

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) date 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) date 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 any
30 observable or documented condition that impairs the individual in such a way that it endangers the
31 health, safety, or welfare of residents.

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

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

36 (8) fails to report to the Department within 10 days any arrest or conviction for a felony or misdemeanor.

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. April 1, 2017.*