

1 10A NCAC 13G .1502 is adopted with changes as published in 31:06 NCR, pp. 474-478, 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~~ if the administrator or
5 applicant administrator:

- 6 (1) has not completed ~~30 hours biennially of~~ the continuing education credits required by Rule .1503 of
7 this Section;
- 8 (2) ~~is~~ has been convicted by any jurisdiction of a felony unless rights of citizenship have been restored
9 and all of the following have been considered and determined by the Department to allow approval:
- 10 (A) the date of conviction;
- 11 (B) the circumstances surrounding the committing of the crime, if known;
- 12 (C) the nexus between the criminal conduct of the person and ~~job duties;~~ the duties of an
13 administrator; and
- 14 (D) the prison, jail, probation, parole, ~~rehabilitation~~ rehabilitation, and employment records of
15 the person since the date the crime was committed;
- 16 (3) is convicted by any jurisdiction of a misdemeanor unless all terms of the judgment imposed for said
17 misdemeanor have been met and the following have been considered and determined by the
18 Department to allow approval:
- 19 (A) the date of conviction;
- 20 (B) the circumstances surrounding the committing of the crime, if known;
- 21 (C) the nexus between the criminal conduct of the person and ~~job duties;~~ the duties of an
22 administrator; and
- 23 (D) the prison, jail, probation, parole, ~~rehabilitation~~ rehabilitation, and employment records of
24 the person since the date the crime was committed;
- 25 (4) was the administrator of an adult care home or family care home whose license was summarily
26 suspended pursuant to G.S. ~~131D-2.7(e);~~ 131D-2.7(c) or a notice of revocation of the facility's
27 license was issued pursuant to G.S. 131D-2.7(b). In these circumstances, the Department shall take
28 into consideration the length of time the administrator was serving in that capacity at the facility and
29 the nexus between the reason for the summary suspension or revocation of the facility's license and
30 the job duties of the ~~administrator;~~ administrator in deciding whether to deny, suspend, or revoke
31 the approval of an administrator;
- 32 (5) is unable to perform as administrator with reasonable skill and safety to residents by reason of any
33 observable or documented ~~condition~~ condition, such as dementia or other disease or condition
34 known to result in irreversible cognitive deterioration or drug or alcohol dependency, that impairs
35 the individual in such a way that it endangers the health, safety, or welfare of ~~residents.~~ residents;
- 36 (6) tested positive for a controlled substance or refused to consent to drug testing according to G.S.
37 131D-45;

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

3 (8) fails to report any arrest or conviction for a felony or misdemeanor to the Department within 10
4 days ~~any after such arrest or conviction for a felony or misdemeanor.~~ conviction.

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

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13 *History Note:* Authority G.S. 131D-2.16; G.S. 131D-2.18; G.S. 131D-4.3; 143B-165;

14 Eff. April 1, 2017.