

Nursing Home Administrator Rule Public Comments  
 10A NCAC 13D .2201  
 Comment Period 9/01/17 – 10/31/17

Introduction:

There was one written comment received during the public comment period on the Nursing Home Administrator rule 10A NCAC 13D .2201. In addition, one oral comment was received during the public hearing conducted on October 18, 2017. These comments were submitted by representatives from NC Board of Examiners for Nursing Home Administrators. All of the comments received on these rules are summarized below:

1) Listing of Comments Received and Agency’s Consideration of Comments for Rule 13D .2201 - Administrator:

Commenter	Comment Summary
1) NC Board of Examiners for Nursing Home Administrators	<p>A couple of these amendments are still inconsistent with the Board of Nursing Home Administrators’ law and rules.</p> <p>In (a): there is no need to make a distinction between a license and a temporary license; both are a license. <u>Suggest:</u> either a period be placed after the word “Administrators” or a citation to the Board’s statute be inserted after “Administrators.”</p> <p>In (b): this is not a requirement of the Board’s law and rules. If the Division desires to ensure that the administrator’s duties are set forth in a written agreement, the Board has no jurisdiction so long as that written agreement does not conflict with the Board’s law and rules.</p> <p>In (c): this rule does not agree with 21 NCAC 37B .0201. The Board’s law and rules do not require the administrator to be responsible on a full time basis but merely be “physically present . . . for an amount of time sufficient to assure the facility’s substantial compliance with applicable State and federal laws and rules.” If the Division determines that the administrator must be there “on a full-time basis” that may well be within their purview. However, expect questions from the RRC on the definition of “full-time,” and whether there is conflict with the Board’s rule.</p> <p>In (d): no objection to the rewrite.</p> <p>In (f): <u>Suggestion:</u> add the word “physical” after the strikethrough of the word “temporary.” As is, it could be interpreted to mean that the facility could do without an administrator by designating someone to be in charge of the operations during an interim period following the resignation or dismissal of an administrator, of which is prohibited by the Board’s law and rules.</p>
2) NC Board of Examiners for Nursing Home Administrators (public hearing comment)	<p>DHSR has received a comment letter from their attorney. Following review of the rule at their Board meeting on October 4th they are recommending some rule changes. <u>Suggest:</u> In (a) to put a period after the word “administrators” and delete the rest (of the sentence).</p>

Commenter	Comment Summary
	<p>There is no difference between a “license” and a “temporary license.” Only a “license” is issued although they are called separate.</p> <p><u>Suggest:</u> In (f), to add the word “physical” in front of the word “absence.” The concern is that some people think there is no need for an administrator. The Board wants to make it clear that if the designated administrator goes on vacation for a week, the facility has left a designated person in charge.</p> <p>Several other things are proposed in the rule the Board has no authority over or objection as noted in the letter submitted.</p>

Agency Response to Comments Above:

The Agency agrees to the recommendation in (a) and will place a period after the word “Administrators.”

The Agency will not amend (b).

The Agency will amend (c), place a period after the word “facility” and delete the remaining text.

The Agency will amend (f) and insert the word “physical” as suggested.