

1 10A NCAC 13G .0406 is readopted with changes as published in 36:18 NCR 1487-1495 as follows:

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3 **10A NCAC 13G .0406 OTHER STAFF QUALIFICATIONS**

4 (a) Each staff person of a family care home shall:

- 5 (1) have a job description that reflects ~~actual the~~ positions, position's duties ~~duties,~~ and responsibilities
6 and is signed by the administrator and the employee;
- 7 (2) be able to ~~apply~~ implement all of the family care home's accident, fire ~~safety~~ safety, and emergency
8 procedures for the protection of the residents;
- 9 (3) be informed of the confidential nature of resident information and shall protect and preserve ~~such~~
10 the information from unauthorized use and ~~disclosure;~~ disclosure, in accordance with
11 Note: G.S. 131D-2(b)(4), G.S. 131D-21(6), and G.S. 131D-21.1 govern the disclosure of such the
12 information; [G.S. 131D-21.1; G.S. 131D-21.1;
- 13 (4) not hinder or interfere with the exercise of the rights guaranteed under the Declaration of Residents'
14 Rights in G.S. 131D-21;
- 15 (5) have no substantiated findings listed on the North Carolina Health Care Personnel Registry
16 according to G.S. 131E-256;
- 17 (6) have documented annual immunization against influenza virus according to G.S. 131D-9, except as
18 documented otherwise according to exceptions in this law; and exceptions as provided in the law
19 shall be documented in the staff person's personnel record;
- 20 (7) have a criminal background check completed in accordance with ~~G.S. 114-19.10 and G.S. 131D-~~
21 40; 131D-40 and results available in the staff person's personnel file;
- 22 (8) have [results of the] an examination and screening for the presence of controlled substances
23 completed in accordance with G.S. [131D-45; 131D-45 and results available in the staff person's
24 personnel file;
- 25 ~~(8)(9)~~ maintain a valid current driver's license if responsible for transportation of residents; and
- 26 ~~(9)(10)~~ be willing to work cooperate with bona fide state and local inspectors ~~and the monitoring and~~
27 licensing agencies toward meeting and maintaining ~~when determining and maintaining compliance~~
28 with the rules of this Subchapter.

29 (b) ~~Any~~ At all times, there shall be at least one staff member person in the facility ~~left~~ in charge of the resident care
30 of residents who shall be 18 years or older.

31 (c) If licensed practical nurses are employed by the facility and practicing in their licensed capacity as governed by
32 ~~their practice act and occupational licensing laws,~~ the North Carolina Board of Nursing, there shall be ~~continuous~~
33 availability of a registered nurse consistent available in accordance with the rules set forth in Rules 21 NCAC 36
34 .0224(i) .0224 and 21 NCAC 36 .0225. .0225, which are hereby incorporated by reference including subsequent
35 amendments.

36 Note: The practice of licensed practical nurses is governed by their occupational licensing laws.

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1 *History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165;*
2 *Eff. January 1, 1977;*
3 *Readopted Eff. October 31, 1977;*
4 *Amended Eff. April 1, 1984;*
5 *Temporary Amendment Eff. December 1, 1999;*
6 *Amended Eff. July 1, 2000;*
7 *Temporary Amendment Eff. September 1, 2003;*
8 *Amended Eff. June 1, ~~2004~~ 2004;*
9 *Readopted Eff. October 1, 2022.*