

## **CHAPTER 37 - BOARD OF NURSING HOME ADMINISTRATORS**

### **SUBCHAPTER 37B - DEPARTMENTAL RULES**

#### **SECTION .0100 - GENERAL PROVISIONS**

##### **.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.

History Note: Authority G.S. 90-277;  
Eff. April 1, 1996.

##### **.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.

##### **.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.

#### **SECTION .0200 - DEFINITIONS**

##### **.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.

##### **.0202 LICENSE**

The license is 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;  
Transferred and Recodified from 21 NCAC 37A .0909 Eff. April 1, 1996.

**.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.

**.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;  
Transferred and Recodified from 21 NCAC 37A .0105 Eff. April 1, 1996.

**.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.

## **SUBCHAPTER 37C - RULEMAKING AND DECLARATORY RULINGS**

### **SECTION .0100 - ADOPTION OF RULES**

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .1201 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .1202 Eff. April 1, 1996.

Amended Eff. April 1, 1996.

**.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  
Transferred and Recodified from 21 NCAC 37A .1204 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

## **SUBCHAPTER 37D - NEW LICENSES**

### **SECTION .0100 - GENERAL**

#### **.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 the 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.

#### **.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 21 NCAC 37D .0200.

History Note: Authority G.S. 90-278; 90-285;  
Eff. April 1, 1996.

### **SECTION .0200 - APPLICATION FOR LICENSE**

#### **.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 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;  
Transferred and Recodified from 21 NCAC 37A .0301 Eff. April 1, 1996;  
Amended Eff. April 1, 1996

**.0202 INITIAL LICENSURE FEE**

The applicant shall send to the Board, prior to licensure, an initial licensure fee of four hundred twenty-five dollars (\$425.00) when applicant has successfully passed the examinations as required by the Board under Sections .0600 and .0700 of this Chapter.

History Note: Authority G.S. 90-280  
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 September 1, 2004; July 1, 2000

**.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;  
Transferred and Recodified from 21 NCAC 37A .0303 Eff. April 1, 1996.  
Amended Eff. April 1, 1996.

**.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;  
Transferred and Recodified from 21 NCAC 37A .0304 Eff. April 1, 1996.

**SECTION .0300 - EDUCATION, EXPERIENCE AND REQUIRED COURSE**

**.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.

**.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 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.

**.0303 REQUIRED COURSE**

The course prescribed by the Board pursuant to G.S. 90-278(1)c shall be comprised of in-class, field and correspondence components substantially equivalent to the 2003 description of the Basic Nursing Home Administrator Course provided by the School of Public Health at UNC-Chapel Hill. 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 tests out of portions of the required course with a passing score of at least 70 percent.

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

**SECTION .0400 - ADMINISTRATOR-IN-TRAINING**

**.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;  
Transferred and Recodified from 21 NCAC 37A .0501 Eff. April 1, 1996.

**.0402 APPLICATION TO BECOME ADMINISTRATOR-IN-TRAINING**

(a) The applicant shall submit to the Board an application, which shall contain such information as name, education, employment history, questions pertaining to moral character, and any other information the Board may require to process an application according to these Rules, and 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 background resume indicating the areas in which he is competent or lacking.

(c) The applicant shall submit three reference forms as required and defined by Rule .0203 of this Subchapter.

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

(e) The applicant 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) Facility Survey Form;

(2) Letter accepting individual as an AIT;

(3) An individualized curriculum for the AIT program that provides the AIT with on the job experience in the subject areas as outlined in Rule .0605 of this Subchapter, including the recommended number of weeks in the program as outlined on the Rationale Form;

(4) Based on the education or experience of the AIT applicant, the preceptor shall be responsible for providing a rationale for any subject area in which the recommended number of weeks for the AIT is less than the number of weeks provided on the Form;

(5) Map to facility or directions.

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

(h) A fee of one hundred fifty dollars (\$150.00) shall be submitted with the application.

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

History Note: Authority G.S. 90-278; 90-280; 90-285;  
Transferred and Recodified from 21 NCAC 37A .0502 Eff. April 1, 1996;  
Amended Eff. July 1, 2004; April 1, 1996.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0504 Eff. April 1, 1996.  
Amended Eff. April 1, 1996;  
Amended Eff. July 1, 2000.

#### **.0404 ADMINISTRATOR-IN-TRAINING SELECTION OF PRECEPTOR**



- (a) From an approved list of preceptors, the AIT applicant shall select a preceptor prior to submitting application to the Board.
- (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 must notify the Board of any change in preceptor. Any change in the preceptor shall be from the approved list.

History Note: Authority G.S. 90-278; 90-285;  
Transferred and Recodified from 21 NCAC 37A .0505 Eff. April 1, 1996;  
Amended Eff. July 1, 2004; April 1, 1996.

#### **.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 Rules 37D .0201 and .0202, and may be issued a license.

History Note: Authority G.S. 90-278; 90-285;  
Transferred and Recodified from 21 NCAC 37A .0519 Eff. April 1, 1996;  
Amended Eff. April 1, 1996;  
Amended Eff. July 1, 2000.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0510 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0517 Eff. April 1, 1996;  
Amended Eff. July 1, 2000.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0514 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0515 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

**.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;  
Transferred and Recodified from 21 NCAC 37A .0516 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

**.0411 APPROVAL OF PROGRAMS OF STUDY IN ACCREDITED INSTITUTIONS**

History Note: Authority G.S. 90-278; 90-285;  
Transferred and Recodified from 21 NCAC 37A .0402 Eff. April 1, 1996;  
Repealed Eff. April 1, 1996.

**.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 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;  
Transferred and Recodified from 21 NCAC 37A .0520 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

**SECTION .0500 - PRECEPTORS**

**.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;  
Transferred and Recodified from 21 NCAC 37A .0507 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

### **.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 Facility Services 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);  
Transferred and Recodified from 21 NCAC 37A .0508 Eff. April 1, 1996;  
Amended Eff. April 1, 1996;  
Amended Eff. July 1, 2000.

### **.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;  
Transferred and Recodified from 21 NCAC 37A .0512 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

#### **.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: G.S. 90-278; 90-285;  
Eff. July 1, 2000.

### **SECTION .0600 - NATIONAL EXAM**

#### **.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 .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; 90-285;  
Eff. April 1, 1996;  
Amended Eff. July 1, 2000.

#### **.0602 NATIONAL EXAM APPLICATION**

To sit for the National Exam, a person shall submit an exam application electronically to the NAB. 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. 90-285;  
Eff. September 1, 2004; April 1, 1996.

#### **.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.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0801 Eff. April 1, 1996.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0701 Eff. April 1, 1996;  
Amended Eff. April 1, 1996;  
Amended Eff. July 1, 2004; July 1, 2000.

### **SECTION .0700 - STATE EXAM**

#### **.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.

#### **.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

#### **.0703 STATE EXAMINATION ADMINISTRATION**

- (a) The State Examination shall be administered on dates to be determined and published by the Board. It may also be offered on different dates to reciprocity applicants and to applicants who have passed the National Examination but have previously failed the State Examination.
- (b) An applicant shall pay a fee of seventy-five dollars (\$75.00) each time he takes the State Examination.

History Note: Authority G.S. 90-280; 90-285;  
Eff. July 1, 2004; April 1, 1996.

**.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%.

History Note: Authority G.S. 90-285;  
Eff. July 1, 2000.

## SUBCHAPTER 37E - RECIPROCITY/ENDORSEMENT

### SECTION .0100 - APPLICATIONS

#### **.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 proper authorities of any other state, upon payment of the current licensing fee, successful completion of the State Examination, and submission of evidence satisfactory to the Board as to the following:

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

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

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

(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 condition(s) imposed is no longer applicable, the Board may extend the temporary reciprocal license for an additional period not to exceed six months and require the applicant to fulfill the other condition from Paragraph (b) of this Rule not originally imposed, 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;
- (4) if condition Subparagraph (b)(1) of this Rule was imposed, any issues arising during the term of the applicant at the facility identified during a survey conducted by the Division of Facility Services or a Federal Surveying agency.

(d) 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 applicant was unable to fulfill the condition within the six-month time period, 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;
- (4) if condition Subparagraph (b)(1) of this Rule was imposed, any issues arising during the term of the applicant at the facility identified during a survey conducted by the Division of Facility Services or a Federal Surveying agency.

History Note: Authority G.S. 90-280; 90-285; 90-287;  
Transferred and Recodified from 21 NCAC 37A .0912(a) Eff. April 1, 1996.  
Amended Eff. April 1, 1996  
Amended Eff. July 1, 2004; July 1, 2000.

#### **.0102 APPLICATION CONTENTS**

An applicant for reciprocity/endorsement shall submit the following items which must be received by the Board three weeks prior to the personal interview:

- (1) a completed application;
- (2) background resume;
- (3) certified college transcript(s);
- (4) three reference forms (one of which shall be from an employer) from individuals not related to the applicant who shall certify the good moral character of the applicant as defined in 21 NCAC 37D .0203;
- (5) licensing questionnaire(s) from every state where the applicant has held a license;  
and
- (6) a two hundred dollar (\$200.00) application fee.

History Note: Authority G.S. 90-280; 90-285; 90-287;  
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, 2004; July 1, 2000.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0912(c) Eff. April 1, 1996.

**SUBCHAPTER 37F - TEMPORARY LICENSES**  
**SECTION .0100 - TEMPORARY LICENSE REQUIREMENTS**

**.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 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.
- (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 Subsection (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;  
Transferred and Recodified from 21 NCAC 37A .1001 Eff. April 1, 1996;  
Amended Eff. April 1, 1996;  
Amended Eff. July 1, 2000.

**.0102 ISSUANCE AND RENEWAL OF TEMPORARY LICENSE**

- (a) An applicant for a temporary license shall request, in writing, a temporary license package from the Board, provide a letter from the owner or regional manager requesting the issue of such license for the facility, stating the circumstances necessitating the issuance of a temporary license, and submit a completed application package including payment of a two hundred dollar (\$200.00) fee.
- (b) After an applicant is issued a temporary license he shall successfully pass the state examination as administered by the Board at the next scheduled testing period to retain the temporary license.
- (c) A temporary license may be renewed at the discretion of the Board for an additional period not to exceed a total of six months subject to the requirements of 21 NCAC37F .0101(d).
- (d) A temporary license shall be issued to the licensee to permit him to practice only in the nursing home to which he is assigned on the date of issuance.
- (e) If the Board renews the temporary license, no further fee shall be required.

History Note: Authority G.S. 90-278; 90-280; 90-285;  
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, 2000.

**SUBCHAPTER 37G - RENEWAL, INACTIVE RESTORATION AND  
REINSTATEMENT, DUPLICATE**

**SECTION .0100 - RENEWAL REQUIREMENTS**

**.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 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;  
Transferred and Recodified from 21 NCAC 37A .0903 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

**.0102 RENEWAL FEE**

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

History Note: Authority G.S. 90-280; 90-285; 90-286;  
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. September 1, 2004; July 1, 2000.

**SECTION .0200 - INACTIVE LICENSES**

**.0201 INACTIVE STATUS REQUIREMENTS**

- (a) An inactive list of administrators who are not practicing in this state shall be maintained by the Board. An administrator who desires to be placed on the inactive status list shall make a written request and submit a fifty dollar (\$50.00) per year fee to the Board. Inactive status shall only be granted on a prospective basis.
- (b) A request to be placed on the inactive status list shall be submitted to the Board no later than 30 days after expiration of the license under 21 NCAC 37G .0101(a). Failure to submit the request and payment of the fee within this time shall result in automatic expiration of the license retroactive to the expiration date.

(c) An administrator may remain on the inactive list for a period not to exceed four years provided he pays a fifty dollar (\$50.00) fee in advance for each additional year.

History Note: Authority G.S. 90-280; 90-285;  
Transferred and Recodified from 21 NCAC 37A .0906 Eff. April 1, 1996;  
Amended Eff. April 1, 1996,  
Temporary Amendment Eff. August 15, 1999;  
Amended Eff. July 1, 2000.

#### **.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;  
Transferred and Recodified from 21 NCAC 37A .0902 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

### **SECTION .0300 - REINSTATEMENT**

#### **.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  
Transferred and Recodified from 21 NCAC 37A .0913 Eff. April 1, 1996;  
Amended Eff. July 1, 2004; April 1, 1996.

#### **.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 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.

## **SECTION .0400 - DUPLICATE LICENSES**

### **.0401 DUPLICATE LICENSE REQUIREMENTS**

- (a) Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated, or destroyed, the Board may issue a duplicate license or certificate of registration upon payment of a fee of twenty-five dollars (\$25.00).
- (b) If a licensee's name has legally changed from the name under which the individual was originally licensed by the Board, the licensee 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);  
Transferred and Recodified from 21 NCAC 37A .0914 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

## SUBCHAPTER 37H - CONTINUING EDUCATION

### SECTION .0100 - CONTINUING EDUCATION REQUIREMENTS

#### **.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.

#### **.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 continuing education hours. Certified courses, including those sponsored the Board, an accredited university, college or community college, associations, professional societies, or organizations shall:

- (1) contain a minimum of one classroom hours of academic work and not more than eight classroom hours within a 24-hours period; and
- (2) include instruction in 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;
  - (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 two thousand dollars (\$2,000.00)(so long as the course provider submits a list of courses offered for credit and agrees to comply with the requirements of Paragraph (a) of this Rule).

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

- (1) be submitted to the Board for approval at least 30 days prior to the presentation of the program;
- (2) be accompanied with a processing fee to cover the cost of reviewing and maintaining records associated with the continuing education program. The fee schedule is as follows:
  - (A) Any course submitted for review, up to and including five hours, shall be accompanied by a fee of seventy-five dollars (\$75.00);
  - (B) Courses submitted for review of at least six hours and up to and including nine hours shall be accompanied by a fee of ninety dollars (\$90.00);
  - (C) Courses submitted for review of 10 hours or more shall be accompanied by a fee of one hundred dollars (\$100.00).
- (3) be approved for a period of one year from the date of initial presentation.

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

(e) Credit may be earned for participation in teleconferenced course only if there is a third party

representative of the course sponsor or the Board present to verify the licensee's attendance throughout the course.

(f) Up to ten (10) hours of credit may be earned for participation in correspondence courses, only if,

- (1) the correspondence course is approved by the Board or the National Association of Boards of Examiners of Long Term Care Administrators (NAB); and
- (2) the approved course planner sends to the Board a verification of the individual's completion of the correspondence course.

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

History Note: Authority G.S. 90-278; 90-280; 90-286;  
Transferred and Recodified from 21 NCAC 37A .0404 Eff. April 1, 1996;  
Amended Eff. September 3, 1996,  
Temporary Amended Eff. August 15, 1999;  
Amended Eff. September 1, 2004; July 1, 2000.

### **.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;  
Transferred and Recodified from 21 NCAC 37A .0405 Eff. April 1, 1996;  
Amended Eff. April 1, 1996.

### **.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) 5 hours of continuing education credit for each Administrator-in-Training precepted by the preceptor during previous two years. No preceptor may receive more than 5 hours of credit per year under this Subsection.

History Note: Authority G.S. 90-285;  
Eff. April 1, 1996;  
Amended Eff. July 1, 2000.

## SUBCHAPTER 37I - PROFESSIONAL STANDARDS

### SECTION .0100 - INVESTIGATIONS

#### **.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 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);  
Transferred and Recodified from 21 NCAC 37A .1122 Eff. April 1, 1996;  
Amended Eff. April 1, 1996;  
Amended Eff. July 1, 2000.