205 APPROVED COURSE OF STUDY**

*History Note: Legislative Objection Lodged (.0204) Eff. October 10, 1980;
Authority G.S. 90-278;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. December 1, 1983; July 1, 1982; January 1, 1982; December 30, 1981;
Repealed Eff. May 1, 1989.*

**21 NCAC 37A .0206 EXPERIENCE AS EDUCATION SUBSTITUTE
21 NCAC 37A .0207 TRAINING**

*History Note: Authority G.S. 90-278;
Eff. February 1, 1976;
Repealed Eff. April 8, 1977.*

21 NCAC 37A .0208 EXAMINATIONS

History Note: *Filed as a Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9, 1982;*
Authority G.S. 90-278; 90-280;
Eff. February 1, 1976;
Amended Eff. August 1, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. July 1, 1980;
Readopted w/change Eff. October 1, 1981;
Amended Eff. February 1, 1991; May 1, 1989; October 1, 1982;
Repealed Eff. April 1, 1996.

21 NCAC 37A .0209 ADMINISTRATOR-IN-TRAINING

21 NCAC 37A .0210 STATE TEST

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Repealed Eff. May 1, 1989.

21 NCAC 37A .0211 ORAL INTERVIEW

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991;
Repealed Eff. April 1, 1996.

SECTION .0300 - APPLICATION FOR LICENSE

21 NCAC 37A .0301 APPLICATION

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983;
Transferred and Recodified to 21 NCAC 37D .0201 Eff. April 1, 1996.

21 NCAC 37A .0302 INITIAL LICENSURE FEE

History Note: *Filed as a Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9, 1982;*
Authority G.S. 90-280;
Eff. February 1, 1976;
Amended Eff. August 1, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; October 1, 1982; December 30, 1981;
Transferred and Recodified to 21 NCAC 37D .0202 Eff. April 1, 1996.

21 NCAC 37A .0303 REFERENCES

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0203 Eff. April 1, 1996.

21 NCAC 37A .0304 FELONIES AND/OR MISDEMEANORS

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0204 Eff. April 1, 1996.*

21 NCAC 37A .0305 PROOF OF ABILITY

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. December 30, 1981;
Repealed Eff. May 1, 1989.*

21 NCAC 37A .0306 PHOTOGRAPH

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. April 1, 1996.*

21 NCAC 37A .0307 INTERVIEW

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. May 1, 1989.*

21 NCAC 37A .0308 RECEIPT OF APPLICATIONS

*History Note: Authority G.S. 90-285;
Eff. May 1, 1989;
Amended Eff. August 2, 1993;
Repealed Eff. April 1, 1996.*

SECTION .0400 - COURSES OF STUDY

21 NCAC 37A .0401 REGISTRATION OF INSTITUTIONS AND COURSES OF STUDY

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Repealed Eff. April 8, 1977.*

21 NCAC 37A .0402 APPROVAL OF PROGRAMS OF STUDY IN ACCREDITED INSTITUTIONS

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0411 Eff. April 1, 1996.*

21 NCAC 37A .0403 JOINTLY SPONSORED PROGRAMS OF STUDY

History Note: Authority G.S. 90-278; 90-285;
 Eff. February 1, 1976;
 Amended Eff. April 8, 1977;
 Readopted Eff. October 1, 1981; December 15, 1977;
 Repealed Eff. May 1, 1989.

21 NCAC 37A .0404 CONTINUING EDUCATION PROGRAMS OF STUDY

History Note: Authority G.S. 90-278; 90-280; 90-285; 90-286;
 Eff. February 1, 1976;
 Amended Eff. April 8, 1977;
 Readopted Eff. December 15, 1977;
 Readopted w/change Eff. October 1, 1981;
 Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989; February 1, 1986;
 Transferred and Recodified to 21 NCAC 37H .0102 Eff. April 1, 1996.

21 NCAC 37A .0405 VERIFICATION OF ATTENDANCE

History Note: Authority G.S. 90-278; 90-285; 90-286;
 Eff. February 1, 1976;
 Readopted Eff. October 1, 1981; December 15, 1977;
 Amended Eff. February 1, 1991; May 1, 1989;
 Transferred and Recodified to 21 NCAC 37H .0103 Eff. April 1, 1996.

21 NCAC 37A .0406 RELIGIOUS EXEMPTION

21 NCAC 37A .0407 CERTIFICATION FOR FEDERAL FINANCIAL PARTICIPATION

History Note: Authority G.S. 90-278; 90-285;
 Eff. February 1, 1976;
 Repealed Eff. April 8, 1977.

21 NCAC 37A .0408 INSUFFICIENT PROGRAMS

History Note: Authority G.S. 90-278; 90-280; 90-285;
 Eff. February 1, 1976;
 Amended Eff. August 1, 1977;
 Readopted Eff. December 15, 1977;
 Readopted with Change Eff. October 1, 1981;
 Amended Eff. December 1, 1983;
 Repealed Eff. May 1, 1989.

SECTION .0500 - ADMINISTRATOR-IN-TRAINING

21 NCAC 37A .0501 TRAINING REQUIREMENT

History Note: Authority G.S. 90-278; 90-285;
 Eff. February 1, 1976;
 Amended Eff. April 8, 1977;
 Readopted Eff. December 15, 1977;
 Amended Eff. February 1, 1980;
 Readopted Eff. October 1, 1981;
 Amended Eff. August 2, 1993; May 1, 1989;
 Transferred and Recodified to 21 NCAC 37D .0401 Eff. April 1, 1996.

21 NCAC 37A .0502 APPLICATION TO BECOME ADMINISTRATOR-IN-TRAINING

History Note: Authority G.S. 90-278; 90-280; 90-285;
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 to 21 NCAC 37D .0402 Eff. April 1, 1996.

21 NCAC 37A .0503 ORAL REVIEW

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. May 1, 1989.

21 NCAC 37A .0504 TRAINING PERMIT

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0403 Eff. April 1, 1996.

21 NCAC 37A .0505 ADMINISTRATOR-IN-TRAINING SELECTION

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0404 Eff. April 1, 1996.

21 NCAC 37A .0506 GOVERNING BOARD OR OWNERSHIP RESPONSIBILITIES

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Repealed Eff. April 1, 1996.

21 NCAC 37A .0507 APPLICATION FOR PRECEPTOR CERTIFICATION

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983;
Transferred and Recodified to 21 NCAC 37D .0501 Eff. April 1, 1996.

21 NCAC 37A .0508 PRECEPTOR QUALIFICATIONS

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted with Change Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0502 Eff. April 1, 1996.

21 NCAC 37A .0509 PROGRAM AND CURRICULUM

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983;
Repealed Eff. August 2, 1993.

21 NCAC 37A .0510 MONTHLY REPORTS

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0406 Eff. April 1, 1996.

21 NCAC 37A .0511 QUARTERLY REPORTS

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Repealed Eff. February 1, 1980.

21 NCAC 37A .0512 PRECEPTOR'S REPORTS

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0503 Eff. April 1, 1996.

21 NCAC 37A .0513 PRECEPTOR'S CHECKLIST

History Note: *Authority G.S. 90-278; 90-285;*
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;

*Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. May 1, 1989;
Repealed Eff. February 1, 1991.*

21 NCAC 37A .0514 CHANGE OF STATUS AND DISCONTINUANCE

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0408 Eff. April 1, 1996.*

21 NCAC 37A .0515 DISMISSAL FROM PROGRAM

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0409 Eff. April 1, 1996.*

21 NCAC 37A .0516 COMPENSATION OF AITS

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0410 Eff. April 1, 1996.*

21 NCAC 37A .0517 AIT TIME ON THE JOB

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0407 Eff. April 1, 1996.*

21 NCAC 37A .0518 BONUS EDUCATION OPTION DURING TRAINING

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. May 1, 1989;
Repealed Eff. February 1, 1991.*

21 NCAC 37A .0519 ADMINISTRATOR-IN-TRAINING PROGRAM

*History Note: Filed as a Temporary Amendment Eff. July 29, 1987 for a period of 155 days to expire on
December 31, 1987;
Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;*

*Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989; December 1, 1987;
Transferred and Recodified to 21 NCAC 37D .0405 Eff. April 1, 1996.*

21 NCAC 37A .0520 EXCEPTION TO TWELVE WEEK AIT PROGRAM

*History Note: Authority G.S. 90-278; 90-285;
Eff. May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0412 Eff. April 1, 1996.*

SECTION .0600 - EXAMINATION

**21 NCAC 37A .0601 REQUIREMENT
21 NCAC 37A .0602 TIME OF EXAMINATION**

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. May 1, 1989.*

**21 NCAC 37A .0603 EXAMINATION
21 NCAC 37A .0604 EXAMINATIONS RETAINED**

*History Note: Filed as a Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on
November 9, 1982;
Authority G.S. 90-278; 90-280; 90-284; 90-285;
Eff. February 1, 1976;
Readopted Eff. December 15, 1977;
Amended Eff. July 1, 1980;
Readopted w/change Eff. October 1, 1981;
Amended Eff. August 1, 1995; August 2, 1993; May 1, 1991; May 1, 1989;
Repealed Eff. April 1, 1996.*

21 NCAC 37A .0605 CONDITIONAL ADMISSION TO EXAMINATION

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. May 1, 1989.*

21 NCAC 37A .0606 DISQUALIFICATION

*History Note: Authority G.S. 90-278; 90-284; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1991; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule expired Eff. October 1, 2014.*

SECTION .0700 - SUBJECTS FOR EXAMINATION

21 NCAC 37A .0701 SUBJECT AREAS

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993;
Transferred and Recodified to 21 NCAC 37D .0605 Eff. April 1, 1996.*

21 NCAC 37A .0702 GUIDELINES FOR RULE .0701(1)
21 NCAC 37A .0703 GUIDELINES FOR RULE .0701(2)
21 NCAC 37A .0704 GUIDELINES FOR RULE .0701(3)
21 NCAC 37A .0705 GUIDELINES FOR RULE .0701(4)
21 NCAC 37A .0706 GUIDELINES FOR RULE .0701(5)
21 NCAC 37A .0707 GUIDELINES FOR RULE .0701(6)

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; May 1, 1989;
Repealed Eff. April 1, 1996.

21 NCAC 37A .0708 GUIDELINES FOR RULE .0701(8)
21 NCAC 37A .0709 GUIDELINES FOR RULE .0701(9)

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Repealed Eff. August 2, 1993.

SECTION .0800 - GRADING EXAMINATIONS

21 NCAC 37A .0801 GRADE REQUIRED

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1977; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified to 21 NCAC 37D .0604 Eff. April 1, 1996.

21 NCAC 37A .0802 GRADE COMPUTATION

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Repealed Eff. April 8, 1977.

21 NCAC 37A .0803 GRADING OF SECTIONS

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. December 15, 1977;
Repealed Eff. February 1, 1980.

21 NCAC 37A .0804 IDENTITY WITHHELD

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Repealed Eff. May 1, 1989.

21 NCAC 37A .0805 GRADING OF ORAL EXAMINATION

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Repealed Eff. April 1, 1996.

SECTION .0900 - LICENSES

21 NCAC 37A .0901 ISSUANCE

History Note: Authority G.S. 90-278; 90-279; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; May 1, 1989;
Repealed Eff. April 1, 1996.

21 NCAC 37A .0902 ACTIVATION OF INACTIVE LICENSE

History Note: Authority G.S. 90-280; 90-285; 90-286;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Readopted w/change Eff. October 1, 1981;
Amended Eff. May 1, 1989; February 1, 1986; December 1, 1983; December 30, 1981;
Transferred and Recodified to 21 NCAC 37G .0202 Eff. April 1, 1996.

21 NCAC 37A .0903 RENEWAL

History Note: Authority G.S. 90-285; 90-286;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; December 1, 1983;
Transferred and Recodified to 21 NCAC 37G .0101 Eff. April 1, 1996.

21 NCAC 37A .0904 BIENNIAL REGISTRATION REQUIREMENTS

History Note: Filed as a Temporary Amendment Eff. July 13, 1982 for a period of 120 days to expire on November 9, 1982;
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;
Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983; October 1, 1982;
Transferred and Recodified to 21 NCAC 37G .0102 Eff. April 1, 1996.

21 NCAC 37A .0905 RENEWAL CERTIFICATE

History Note: Authority G.S. 90-285; 90-286;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. December 30, 1981;
Repealed Eff. April 1, 1996.

21 NCAC 37A .0906 EXPIRATION OF LICENSE AND INACTIVE ADMINISTRATORS

History Note: Authority G.S. 90-280; 90-285;
 Eff. February 1, 1976;
 Amended Eff. April 8, 1977;
 Readopted Eff. December 15, 1977;
 Readopted with Change Eff. October 1, 1981;
 Amended Eff. February 1, 1991;
 Transferred and Recodified to 21 NCAC 37G .0201 Eff. April 1, 1996.

21 NCAC 37A .0907 TITLE

History Note: Authority G.S. 90-285; 90-288;
 Eff. February 1, 1976;
 Readopted Eff. October 1, 1981; December 15, 1977;
 Amended Eff. May 1, 1989;
 Repealed Eff. April 1, 1996.

21 NCAC 37A .0908 REGISTER AND FILES

History Note: Authority G.S. 90-285;
 Eff. February 1, 1976;
 Readopted Eff. October 1, 1981; December 15, 1977;
 Repealed Eff. May 1, 1989.

21 NCAC 37A .0909 LICENSE

History Note: Authority G.S. 90-280; 90-285;
 Eff. February 1, 1976;
 Amended Eff. April 8, 1977;
 Readopted Eff. October 1, 1981; December 15, 1977;
 Amended Eff. May 1, 1989;
 Transferred and Recodified to 21 NCAC 37B .0202 Eff. April 1, 1996.

21 NCAC 37A .0910 REFUSAL: SUSPENSION: AND REVOCATION OF LICENSES

History Note: Legislative Objection Lodged Eff. October 10, 1980;
 Legislative Objection Removed Eff. January 23, 1981;
 Authority G.S. 90-285;
 Eff. February 1, 1976;
 Amended Eff. April 8, 1977;
 Readopted Eff. December 15, 1977;
 Amended Eff. February 21, 1981;
 Readopted Eff. October 1, 1981;
 Repealed Eff. May 1, 1989.

21 NCAC 37A .0911 FORFEITURE

History Note: Authority G.S. 90-285;
 Eff. February 1, 1976;
 Readopted Eff. December 15, 1977;
 Amended Eff. April 15, 1980;
 Repealed Eff. February 21, 1981.

21 NCAC 37A .0912 RECIPROCITY/ENDORSEMENT

History Note: Authority G.S. 90-280; 90-285; 90-287;
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 .0912(a) to 21 NCAC 37E .0101, .0912(b) to 21 NCAC 37E .0102 and
.0912(c) to 21 NCAC 37E .0103 Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule expired Eff. October 1, 2014.

21 NCAC 37A .0913 RESTORATION AND REINSTATEMENT OF LICENSE

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified to 21 NCAC 37G .0301 Eff. April 1, 1996.

21 NCAC 37A .0914 DUPLICATE LICENSES

History Note: Authority G.S. 90-280(d);
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified to 21 NCAC 37G .0401 Eff. April 1, 1996.

21 NCAC 37A .0915 INACTIVE ADMINISTRATORS

History Note: Authority G.S. 90-285;
Eff. February 27, 1976;
Repealed Eff. April 8, 1977.

SECTION .1000 - TEMPORARY LICENSE

21 NCAC 37A .1001 PREREQUISITES FOR TEMPORARY LICENSURE

History Note: Authority G.S. 90-278; 90-279; 90-285;
Eff. February 1, 1980;
Amended Eff. April 15, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. May 1, 1989; December 1, 1983;
Transferred and Recodified to 21 NCAC 37F .0101 Eff. April 1, 1996.

21 NCAC 37A .1002 APPLICATION FOR TEMPORARY LICENSE

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Repealed Eff. May 1, 1989.

21 NCAC 37A .1003 ISSUANCE AND RENEWAL OF TEMPORARY LICENSE

History Note: Authority G.S. 90-278; 90-285;
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 to 21 NCAC 37F .0102 Eff. April 1, 1996.

21 NCAC 37A .1004 RELATION TO AIT EXPERIENCE

History Note: Authority G.S. 90-278; 90-285;
 Eff. February 1, 1980;
 Readopted Eff. October 1, 1981;
 Amended Eff. May 1, 1989; December 30, 1981;
 Repealed Eff. February 1, 1991.

21 NCAC 37A .1005 REFUSAL: SUSPENSION AND REVOCATION OF TEMPORARY LICENSE

History Note: Authority G.S. 90-285;
 Eff. February 1, 1980;
 Readopted Eff. October 1, 1981;
 Repealed Eff. May 1, 1989.

SECTION .1100 - CONTESTED CASES: PETITIONS/RULEMAKING: DECLARATORY RULINGS

- 21 NCAC 37A .1101 REQUEST FOR DETERMINATION**
- 21 NCAC 37A .1102 NOTICE OF RIGHT TO HEARING**
- 21 NCAC 37A .1103 AGENCY INITIATED PROCEEDINGS**
- 21 NCAC 37A .1104 NOTICE OF HEARING**
- 21 NCAC 37A .1105 WAIVER OF HEARING**
- 21 NCAC 37A .1106 INTERVENTION**
- 21 NCAC 37A .1107 WRITTEN ANSWER**
- 21 NCAC 37A .1108 VENUE**
- 21 NCAC 37A .1109 DISCOVERY**
- 21 NCAC 37A .1110 PRE-HEARING CONFERENCE**
- 21 NCAC 37A .1111 SUBPOENAS**
- 21 NCAC 37A .1112 CONSOLIDATION**
- 21 NCAC 37A .1113 STIPULATIONS**
- 21 NCAC 37A .1114 DISQUALIFICATION OF HEARING OFFICER**
- 21 NCAC 37A .1115 FAILURE OF PARTY TO ATTEND HEARING**
- 21 NCAC 37A .1116 OATH**
- 21 NCAC 37A .1117 CONDUCT OF HEARING**
- 21 NCAC 37A .1118 PROPOSAL FOR DECISION**
- 21 NCAC 37A .1119 RECORD**
- 21 NCAC 37A .1120 TRANSCRIPT**
- 21 NCAC 37A .1121 NEW EVIDENCE**

History Note: Authority G.S. 90-279; 90-285;
 Eff. May 23, 1981;
 Repealed Eff. October 1, 1981.

21 NCAC 37A .1122 INVESTIGATION: DISCIPLINE: AND CONTESTED CASE PROCEEDINGS

History Note: Authority G.S. 90-285; 150B-40(e);
 Eff. October 1, 1981;
 Amended Eff. May 1, 1989;
 Transferred and Recodified to 21 NCAC 37I .0101 Eff. April 1, 1996.

SECTION .1200 - RULEMAKING AND DECLARATORY RULINGS

21 NCAC 37A .1201 PETITIONS FOR ADOPTION OF RULES

History Note: Authority G.S. 90-285; 150B-16;
 Eff. May 1, 1989;
 Transferred and Recodified to 21 NCAC 37C .0101 Eff. April 1, 1996.

21 NCAC 37A .1202 PROCEDURE FOR ADOPTION OF RULES

History Note: *Authority G.S. 90-285; 150B-12;*
 Eff. May 1, 1989;
 Transferred and Recodified to 21 NCAC 37C .0102 Eff. April 1, 1996.

21 NCAC 37A .1203 TEMPORARY RULES

History Note: *Authority G.S. 90-285; 150B-13;*
 Eff. May 1, 1989;
 Repealed Eff. April 1, 1996.

21 NCAC 37A .1204 DECLARATORY RULINGS

History Note: *Authority G.S. 150B-17;*
 Eff. May 1, 1989;
 Transferred and Recodified to 21 NCAC 37C .0103 Eff. April 1, 1996.

SUBCHAPTER 37B – DEPARTMENTAL RULES

SECTION .0100 – GENERAL PROVISIONS

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

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

*History Note: Authority G.S. 90-277;
Eff. April 1, 1996;
Amend Eff. July 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0102 ELECTION OF OFFICERS

The Board shall, at the first meeting subsequent to January 1 of each year, elect a chairperson, vice-chairperson and secretary. Vacancies in the officers' terms, occurring from death, resignation, disability or expiration of Board service, shall be filled by election at the next Board meeting following the vacancy.

*History Note: Authority G.S. 90-283;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0103 LICENSED ADMINISTRATOR REQUIRED

Only nursing homes supervised by an administrator licensed in accordance with the requirements of G.S. 90, Article 20 and these Rules may operate in this state.

*History Note: Authority G.S. 90-276; 90-284; 90-285; 90-288; 42 C.F.R. 431.701; 42 C.F.R. 431.703;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SECTION .0200 - DEFINITIONS

21 NCAC 37B .0201 ADMINISTRATOR OF RECORD

"Administrator of Record" means the licensed administrator who is physically present in the facility for an amount of time sufficient to assure the facility's substantial compliance with applicable state and federal laws and rules.

*History Note: Authority G.S. 90-285;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0202 LICENSE

The license is a permanent certificate. An additional current two-part registration card is issued each time a licensee renews his license. One part is to be affixed to and displayed with the license. The second part provided is a wallet card.

*History Note: Authority G.S. 90-280; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0909 Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0203 NATIONAL EXAM

The term "National Exam" as used in these Rules means the examination provided by the National Association of Boards of Examiners for Nursing Home Administrators.

*History Note: Authority G.S. 90-278;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0204 PRACTICE OF NURSING HOME ADMINISTRATION

"Practice of nursing home administration" means the performance of any act or the making of any decision involved in the planning, organizing, directing, and/or control of the operation of a nursing home.

*History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Transferred and Recodified from 21 NCAC 37A .0105 Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0205 STATE EXAM

The term "State Exam" as used in these Rules means the examination provided by this Board regarding North Carolina state laws and rules concerning nursing homes.

*History Note: Authority G.S. 90-278;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SUBCHAPTER 37C - RULEMAKING AND DECLARATORY RULINGS

SECTION .0100 - ADOPTION OF RULES

21 NCAC 37C .0101 PETITIONS FOR ADOPTION OF RULES

- (a) General. The procedure for petitioning the Board to adopt, amend, or repeal a rule is governed by G.S. 150B-20.
- (b) Submission. Rule-making petitions shall be sent to the Executive Director. No special form is required, but the petitioner shall state his name and address. The following shall be included in the petition:
- (1) a draft of the proposed rule;
 - (2) the reason for its proposal;
 - (3) the effect of the proposed rule on existing rules or decisions;
 - (4) data supporting the proposed rule;
 - (5) practices likely to be affected by the proposed rule;
 - (6) persons likely to be affected by the proposed rule.
- (c) Disposition. The Executive Director shall review the petition and develop a recommendation as to whether the petitioner's proposed rule should be rejected or implemented. The Executive Director shall present the petition and his recommendation to the Board at its next regular meeting following receipt of the petition, and the Board shall render its decision to either deny the petition or initiate rule-making. The Board shall notify the petitioner of its decision in writing within the period set by G.S. 150B-20.

*History Note: Authority G.S. 90-285; 150B-20;
Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .1201 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37C .0102 PROCEDURE FOR ADOPTION OF RULES

- (a) General. The procedure for the adoption, amendment or repeal of rules is governed by G.S. 150B-21.2.
- (b) Notice of Rule-making. Notice of rule-making shall be published in the North Carolina Register. Any person who wishes to receive individual notice shall file a written request with the Executive Director and shall be responsible for the cost of mailing said notice.
- (c) Public Hearing. Any public rule-making hearing required by G.S. 150B-21.2 shall be conducted by the Chairman of the Board or by any person he may designate. The presiding officer shall have complete control of the hearing and shall conduct the hearing so as to provide a reasonable opportunity for any interested person to present views, data, and comments:
- (1) the presiding officer shall set a time limit for oral presentations.
 - (2) written presentations shall be submitted prior to or during a rule-making hearing and shall be acknowledged by the presiding officer and shall be given the same consideration as oral presentations.

*History Note: Authority G.S. 90-285; 150B-21.2;
Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .1202 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37C .0103 DECLARATORY RULINGS

- (a) General. The issuance of declaratory rulings by the Board is governed by G.S. 150B-4.
- (b) Request And Contents. A request for a declaratory ruling shall be in writing and addressed to the Executive Director. The request shall contain the following information:
- (1) the name and address of the person making the request;
 - (2) the statute or rule to which the request relates;
 - (3) a concise statement of the manner in which the person has been aggrieved by the statute or rule;
 - (4) a statement as to whether a hearing is desired and, if desired, the reason therefor.
- (c) Refusal To Issue Ruling. The Board shall ordinarily refuse to issue a declaratory ruling under the following circumstances:

- (1) when the Board has already made a controlling decision on substantially similar facts in a contested case;
- (2) when the facts underlying the request for a ruling were specifically considered at the time of the adoption of the rule in question; or
- (3) when the subject matter of the request is involved in pending litigation in North Carolina.

*History Note: Authority G.S. 150B-4;
Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .1204 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SUBCHAPTER 37D - NEW LICENSES

SECTION .0100 - GENERAL

21 NCAC 37D .0101 OVERVIEW

The Board issues new licenses, reciprocal licenses and temporary licenses. All applicants shall comply with the application requirements set out in Section .0200 of this Subchapter. New license applicants shall successfully complete an AIT program pursuant to Section .0400 of this Subchapter, successfully complete the AIT course pursuant to Section .0300 of this Subchapter, pass the national exam pursuant to Section .0600 of this Subchapter and pass the state exam pursuant to Section .0700 of this Subchapter. Reciprocal license applicants shall provide proof that that original license from another jurisdiction substantially meets the applicable North Carolina licensure requirements and shall pass the national and state exams. Temporary licenses shall be issued pursuant to 21 NCAC 37F .0100.

*History Note: Authority G.S. 90-279; 90-287;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37D .0102 STEPS FOR NEW LICENSE APPLICANTS

New license applicants shall:

- (1) Meet educational and experience requirements as set out in 21 NCAC 37D .0300 generally;
- (2) Apply for and successfully complete the AIT program pursuant to 21 NCAC 37D .0400;
- (3) Apply for and successfully complete the required course pursuant to 21 NCAC 37D .0303;
- (4) Apply for and successfully complete the national exam pursuant to 21 NCAC 37D .0600;
- (5) Apply for and successfully complete the state exam pursuant to 21 NCAC 37D .0700;
- (6) Apply for licensure pursuant to 21 NCAC 37D .0200.

*History Note: Authority G.S. 90-278; 90-285;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SECTION .0200 - APPLICATION FOR LICENSE

21 NCAC 37D .0201 APPLICATION PACKAGE

- (a) An applicant shall request, in writing, an application package from the Board. The request shall be accompanied by copying charges at a cost as set out in 26 NCAC 1 .0103, which shall be credited to the total application fee.
- (b) All applications shall be received in the Board's office a minimum of three weeks prior to the meeting of the Board at which the application is to be considered. All items required to be provided to constitute a full application shall be received by this date.

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983;
Transferred and Recodified from 21 NCAC 37A .0301 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37D .0202 INITIAL LICENSURE FEE

Prior to licensure, the applicant shall send an initial licensure non-refundable fee of six hundred dollars (\$600.00) when the applicant has 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. July 1, 2014; September 1, 2004; July 1, 2000;
Readopted Eff. October 1, 2015;
Amended Eff. January 1, 2021.

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.

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0303 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0204 FELONIES AND/OR MISDEMEANORS

(a) Felony. An applicant for licensure who has been convicted by any jurisdiction of a felony shall not be permitted to enter the AIT program or otherwise be licensed unless his rights of citizenship have been restored.

(b) Misdemeanor. An applicant for licensure who has been convicted by any jurisdiction of a misdemeanor shall not be permitted to enter the AIT program or otherwise be licensed unless he has fully complied with all terms of the judgment imposed for said misdemeanor.

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0304 Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

SECTION .0300 - EDUCATION, EXPERIENCE AND REQUIRED COURSE

21 NCAC 37D .0301 EDUCATION

To be eligible for the national and state exams and for licensure, an applicant shall have either a minimum of two years credit from an accredited college as described in G.S. 90-278(b) or have a combination of education and experience approved by the Board pursuant to 21 NCAC 37D .0302. All education credit shall be documented by an official originally sealed college transcript.

History Note: Authority G.S. 90-278;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0302 COMBINATION OF EDUCATION AND EXPERIENCE

A combination of education and experience shall comply with the following requirements:

- (1) A minimum of one year of college credit from an accredited institution with a cumulative average of at least a 2.0 grade point average on a 4.0 point scale.
- (2) Supervisory experience may be substituted for up to one year of education at the rate of two years experience for one year of education credit. Supervisory experience for purposes of this Section means having continuous, direct management responsibility, including some responsibility for hiring and firing, over the equivalent of at least one full-time employee. Such supervisory experience shall have been in a nursing home within the five years preceding the date of application. For purposes of this Rule, "supervisory experience" means full-time service as a department head or licensed professional supervising one or more employees.

*History Note: Authority G.S. 90-278;
Eff. April 1, 1996.
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37D .0303 REQUIRED COURSE

- (a) The course prescribed by the Board pursuant to G.S. 90-278(1)c shall be comprised of in-class instruction, including all the domains of practice as described in Rule .0605 of this Subchapter.
- (b) An applicant with a health care administration degree may request in writing that the Board approve college courses as substantially equivalent to portions of the required course, provided the applicant's college transcripts validate the long term care courses were passed with a minimum of a 2.0 GPA.

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

SECTION .0400 - ADMINISTRATOR-IN-TRAINING

21 NCAC 37D .0401 TRAINING REQUIREMENT

Each applicant for initial licensure shall complete an AIT program under the direction of a preceptor unless he is exempt from this requirement under G.S. 90-278(1)d or Rule .0412 of this Section.

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. August 2, 1993; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0501 Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

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 the 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 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.

21 NCAC 37D .0403 TRAINING PERMIT

- (a) After the interview and approval, and upon notification from the preceptor of the starting date of the AIT program, the Board shall issue an AIT training permit to the applicant for a maximum one-year period beginning on the date the permit is issued.
- (b) Should the AIT or the Preceptor fail to follow the individualized curriculum (submitted pursuant to Rule 37D .0402), follow the training program (presented pursuant to Rule 37D .0405), timely submit a report (required by Rule 37D .0406), serve at least a minimum number of hours (required by Rule 37D .0407), or otherwise comply with any applicable statute or rule, the Board may revise, suspend, or rescind the AIT training permit.

History Note: Authority G.S. 90-278; 90-285; Eff. February 1, 1976; Amended Eff. April 8, 1977; Readopted Eff. October 1, 1981; December 15, 1977; Amended Eff. August 2, 1993; May 1, 1989;

*Transferred and Recodified from 21 NCAC 37A .0504 Eff. April 1, 1996;
Amended Eff. July 1, 2000; April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September
22, 2014.*

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

- (a) AIT applicants shall select a preceptor prior to submitting application to the Board. Lists of preceptors approved by the Board can be found on the Board's website www.ncbenha.org.
- (b) It shall be the responsibility of the AIT applicant to contact a preceptor to ensure that the preceptor accepts the AIT applicant.
- (c) The AIT shall notify the Board of any change in preceptor. Any change in preceptor shall be from the approved list.

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

21 NCAC 37D .0405 ADMINISTRATOR-IN-TRAINING PROGRAM

- (a) The preceptor shall evaluate and recommend to the Board the length of the AIT program required to teach the core of knowledge as outlined in 21 NCAC 37D .0605 before accepting the AIT to train in a facility approved by the Board subject to the following provisions:
 - (1) in determining the length of the AIT program, the preceptor shall consider the strengths and weaknesses of the AIT applicant as it relates to his/her education and past supervisory experience;
 - (2) the AIT program shall be presented to the Board by the preceptor and the AIT during the personal interview as required under Rule .0402(e) of this Section; and
 - (3) except as otherwise allowed under Rule .0412 of this Section, all AITs shall serve a minimum of 12 weeks in the AIT program, plus any additional weeks as determined by the Board. In determining whether to require additional weeks in addition to the 12 week minimum, the Board shall consider the recommendation of the preceptor, and the Board's independent consideration of the AIT applicant's education, training and experience relevant to operating a health care facility.
- (b) An AIT applicant who is working toward or has completed a baccalaureate or masters degree in nursing home administration or a related health care administration field shall serve a minimum of 12 weeks in the AIT program as part of his/her educational curriculum in a North Carolina licensed nursing home under the supervision of an approved preceptor.
- (c) An AIT shall complete a basic Nursing Home Administrator course approved by the Board within two years preceding an application for licensure.
- (d) Within one year after the completion of the approved AIT program and upon successfully passing the examinations as required by the Board, the AIT may submit a licensure application and fee as provided in 21 NCAC 37D .0201 and .0202, and may be issued a license.

*History Note: Filed as a Temporary Amendment Eff. July 29, 1987 for a period of 155 days to expire on December
31, 1987;
Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989; December 1, 1987;
Transferred and Recodified from 21 NCAC 37A .0519 Eff. April 1, 1996;
Amended Eff. July 1, 2000; April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September
22, 2014.*

21 NCAC 37D .0406 AIT REPORTS

- (a) At the conclusion of each month, the AIT shall submit to the Board a report on his progress on a form provided by the Board for that purpose. Provided, however, an AIT approved for a program of less than 20 weeks in length, shall submit weekly reports.
- (b) The report requires the name of the AIT, a statement of the subject areas covered that week or month, the number of hours the AIT has completed that week or month, comments from the preceptor concerning the progress of the AIT's training, a description of the administrative activities in which the AIT has participated, suggestions for improvement in the program, and other information that the Board requests.
- (c) Both the preceptor and the AIT shall sign the report, verifying the accuracy of the information.
- (d) Weekly or monthly reports shall be received in the Board's office within 10 days of the end of the reporting period.

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0510 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37D .0407 AIT TIME ON THE JOB

- (a) The AIT shall serve an internship recommended by the preceptor and approved by the Board with a minimum of 40 hours per week, principally during the hours that the preceptor is on duty. The minimum AIT program is 12 weeks, which may not be reduced except as stated in G.S. 90-278(1)d and Rule .0412 of this Section.
- (b) An internship which has been discontinued by a period of military service shall be allowed to be completed within a year after that service.
- (c) An internship which has been discontinued for any purpose other than military service cannot be completed if the absence exceeds one year from the date of discontinuance.
- (d) Only one discontinuance is allowed.

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0517 Eff. April 1, 1996;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37D .0408 CHANGE OF STATUS AND DISCONTINUANCE

- (a) If the AIT desires to change preceptors, he shall submit a Notice of Change of Status or Discontinuance form provided by the Board. Prior to changing preceptors, the AIT shall notify the Board and the Board's Executive Director may grant such requests subject to approval at the next regularly scheduled board meeting.
- (b) If the AIT desires to discontinue his internship, the Notice of Change of Status or Discontinuance form shall be submitted within 10 days of discontinuance before any accumulated training time may be considered should the AIT elect to re-enter his internship program at a future date.
- (c) The form requires the name of the AIT and preceptor, the change requested, the effective date and reasons for the change. Either the AIT or the preceptor shall sign the form.

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;*

Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0514 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0409 DISMISSAL FROM PROGRAM

- (a) The preceptor or Board staff shall inform the AIT of his performance as the program progresses.
- (b) If the AIT's performance is not acceptable, the preceptor or Board staff shall so inform him, and the AIT shall be given an opportunity to correct the deficiencies.
- (c) If the AIT does not correct the deficiencies, either the preceptor, or the Board, shall notify the AIT that he can no longer participate in the program.

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0515 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0410 COMPENSATION OF AITS

- (a) The Board shall not pay the AIT compensation for his work in the program.
- (b) The facility in which the AIT is training may compensate the AIT, but is not required to do so by these Rules.

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0516 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0411 APPROVAL OF PROGRAMS OF STUDY IN ACCREDITED INSTITUTIONS

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0402 Eff. April 1, 1996;
Repealed Eff. April 1, 1996.

21 NCAC 37D .0412 INITIAL ON-THE-JOB TRAINING

- (a) Every AIT program shall include a 12 week initial on-the-job training component plus such additional weeks of on-the-job training appropriate to the individual applicant based upon education and experience necessary to assure minimum professional competence. The initial portion shall include basic work in the subject areas outlined in 21 NCAC 37D .0605.
- (b) Reduction to AIT program:
 - (1) A hospital administrator or assistant administrator shall be exempt from the 12 week initial on-the-job training component if:
 - (A) He has been the administrator or assistant administrator of a particular long-term care unit or swing beds in a hospital facility for at least 12 weeks; and
 - (B) The hospital facility was licensed in North Carolina under either Article 5 of G.S. 131E or Article 2 of G.S. 122C.

- (2) A nursing home assistant administrator or director of nursing shall be exempt from those portions of the initial on-the-job training which the applicant shows have been satisfied by direct on-the-job experience in a nursing home licensed in North Carolina provided he has served for four years within the previous five years in such a position with a level of responsibility and complexity for the management of human, financial, and material resources for the provision of care of a magnitude at least equal to that of a licensed nursing home administrator, and with exposure to and familiarity with the subject areas outlined in 21 NCAC 37D .0605.

*History Note: Authority G.S. 90-278; 90-285;
Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0520 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SECTION .0500 - PRECEPTORS

21 NCAC 37D .0501 APPLICATION FOR PRECEPTOR CERTIFICATION

A licensed Nursing Home Administrator wishing to be certified as a preceptor for the AIT program may apply on an application obtained by writing to the Board.

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989; December 1, 1983;
Transferred and Recodified from 21 NCAC 37A .0507 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37D .0502 PRECEPTOR QUALIFICATIONS

(a) To be certified as a preceptor the nursing home administrator shall:

- (1) exemplify the highest ethical and professional standards and not have violated any standards stated in G.S. 90-285.1;
- (2) have been the administrator of record of a nursing home facility for a minimum of two years or have a masters degree in health care administration and have been the administrator of record of a nursing home facility for a minimum of one year;
- (3) certify that no revocation proceeding, suspension of admissions, or provisional license has been initiated or is in effect against his facility(ies);
- (4) express himself well and be at ease in a teaching situation;
- (5) be a full time administrator of record of a facility that is licensed by the Division of Health Service Regulation as a nursing home;
- (6) successfully complete a preceptor training course approved by the Board within the past two years; and
- (7) complete 40 hours of continuing education during the 24 months preceding application for certification.

(b) A preceptor shall be recertified biennially by the Board in accordance with the qualifications as set out in Paragraph (a) of this Rule at the time of license renewal.

(c) The preceptor and the AIT shall spend a minimum of four hours per week in orientation, direct instruction, planning and evaluation.

(d) An administrator licensed by reciprocity/endorsement who held an active preceptor certificate in another state may also receive a North Carolina preceptor certificate if all other requirements are met.

(e) Any administrator who otherwise meets all requirements of this Rule except for completion of the approved course under Subparagraph (a)(6) of this Rule and who has previously been certified as a preceptor may be issued a temporary preceptor certificate by the Board until such course is completed.

*History Note: Authority G.S. 90-276(5); 90-278; 90-285(11);
Eff. February 1, 1976;*

Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted with Change Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0508 Eff. April 1, 1996;
Amended Eff. July 1, 2000; April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0503 PRECEPTOR'S REPORTS

- (a) At the end of the approved AIT program, the preceptor shall submit a report and an evaluation of the AIT on forms provided by the Board. These forms are to be submitted to the Board within 10 days of completion of the AIT program. The forms shall require the name of the AIT, the place of training, an evaluation of the AIT's abilities, and other information that the Board requests. The preceptor shall sign the forms.
- (b) The reports shall be filed in the AIT's file in the Board's office and shall become a permanent record in the individual's file.

History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Amended Eff. February 1, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0512 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0504 PRECEPTOR COMPLIANCE

Failure to comply with the supervision and reporting requirements of these rules shall constitute grounds for discipline of the preceptor as well as grounds for revision, suspension or rescission of the training permit.

History Note: Authority G.S. 90-278; 90-285;
Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

SECTION .0600 – NATIONAL EXAM

21 NCAC 37D .0601 ELIGIBILITY

- (a) To be eligible to take the national exam, an applicant shall:
- (1) be approved for an AIT program which, along with the required course prescribed in 21 NCAC 37D .0303, shall be completed within 45 days after the exam; or
 - (2) be exempt pursuant to G.S. 90-278(1)(d); or
 - (3) be a reciprocal applicant whose prior exam scores do not meet current N.C. requirements.
- (b) Upon the third failure of any exam required by the Board, the AIT and the preceptor shall submit to the Board a program to strengthen the candidate's weakness as demonstrated by the previous exam results. Upon approval by the Board of the program and completion thereof by the candidate, he shall be eligible to retake the exam.
- (c) Upon the failure of any examination the fourth time, the AIT shall be disqualified from continuing in the program. Nothing in this Rule shall be construed to prevent the applicant from reapplying for entrance to the AIT program.

History Note: Authority G.S. 90-278; 90-284; 90-285;
Eff. April 1, 1996;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0602 NATIONAL EXAM APPLICATION

To sit for the National Exam, a person shall submit an exam application electronically to the National Association of Long Term Care Administrators Board (NAB) through their website www.nabweb.org. After the applicant has completed the National Exam Application, the NAB will notify the Board for approval of the applicant. Prior to the Board approving the applicant's eligibility to sit for the National Exam and in order to release the results of the NAB exam score, the applicant shall pay to the Board a processing fee of fifty dollars (\$50.00).

*History Note: Authority G.S. 90-280; 90-285;
Eff. April 1, 1996;
Amended Eff. September 1, 2004;
Readopted Eff. October 1, 2015.*

21 NCAC 37D .0603 NATIONAL EXAMINATION ADMINISTRATION

- (a) The applicant may sit for the national examination consistent with the examination schedule established by the National Association of Boards of Examiners of Long Term Care Administrators (NAB).
- (b) An applicant shall sit for and pass the national and state exams within one year of the date of completion of the AIT program in order to meet the AIT requirement.
- (c) An applicant shall pay the exam fees each time he takes the national examination.

*History Note: Authority G.S. 90-280; 90-285;
Eff. April 1, 1996;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37D .0604 GRADE REQUIRED

Every candidate for a nursing home administrator's license shall be required to pass the licensing examinations with a grade of at least 75 percent.

*History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1977; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0801 Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37D .0605 SUBJECT AREAS

The national examination shall include, but need not be limited to, the following subjects:

- (1) Resident Care and Quality of Life;
- (2) Human Resources;
- (3) Finance;
- (4) Physical Environment and Atmosphere;
- (5) Leadership and Management.

*History Note: Authority G.S. 90-278; 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993;
Transferred and Recodified from 21 NCAC 37A .0701 Eff. April 1, 1996;
Amended Eff. July 1 2004; July 1, 2000; April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SECTION .0700 – STATE EXAM

21 NCAC 37D .0701 ELIGIBILITY

- (a) To be eligible to take the state examination, the applicant shall be qualified under Rules .0601 and .0603(b) of this Subchapter.
- (b) Upon the third failure of any exam required by the Board, the AIT and the preceptor shall submit to the Board a program to strengthen the candidate's weakness as demonstrated by the previous exam results. Upon approval by the Board of the program and completion thereof by the candidate, he shall be eligible to retake the exam.
- (c) Upon the failure of any examination the fourth time, the AIT shall be disqualified from continuing in the program. Nothing in this Rule shall be construed to prevent the applicant from reapplying for entrance to the AIT program.

History Note: Authority G.S. 90-285;
Eff. April 1, 1996;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0702 APPLICATION

To sit for the state examination, a person shall submit an application on a form provided by the Board.

History Note: Authority G.S. 90-285;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37D .0703 STATE EXAMINATION ADMINISTRATION

- (a) The State Examination shall be administered on dates to be determined and published by the Board on the State Examination Application form located on the Board's website. It may also be offered to reciprocity applicants and to AIT applicants who passed the National Examination but previously failed the State Examination on different dates if the applicants show good cause, such as unavailability due to illness, inclement weather, employment, or survey.
- (b) An applicant shall pay a non-refundable processing fee of one hundred fifty dollars (\$150.00) each time the applicant takes the State Examination.
- (c) To sit for the State Examination, the applicant shall submit a Test Confidentiality and Attestation Form, which is a release form stating the applicant will keep test questions confidential. This form is provided by the Board on the website and in the information package.
- (d) An applicant shall pass the State Exam within one year of the date of completion of the AIT program.

History Note: Authority G.S. 90-280; 90-285;
Eff. April 1, 1996;
Amended Eff. July 1, 2014; July 1, 2004;
Readopted Eff. October 1, 2015.

21 NCAC 37D .0704 GRADE REQUIRED

Each candidate for a nursing home administrator's license shall be required to pass the licensing examinations with a grade of at least 75 percent.

History Note: Authority G.S. 90-285;
Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

SUBCHAPTER 37E – RECIPROCITY/ENDORSEMENT

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 37E .0101 APPLICATION PROCESS

(a) The Board may issue a license to a nursing home administrator who holds a nursing home administrator license issued by the licensing authorities of any other state, upon payment of the current licensing fee, successful completion of the state examination, and submission of evidence to the Board that the applicant for licensure:

- (1) has personal qualifications, education, training, and experience substantially equivalent to those required in this state;
- (2) holds a valid active license as a nursing home administrator in the state from which he or she is transferring; and
- (3) shall appear before the Board for a personal interview.

(b) If the applicant for reciprocity does not submit the information required by Subparagraph (a)(1) of this Rule, but is otherwise qualified for licensure in North Carolina, the Board shall issue a temporary reciprocal license that will allow the applicant to practice in one nursing home designated by the applicant at the time of issuance for six months provided that the applicant agrees to the following conditions:

- (1) within one month prior to the expiration of the temporary reciprocal license, submission of a statement that the temporary licensee has administered the nursing home in a manner satisfactory to the nursing home owner or representative of the owner; and
- (2) completion of continuing education course(s) that the Board may require as a condition of issuance of a temporary reciprocal license, if the applicant does not possess education substantially equivalent to the qualifications required by this state.

(c) If a temporary reciprocal license is issued pursuant to Paragraph (b) of this Rule and the applicant notifies the Board prior to the expiration of the six-month term that the circumstances have changed such that the applicant cannot comply with the conditions imposed in Paragraph (b) of this Rule, the Board may extend the temporary reciprocal license for an additional period not to exceed six months upon consideration of the following:

- (1) the period of extension requested;
- (2) the extent of control the applicant had over the situation causing the request for extension;
- (3) the applicant's good faith effort at compliance with the original term imposed; and
- (4) any issues arising during the term of the applicant at the facility identified during a survey conducted by the Division of Health Service Regulation or a federal surveying agency.

*History Note: Authority G.S. 90-278; 90-280; 90-285; 90-287;
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(a) Eff. April 1, 1996;
Amended Eff. July 1, 2004; July 1, 2000; April 1, 1996;
Readopted Eff. October 1, 2015.*

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 three hundred dollars (\$300.00); and

- (7) a fingerprint card, necessary forms, and required fee for criminal background check. The forms and fees for the criminal background check is available in the Board office and on the Board's website.

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.

21 NCAC 37E .0103 DENIAL AND REVOCATION

The Board shall have the power, after due notice and an opportunity to be heard at a hearing, to revoke or suspend the nursing home administrator license issued to any person under this Rule upon evidence satisfactory to the Board that the duly constituted authorities of any other state have lawfully revoked or suspended the nursing home administrator license issued to such person by such state.

History Note: Authority G.S. 90-280; 90-285; 90-287;
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(c) Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

SUBCHAPTER 37F – TEMPORARY LICENSES

SECTION .0100 – TEMPORARY LICENSE REQUIREMENTS

21 NCAC 37F .0101 PREREQUISITES FOR TEMPORARY LICENSURE

(a) The Chairman of the Board may issue a temporary license through the Executive Director for an initial period of time from issuance until the next Board meeting to an individual temporarily filling the position of a nursing home administrator provided one of the circumstances in Paragraph (b) of this Rule exists and the prerequisites for temporary license in Paragraph (c) of this Rule have been met.

(b) The nursing home shall prove to the satisfaction of the Board that it is not currently being administered by a temporary licensee, and at least one of the following circumstances exists:

- (1) sudden death of the licensed administrator;
- (2) unexpected transfer of the licensed administrator; or
- (3) unforeseeable termination of the licensed administrator.

(c) An individual applying for a temporary license shall:

- (1) be at least 18 years of age;
- (2) be of good moral character;
- (3) be of sound physical and mental health; and
- (4) have previously served as a licensed administrator in another state, served as assistant administrator in a nursing home for at least two years, served as director of nursing in a nursing home for at least one year, or be otherwise comparably qualified. If the applicant is licensed in any other states, the applicant shall provide evidence that he is currently licensed in good standing in each other state.

(d) The Board may approve an application for one renewal of up to six additional months of a temporary license if the nursing home submits evidence satisfactory to the Board that at least one of the circumstances listed in Paragraph (b) of this Rule occurred at the facility after the initial approval of the current temporary license.

*History Note: Authority G.S. 90-278; 90-279; 90-285;
Eff. February 1, 1980;
Amended Eff. April 15, 1980;
Readopted Eff. October 1, 1981;
Amended Eff. May 1, 1989; December 1, 1983;
Transferred and Recodified from 21 NCAC 37A .1001 Eff. April 1, 1996;
Amended Eff. July 1, 2000; April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

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 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 pass the state examination administered by the Board at the next exam date to retain the temporary license. The forms and fees for the criminal background check is available in the Board office and on the Board's website.

(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 AND REINSTATEMENT, DUPLICATE
AND VERIFICATION OF LICENSE**

SECTION .0100 - RENEWAL REQUIREMENTS

21 NCAC 37G .0101 RENEWAL

- (a) A license shall expire on the 30th day of September of the second year following its issuance.
- (b) The licensee shall biennially apply to the Board for a new certificate of registration to be displayed with the permanent license and report any facts requested by the Board on forms provided by the Board.
- (c) The form shall include the name of the licensee, address, the place of the applicant's practice, at least 30 hours of continuing education credits, any criminal convictions and administrative disciplinary action by any other licensing boards in the proceeding two years and any other information which the Board may feel it needs to act upon the application. Along with the form, such licensee shall provide documentation of the completion of 30 hours of continuing education approved by the Board during each biennial period.
- (d) As a courtesy, the Board shall send renewal notices to the last address on record; it is the individual licensee's responsibility to keep this information current with the Board office.
- (e) A licensee shall notify the Board in writing within 15 days of any change of address (home and work) or employment.

*History Note: Authority G.S. 90-285; 90-286;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. August 2, 1993; December 1, 1983;
Transferred and Recodified from 21 NCAC 37A .0903 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37G .0102 RENEWAL FEE

Upon making application for renewal, a licensee shall pay a biennial licensure fee of 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. July 1, 2014; September 1, 2004; July 1, 2000;
Readopted Eff. October 1, 2015;
Amended Eff. January 1, 2021.*

SECTION .0200 - INACTIVE LICENSES

21 NCAC 37G .0201 INACTIVE REQUIREMENTS

- (a) An administrator who desires to be placed on the inactive list shall make a written request on the biennial renewal form provided by the Board and submit a non-refundable inactive fee of one hundred dollars (\$100.00) per year fee to the Board.
- (b) A request to be placed on the inactive list shall be submitted to the Board no later than 30 days after expiration of the license under Rule .0101(a) of this Subchapter. Failure to submit the request and payment of the fee within 30 days after expiration shall result in automatic expiration of the license retroactive to the expiration date.

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

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

21 NCAC 37G .0202 ACTIVATION OF INACTIVE LICENSE

(a) A nursing home administrator whose license has been inactive for less than three years may activate the license by submitting an application to the Board, documentation of the applicant's completion of 30 hours of continuing education approved by the Board during the preceding 24 months, and payment of the current license renewal fee.

(b) A nursing home administrator whose license has been inactive for less than five years but more than three years may activate the license by providing the items in Paragraph (a) of this Rule and, in addition, by successfully completing the state examination.

(c) A previously licensed nursing home administrator whose license has been inactive for a period exceeding five years shall comply with all the requirements for licensure in this Chapter.

*History Note: Authority G.S. 90-280; 90-285; 90-286;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Readopted w/change Eff. October 1, 1981;
Amended Eff. May 1, 1989; February 1, 1986; December 1, 1983; December 30, 1981;
Transferred and Recodified from 21 NCAC 37A .0902 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SECTION .0300 - REINSTATEMENT

21 NCAC 37G .0301 REINSTATEMENT OF LICENSE

Upon re-applying for a license as provided in 21 NCAC 37D .0201, .0202, .0203, .0204 and after a revocation period of two years, the Board may reinstate a license for good cause. Good cause means that the applicant is completely rehabilitated with respect to the conduct which was the basis of the discipline. Evidence of such rehabilitation shall include, but is not limited to, evidence that:

- (1) such person has not engaged in conduct during the discipline period which, if the person had been licensed during such period, would have constituted the basis for discipline under G.S. 90-285.1;
- (2) with respect to any criminal conviction which constituted any part of the previous discipline, the person has completed the sentence imposed, and is no longer on probation, whether supervised or unsupervised; and
- (3) restitution has been made to any aggrieved party.

*History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0913 Eff. April 1, 1996;
Amended Eff. July 1, 2004; April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37G .0302 RESTORATION OF LAPSED LICENSE

(a) A nursing home administrator whose license has lapsed for a period of time less than two years shall submit an application to the Board in accordance with 21 NCAC 37D .0402. The application shall be on a form provided by the Board and shall include:

- (1) documentation of the applicant's completion of thirty hours of continuing education approved by the Board during the preceding twenty-four months;
- (2) payment of the current license application fee; and
- (3) successfully completing the state examination.

(b) A previously licensed nursing home administrator whose license has lapsed for a period of time exceeding two years may activate the license by submitting an application and shall comply with all of the requirements for licensure as set out in Rule 37D .0102. The Board shall determine whether the applicant complies with the then current requirements of licensure.

*History Note: Authority G.S. 90-285; 90-286;
Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SECTION .0400 - DUPLICATE LICENSES AND VERIFICATION OF LICENSE

21 NCAC 37G .0401 DUPLICATE LICENSE REQUIREMENTS

(a) When the Board has been notified by a licensee in a written statement that a license or certificate of registration has been lost, mutilated, or destroyed, the Board shall issue a duplicate license or certificate of registration upon payment of a fee of twenty-five dollars (\$25.00).

(b) Licensees seeking a duplicate certificate following a legal name change from the name under which the individual was licensed shall furnish copies of the documents legally authorizing the name change, along with the twenty-five dollar (\$25.00) fee, when requesting a duplicate certificate.

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

21 NCAC 37G .0402 VERIFICATION OF LICENSE

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

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

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

SUBCHAPTER 37H - CONTINUING EDUCATION

SECTION .0100 - CONTINUING EDUCATION REQUIREMENTS

21 NCAC 37H .0101 CONTINUING EDUCATION HOURS REQUIREMENT

Every licensee shall document successful completion of at least 30 hours of approved continuing education for each biennial period of registration.

*History Note: Authority G.S. 90-285;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37H .0102 CONTINUING EDUCATION PROGRAMS OF STUDY

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

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

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

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

- (1) submitted to the Board for approval 30 days prior to the presentation of the program; and
- (2) accompanied with a processing fee to cover the cost of reviewing and maintaining records associated by the continuing education program. The fee schedule is as follows:
 - (A) any course submitted for review, up to and including six hours, shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00); and
 - (B) the sponsor shall pay ten dollars (\$10.00) for each additional hour for any course submitted for review that is greater than six hours.

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

(e) 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. For every credit hour claimed, the course shall include five questions on each test administered before and after the course. These questions may be the same.

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

- (1) the distance learning course is approved by the Board or the National Association of Boards of Examiners of Long Term Care Administrators (NAB). The NAB is a certifying association of continuing education across the nation; and
- (2) the approved course sponsor sends to the Board a verification of the individual's completion of the distance learning course.

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

*History Note: Authority G.S. 12-3.1(c)(3); 90-278; 90-280; 90-285; 90-286;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. December 15, 1977;
Readopted w/change Eff. October 1, 1981;
Amended Eff. August 2, 1993; February 1, 1991; May 1, 1989; February 1, 1986;*

*Transferred and Recodified from 21 NCAC 37A .0404 Eff. April 1, 1996;
Temporary Amendment Eff. August 15, 1999;
Amended Eff. July 1, 2014; September 1, 2004; July 1, 2000;
Readopted Eff. October 1, 2015.*

21 NCAC 37H .0103 VERIFICATION OF ATTENDANCE

Upon completion of a certified continuing education course, the sponsor of the course shall issue certificates of attendance to those who attend. The sponsor shall also submit a roster of those who attend to the Board within 10 days. It is the participant's responsibility as a licensed Nursing Home Administrator to maintain course certificates and submit copies with the biennial renewal fee.

*History Note: Authority G.S. 90-278; 90-285; 90-286;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. February 1, 1991; May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0405 Eff. April 1, 1996;
Amended Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37H .0104 PRECEPTOR CREDIT

A preceptor applying for renewal who has served as a preceptor for a North Carolina AIT within the previous two years may receive:

- (1) 10 hours continuing education credit for attendance at a Preceptor Course offered by the Board;
- (2) five hours of continuing education credit for each Administrator in Training precepted by the preceptor during previous two years. No preceptor may receive more than five hours of credit per year under this Item.

*History Note: Authority G.S. 90-285;
Eff. April 1, 1996;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

SUBCHAPTER 37I – PROFESSIONAL STANDARDS

SECTION .0100 - INVESTIGATIONS

21 NCAC 37I .0101 INVESTIGATION: DISCIPLINE: AND CONTESTED CASE PROCEEDINGS

(a) The Chairperson of the Board shall appoint a Professional Standards Committee comprised of another member of the Board, the Executive Director and legal counsel, to investigate the qualifications of applicants and to review and investigate complaints.

(b) The Board shall decide whether to grant or deny an application or whether, and what kind of, disciplinary action should be taken against a person registered with the Board. If the Board's action results in a contested case, the designated member who participated in the investigation of the matter may not participate as a member of the hearing panel or in deliberation of the contested case.

(c) The Professional Standards Committee shall recommend to the Board whether the allegations in any complaint against an applicant or licensee, if proven, would warrant a contested case proceeding pursuant to G.S. 150B-38 through G.S. 150B-42.

(d) Under G.S. 150B-40(e), the Board may elect not to hear its contested cases and refer contested cases to the Office of Administrative Hearings.

*History Note: Authority G.S. 90-285; 150B-40(e);
Eff. October 1, 1981;
Amended Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .1122 Eff. April 1, 1996;
Amended Eff. July 1, 2000; April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

**GENERAL STATUTES OF NORTH CAROLINA
CHAPTER 90. MEDICINE AND ALLIED OCCUPATIONS
ARTICLE 20.**

Nursing Home Administrator Act.

§ 90-275.1. Title.

This Article shall be known and may be cited as the "Nursing Home Administrator Act." (1969, c. 843, s. 1.)

§ 90-276. Definitions.

For the purposes of this Article and as used herein:

- (1) "Administrator-in-training" means an individual registered with the Board who serves a training period under the supervision of a preceptor.
- (2) "Board" means the North Carolina State Board of Examiners for Nursing Home Administrators.
- (3) "Nursing home" means any institution or facility defined as such for licensing purposes under G.S. 131E-101(6), whether proprietary or nonprofit, including but not limited to nursing homes owned or administered by the federal or State government or any agency or political subdivision thereof and nursing homes operated in combination with a home for the aged or any other facility.
- (4) "Nursing home administrator" means a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether such individual has an ownership interest in such home and whether his functions and duties are shared with one or more individuals.
- (5) "Preceptor" means a person who is a licensed and registered nursing home administrator and meets the requirements of the Board to supervise administrators-in-training during the training period. (1969, c. 843, s. 1; 1981, c. 722, s. 3; 1981 (Reg. Sess., 1982), c. 1234, s. 1; 2001-153, s. 1.)

§ 90-277. Composition of Board.

There is created the State Board of Examiners for Nursing Home Administrators. The Board shall consist of seven members. The seven members shall be voting members and shall meet the following criteria:

- (1) All shall be individuals representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients.
- (2) Less than a majority of the Board members shall be representative of a single profession or institutional category.
- (3) Three of the Board members shall be licensed nursing home administrators, at least one of whom shall be employed by a for-profit nursing home and at least one of whom shall be employed by a nonprofit nursing home. These three Board members shall be considered as representatives of institutions in construing this section.
- (4) Four of the Board members shall be public, noninstitutional members, with no direct financial interest in nursing homes.
- (5) The terms of the Board members shall be limited to two consecutive terms.

Effective July 1, 1973, the Governor shall appoint three members, one of whom shall be a licensed nursing home administrator, for terms of three years, and four members, two of whom shall be licensed nursing home administrators, for terms of two years. Thereafter, all terms shall be three years. However, no member shall serve more than two consecutive full terms. Any vacancy occurring in the position of an appointive member shall be filled by the Governor for the unexpired term in the

same manner as for new appointments. Appointive members may be removed by the Governor for cause after due notice and hearing.

Any member of the Board shall be automatically removed from the Board upon certification by the Board to the Governor that the member no longer satisfies the criteria set forth in subdivisions (1) through (4) of this section for appointment to the Board. (1969, c. 843, s. 1; 1973, c. 728; 1981, c. 722, s. 4; 1995, c. 86, s. 1.)

§ 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.

- (1) A license as a nursing home administrator shall be issued to any person upon the Board's determination that the person:
 - a. Is at least 18 years of age, of good moral character and of sound physical and mental health; and
 - b. Has successfully completed the equivalent of two years of college level study (60 semester hours or 96 quarter hours) from an accredited community college, college or university prior to application for licensure; or
has completed a combination of education and experience, acceptable under rules promulgated by the Board, prior to application for licensure. Under this provision, two years of supervisory experience in a nursing home shall be equated to one year of college study;
 - c. Has satisfactorily completed a course prescribed by the Board, which course contains instruction on the services provided by nursing homes, laws governing nursing homes, protection of patient interests and nursing home administration; and
 - d. Has successfully completed the training period as an administrator-in-training as prescribed by the Board. If a person has served at least 12 weeks as a hospital administrator or assistant administrator of a hospital-based long-term care nursing unit or hospital-based swing beds licensed under Article 5 of Chapter 131E or Article 2 of Chapter 122C, the Board shall consider this experience comparable to the initial on-the-job portion of the administrator-in-training program only; and
 - e. Has passed the national and State examinations designed to test for competence in the subject matters referred to in sub-subdivision c. of this subdivision within one year from the date of completion of the administrator-in-training program.
- (2) Repealed by Session Laws 1981, c. 722, s. 6.
- (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.)

§ 90-279. Licensing function.

The Board shall license nursing home administrators in accordance with rules and regulations issued and from time to time revised by it. A nursing home administrator's license shall not be transferable and shall be valid until expiration or until suspended or revoked for violation of this Article or of the standards established by the Board pursuant to this Article. Denial of issuance or renewal, suspension or revocation by the Board shall be subject to the provisions of Chapter 150B of the General Statutes. (1969, c. 843, s. 1; 1973, c. 1331, s. 3; 1987, c. 827, s. 1.)

§ 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 (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.)

§ 90-281. Collection of funds.

All fees and other moneys collected and received by the Board shall be handled as provided by law and as prescribed by the State Treasurer. Such funds shall be used and expended by the Board to pay the compensation and travel expenses of members and employees of the Board and other expenses necessary for the Board to administer and carry out the provisions of this Article. (1969, c. 843, s. 1; 1983, c. 913, s. 10.)

§ 90-282. Repealed by Session Laws 1981, c. 722, s. 8, effective July 1, 1981.

§ 90-283. Organization of Board; compensation; employees and services.

The Board shall elect from its membership a chairman, vice-chairman and secretary, and shall adopt rules and regulations to govern its proceedings. Board members shall be entitled to receive only such compensation and reimbursement as is prescribed by Chapter 93B of the General Statutes for State boards generally. At any meeting a majority of the voting members shall constitute a quorum. The Board shall have the power to employ or retain professional personnel, including legal counsel subject to G.S. 114-2.3, and clerical or other special personnel deemed necessary to carry out the provisions of this Article. (1969, c. 843, s. 1; 1981, c. 722, s. 9; 2001-153, s. 2; 2013-346, s. 3.)

§ 90-284. Exclusive jurisdiction of Board.

The Board shall have exclusive authority to determine the qualifications, skill and fitness of any person to serve as an administrator of a nursing home under the provisions of this Article, and the holder of a license under the provisions of this Article shall be deemed qualified to serve as the administrator of a nursing home for all purposes. (1969, c. 843, s. 1.)

§ 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.
- (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.)

§ 90-285.1. Suspension, revocation or refusal to issue a license.

The Board may suspend, revoke, or refuse to issue a license or may reprimand or otherwise discipline a licensee after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that a licensee:

- (1) Has violated the provisions of this Article or the rules adopted by the Board;
- (2) Has violated the provisions of Part 2 of Article 6 of Chapter 131E of the General Statutes and rules promulgated thereunder;
- (3) Has been convicted of, or has tendered and has had accepted a plea of no contest to, a criminal offense showing professional unfitness;
- (4) Has practiced fraud, deceit, or misrepresentation in securing or procuring a nursing home administrator license;
- (5) Is incompetent to engage in the practice of nursing home administration or to act as a nursing home administrator;
- (6) Has practiced fraud, deceit, or misrepresentation in his or her capacity as a nursing home administrator;
- (7) Has committed acts of misconduct in the operation of a nursing home under his jurisdiction;
- (8) Repealed by Session Laws 2013-346, s. 5, effective July 23, 2013.
- (9) Is addicted or dependent upon the use of alcohol or any controlled substance, including morphine, opium, cocaine, or other drugs recognized as resulting in abnormal behavior;
- (10) Has practiced without being registered biennially;
- (11) Has transferred or surrendered possession of, either temporarily or permanently, his or her license or certificate to any other person;
- (12) Has paid, given, has caused to be paid or given or offered to pay or to give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home patronage;
- (13) Has been guilty of fraudulent, misleading, or deceptive advertising;
- (14) Has falsely impersonated another licensee;
- (15) Has failed to exercise regard for the safety, health or life of the patient;
- (16) Has permitted unauthorized disclosure of information relating to a patient or his or her records; or

- (17) Has discriminated among patients, employees, or staff on account of race, gender, religion, color, national origin, mental or physical disability, or any other class protected by State or federal law. (1981, c. 722, s. 12; 2001-153, s. 3; 2008-187, s. 41; 2013-346, s. 5.)

§ 90-286. Renewal of license.

Every holder of a nursing home administrator's license shall renew it biennially by application to the Board. The Board shall grant renewals when the applicant has paid the fee required by this Article and has satisfactorily completed continuing education courses as may be prescribed by the Board, unless the Board finds that the applicant has acted or failed to act in such a manner as would constitute grounds for suspension, revocation or denial of a license as provided by this Article. The Board shall adopt rules defining the content of continuing education courses approved or required by it under this section and shall make a copy of these rules available to each licensee. The Board shall not require any licensee to successfully complete more than 30 hours of continuing education courses every two years. The Board shall certify and administer continuing education courses for nursing home administrators and shall keep a record of the courses successfully completed by each licensee. (1969, c. 843, s. 1; 1981, c. 722, s. 13; 1983, c. 72.)

§ 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.)

§ 90-288. Misdemeanor.

It shall be unlawful and constitute a Class 1 misdemeanor,

- (1) For any person to act or serve in the capacity as, or hold himself out to be, a nursing home administrator, or use any title, sign, or other indication that he is a nursing home administrator, unless he is the holder of a valid license as a nursing home administrator, issued in accordance with the provisions of this Article, and
- (2) For any person to violate any of the provisions of this Article or any rules and regulations issued pursuant thereto. (1969, c. 843, s. 1; 1993, c. 539, s. 649; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 90-288.01. Criminal history record checks of applicants for licensure.

(a) The following definitions apply in this section:

- (1) Applicant. - A person applying for initial licensure pursuant to either G.S. 90-278 or G.S. 90-287 or applying for renewal of licensure pursuant to G.S. 90-286.
- (2) Criminal history. - A history of conviction of a state or federal crime, whether a misdemeanor or felony, that bears on an applicant's fitness for licensure as a nursing home administrator. The crimes include the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive, Legislative, and Court Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or

Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses, including sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

(b) **Criminal History Record Check.** - The Board shall require a criminal history record check of all applicants for initial licensure and temporary licensure. The Board, in its discretion, may require a criminal history record check of an applicant for license renewal. Refusal to consent to a criminal history record check may constitute grounds for the Board to deny licensure to an applicant. The Board shall provide to the North Carolina Department of Justice the fingerprints of the applicant to be checked, a form signed by the applicant consenting to the criminal history record check and the use of fingerprints and other identifying information required by the State or National Repositories, and any additional information required by the Department of Justice. The Board shall keep all information obtained pursuant to this section confidential. The Board shall collect any fees required by the Department of Justice and shall remit the fees to the Department of Justice for expenses associated with conducting the criminal history record check.

(c) **Convictions.** - If the applicant's criminal history record check reveals one or more convictions listed under subdivision (2) of subsection (a) of this section, the conviction shall not automatically bar licensure. The Board shall consider all of the following factors regarding the conviction:

- (1) The level of seriousness of the crime.
- (2) The date of the crime.
- (3) The age of the applicant at the time of the conviction.
- (4) The circumstances surrounding the commission of the crime, if known.
- (5) The nexus between the criminal conduct of the applicant and the job duties of the position to be filled.
- (6) The applicant's prison, jail, probation, parole, rehabilitation, and employment records since the date the crime was committed.
- (7) The subsequent commission by the applicant of a crime listed in subsection (a) of this section.

(d) **Denial of Licensure.** - Except as otherwise provided by law, if the Board refuses to issue or renew a license based on information obtained in a criminal history record check, the Board shall not provide a copy of the criminal history record check to the applicant. An applicant has the right to appear before the Board to appeal the Board's decision. An appearance before the Board shall constitute an exhaustion of administrative remedies in accordance with Chapter 150B of the General Statutes.

(e) **Limited Immunity.** - The Board, its officers and employees, acting in good faith and in compliance with this section, shall be immune from civil liability for its actions based on information provided in an applicant's criminal history record check. (2008-183, s. 1; 2012-12, s. 2(kk); 2013-346, s. 7.)

§ 90-288.02. Confidentiality of investigative records.

Records, papers, and other documents containing information collected and compiled by or on behalf of the Board as a result of an investigation, inquiry, or interview conducted in connection with

certification, licensure, or a disciplinary matter shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Any notice or statement of charges, notice of hearing, or decision rendered in connection with a hearing shall be a public record. Information that identifies a resident who has not consented to the public disclosure of services rendered to him or her by a person certified or licensed under this Chapter shall be deleted from the public record. All other records, papers, and documents containing information collected and compiled by or on behalf of the Board shall be public records, but any information that identifies a resident who has not consented to the public disclosure of services rendered to him or her shall be deleted. (2013-346, s. 8.)

§ 90-288.03. Reserved for future codification purposes.

§ 90-288.04. Reserved for future codification purposes.

§ 90-288.05. Reserved for future codification purposes.

§ 90-288.06. Reserved for future codification purposes.

§ 90-288.07. Reserved for future codification purposes.

§ 90-288.08. Reserved for future codification purposes.

§ 90-288.09. Reserved for future codification purposes.