

Rule for: Adult Care Home
Type of Rule: Adoption
MCC Action: Initiate Permanent Rule Making

1 10A NCAC 13F .1702 is proposed for adoption as follows:
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3 **10A NCAC 13F .1702 ADVERSE ACTION ON CERTIFICATION**

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

6 (1) has not completed 30 hours biennially of continuing education credits as required by Rule .1703 of
7 this Section;

8 (2) 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
10 certification:

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

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

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

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

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

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

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

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

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

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

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

31 (A) illness;

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

33 (C) any physical or mental impairment;

34 (6) tested positive for a controlled substance or refused to consent to drug testing according to G.S.
35 131D-45;

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

1 (8) fails to report to the Department any arrest or conviction.

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

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9 *History Note: Authority G.S. 90-288.18; G.S. 131D-2.16; G.S. 131D-2.18; G.S. 131D-4.3; 143B-165;*
10 *Eff. January 1, 2017.*

Type of Rule: Adoption

MCC Action: Initiate Permanent Rule Making

1 10A NCAC 13F .1703 is proposed for adoption as follows:

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3 **10A NCAC 13F. 1703 RENEWAL OF ADMINISTRATOR CERTIFICATION**

4 Administrator certification shall be renewed by the Department pursuant to G.S. 90-288.15 based on the
5 administrator's biennial submission of course completion certificates issued by the course provider, dated from last
6 certification, initial or renewal, and totaling 30 hours of coursework related to long term care management or the care
7 of aged and disabled persons, and a renewal fee of \$30.00 pursuant to G.S. 90-288.15A. Examples of coursework
8 related to long term care management or the care of aged and disabled persons are financial management, human
9 resource management, medication administration, dementia care, diabetic care, managing aggressive behaviors and
10 infection control.

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12 *History Note: Authority G.S. 90-288.15; G.S. 90-288.15A; G.S. 131D-2.16; G.S. 131D-4.3; 143B-165;*

13 *Eff. January 1, 2017.*