

Rule for: Family Care Homes
Type of Rule: Repeal
MCC Action: Initiate Permanent Rule Making

Exhibit E/8

1 10A NCAC 13G .0401 is proposed to be repealed:

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3 **10A NCAC 13G .0401 QUALIFICATIONS OF ADMINISTRATOR**

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5 *History Note: Authority G.S. 131D-2; 143B-153;*

6 *Eff. January 1, 1977;*

7 *Readopted Eff. October 31, 1977;*

8 *Amended Eff. July 1, 1990; September 1, 1987; April 1, 1987; April 1, 1984;*

9 *ARRC Objection Lodged January 18, 1991;*

10 *Amended Eff. August 1, ~~1991~~ 1991;*

11 *Repealed Eff. January 1, 2017.*

Rule for: Family Care Homes
Type of Rule: Adoption
MCC Action: Initiate Permanent Rule Making

1 10A NCAC 13G .1501 is proposed for adoption as follows:

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3 **SECTION .1500 – ADMINISTRATOR APPROVAL AND RENEWAL**

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5 **10A NCAC 13G .1501 ADMINISTRATOR APPROVAL**

6 (a) Each family care home shall have an administrator that has been approved by the Department pursuant to this
7 Rule.

8 (b) Applicant administrators shall meet the following qualifications:

9 (1) be 21 years of age or older;

10 (2) provide a satisfactory criminal background report from the State Repository of Criminal Histories,
11 that shall be provided by the State Bureau of Investigation upon its receiving fingerprints of the
12 applicant from the Division of Health Service Regulation, unless the applicant has been a resident
13 of this State for less than five years, requiring the applicant to provide a satisfactory criminal
14 background report from both the State and National Repositories of Criminal Histories;

15 (3) complete an approved administrator-in-training program listed on the website at
16 <http://ncdhhs.gov/dhsr/acls/adminguidelines.html> and consisting of a minimum of 20 hours of
17 instruction in N.C. Assisted Living laws and statutes, human resources and business management,
18 and a minimum of 100 hours of on-the-job training in an assisted living facility;

19 (4) complete with 75% accuracy a written examination administered by the Department within 12
20 months of completing the administrator-in-training program; and

21 (5) be at least a high school graduate or certified under the GED Program.

22 (c) For the purpose of this Rule, a satisfactory criminal background report means:

23 (1) no conviction by any jurisdiction of a felony for which prison time was served unless rights of
24 citizenship have been restored and all of the following have been considered and determined by the
25 Department to allow approval:

26 (A) age of person at time of conviction;

27 (B) circumstances surrounding the committing of the crime, if known;

28 (C) nexus between the criminal conduct of the person and job duties; and

29 (D) prison, jail, probation, parole, rehabilitation and employment records of
30 the person since the date the crime was committed;

31 (2) no conviction by any jurisdiction of a misdemeanor unless all terms of the judgment imposed for
32 said misdemeanor have been met and the following have been considered and determined by the
33 Department to allow approval:

34 (A) age of person at time of conviction;

35 (B) circumstances surrounding the committing of the crime, if known;

36 (C) nexus between the criminal conduct of the person and job duties; and

37 (D) prison, jail, probation, parole, rehabilitation and employment records of

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the person since the date the crime was committed.

*History Note: Authority G.S. 131D-2.16; G.S. 131D-4.3; 143B-165;
Eff. January 1, 2017.*

Rule for: Family Care Homes
Type of Rule: Adoption
MCC Action: Initiate Permanent Rule Making

1 10A NCAC 13G .1502 is proposed for adoption as follows:

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3 **10A NCAC 13G .1502 · ADVERSE ACTION ON ADMINISTRATOR APPROVAL**

4 (a) The Department shall deny, suspend, or revoke the approval of an administrator when the administrator or
5 applicant administrator:

6 (1) _____ has not completed 30 hours biennially of continuing education credits required by Rule .1503 of this
7 Section:

8 (2) _____ is convicted by any jurisdiction of a felony unless rights of citizenship have been restored and all of
9 the following have been considered and determined by the Department to allow approval:

10 (A) _____ age of person at time of conviction;

11 (B) _____ circumstances surrounding the committing of the crime, if known;

12 (C) _____ nexus between the criminal conduct of the person and job duties; and

13 (D) _____ prison, jail, probation, parole, rehabilitation and employment records of the person since
14 the date the crime was committed;

15 (3) _____ is convicted by any jurisdiction of a misdemeanor unless all terms of the judgment imposed for said
16 misdemeanor have been met and the following have been considered and determined by the
17 Department to allow approval:

18 (A) _____ age of person at time of conviction;

19 (B) _____ circumstances surrounding the committing of the crime, if known;

20 (C) _____ nexus between the criminal conduct of the person and job duties; and

21 (D) _____ prison, jail, probation, parole, rehabilitation and employment records of the person since
22 the date the crime was committed;

23 (4) _____ was the administrator of an adult care home or family care home whose license was summarily
24 suspended pursuant to G.S. 131D-2.7(c), or a notice of revocation of the facility's license was issued
25 pursuant to G.S. 131D-2.7(b). In these circumstances, the Department shall take into consideration
26 the length of time the administrator was serving in that capacity at the facility and the nexus between
27 the reason for the summary suspension or revocation of the facility's license and the job duties of
28 the administrator;

29 (5) _____ is unable to perform as administrator with reasonable skill and safety to residents by reason of:

30 (A) _____ illness;

31 (B) _____ use of alcohol, drugs, chemicals, or any other type of material; or

32 (C) _____ any physical or mental impairment;

33 (6) _____ tested positive for a controlled substance or refused to consent to drug testing according to G.S.
34 131D-45;

35 (7) _____ prior or subsequent to applying to be an administrator, has a finding on the North Carolina Health
36 Care Personnel Registry pursuant to G.S. 131E-256; or

37 (8) _____ fails to report to the Department of any arrest or conviction.

1 (b) The Department shall suspend the approval of an administrator due to any arrest with a relationship between the
2 alleged criminal conduct and job duties that has been determined by the Department to indicate a need to seek action
3 in order to further protect facility residents pending adjudication by a court. Serving as an administrator while the
4 administrator's approval is suspended shall be grounds for revocation of approval. Examples of criminal conduct the
5 Department may consider in relation to job duties are fraud, physical assault, theft, abuse, neglect, exploitation, and
6 drug diversion.

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8 *History Note: Authority G.S. 131D-2.16; G.S. 131D-2.18; G.S. 131D-4.3; 143B-165;*
9 *Eff. January 1, 2017.*

1 10A NCAC 13G .1503 is proposed for adoption as follows:

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3 **10A NCAC 13G .1503 RENEWAL OF ADMINISTRATOR APPROVAL**

4 Beginning January 1, 2017, administrator approvals shall be renewed by the Department on a biennial basis with an
5 expiration date of June 30 of the second year following issuance based on the administrator's submission of course
6 completion certificates issued by the course provider, dated from last approval, initial or renewal, and totaling 30 hours
7 of coursework related to long term care management or the care of aged and disabled persons. Examples of
8 coursework related to long term care management or the care of aged and disabled persons are financial management,
9 human resource management, medication administration, dementia care, diabetic care, managing aggressive behaviors
10 and infection control.

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13 *History Note: Authority G.S. 131D-2.16; G.S. 131D-4.3; 143B-165;*

14 *Eff. January 1, 2017.*