

DHSR Adult Care Licensure Section

Fiscal Impact Analysis

Permanent Rule Adoptions without Substantial Economic Impact

Agency: North Carolina Medical Care Commission

Contact Persons: Nadine Pfeiffer, MCC/DHSR Rulemaking Coordinator, 919-855-3811
Megan Lamphere, Chief, Adult Care Licensure Section, 919-855-3784
Doug Barrick, Policy Coordinator, Adult Care Licensure Section, 919-855-3778

Impact:

Federal Government Impact:	No
State Government Impact:	Yes
Local Government Impact:	No
Private Entities	Yes
Substantial Economic Impact:	No

Titles of Rule Changes and N.C. Administrative Code citations

Rule Repeal: 10A NCAC 13G .0401 Qualifications of Administrator

Rule Adoptions (*See proposed text of these rules in Appendix*):

10A NCAC 13F .1702 Adverse Action on Administrator Certification

10A NCAC 13F .1703 Renewal of Administrator Certification

10A NCAC 13G .1501 Administrator Approval

10A NCAC 13G .1502 Adverse Action on Administrator Approval

10A NCAC 13G .1503 Renewal of Administrator Approval

Authorizing Statutes: G.S. 131D-2.16; 131D-2.18; G.S. 131D-4.3; G.S. 143B-165;
G.S. 90-288.12; G.S. 90-288.18

INTRODUCTION AND BACKGROUND

The N.C. Medical Care Commission, with recommendations by the Division of Health Service Regulation, Adult Care Licensure Section, is considering the adoption of rules under sections 10A NCAC 13F and 10A NCAC 13G related to the certification of adult care home administrators and the approval of family care home administrators.

Administrators of adult care homes and family care homes, commonly known as “assisted living” facilities, are responsible for the total operation of the facility. The actual management duties of an administrator varies from facility to facility, but generally an administrator directly handles or has oversight of facility finances, human resources and staffing, resident admissions and discharges, and may be involved in the daily care and services provided to residents. Administrators ensure that proper systems and staff are in place to maintain compliance with state and federal regulations for the safety and well-being of residents. In many smaller facilities, especially family care homes, the administrator may be not only the owner of the facility, but also the only staff member at the facility. In these cases, the administrator is not only responsible for daily operations, but also for direct personal care of residents, meal preparation, medication management, and general care and supervision of residents. In all cases, the administrator is responsible for ensuring the health, safety and welfare of residents living at the facility in accordance with the law, and also for ensuring their rights are protected under the N.C. Adult Care Home Residents’ Bill of Rights.

Over the past several years, there have been a number of issues to arise related to the role of the administrator in adult and family care homes. Many of these issues have created unsafe conditions or threats to the health, safety or welfare of residents. The proposed rules included in this analysis seek to ensure qualified candidates are approved as administrators, to improve the training and preparedness of administrators, and also to provide a mechanism for taking action on an administrator’s certification in extreme circumstances that have caused harm to residents.

Family care homes across the state continue to be frequently cited for violations of rules and assessed penalties for conditions that impact the health and safety of their residents. Rule 10A NCAC 13G .0601 Management and Other Staff, Paragraph (a) is being more frequently cited in survey and investigation reports. The paragraph states that the administrator “shall be responsible for the total operation of a family care home and shall also be responsible to the Division and the county department of social services for meeting and maintaining the rules of this Subchapter...” Multiple citations for non-compliance, even at just the deficiency level, have resulted in citations of rule .0601: 10 citations in 2013, 8 in 2014, 20 in 2015, and 6 from January to March, 2016 for assisted living facilities.

Currently, there are minimal or no regulations governing the administrator certification and administrator approval processes carried out by the Adult Care Licensure Section. Assisted living facilities in North Carolina are not required to have licensed health professionals on staff. The administrator is considered the assisted living “professional” and responsible for the operation of the home. There are multiple incidents and citations every year of power being terminated and threatened to be terminated by the power company, staff not being qualified or meeting training requirements, medications not being administered as ordered, residents not being adequately supervised resulting in elopements, aggressive actions and falls, buildings and equipment not in good working order, all of which have a direct negative impact on residents. Monthly Penalty Review Committee meetings have gone from reviews of 8-9

penalties proposed by the state and/or county departments of social services, as of 6-7 years ago to 14-15 penalties currently being scheduled for the September and October meetings.

The Division is seeking to clarify the requirements for applicants for the administrator position for assisted living facilities and improve the readiness of administrators to serve in such capacity in order to protect the safety and welfare of residents.

The proposed rules codify the Adult Care Licensure Section's processes for certifying and approving administrators, and specifies the criteria by which the Department may suspend or revoke a certification or approval in accordance with G.S. 90-Article 20A and 131D-4.5. The Division currently has a policy by which it operates, however, the proposed rules would codify the policy and allow the agency to formally take action against those administrators for whom there is substantiated evidence that they have misappropriated funds and/or jeopardized the wellbeing of the residents of the homes they manage. The process that is currently set out in the rules moves slowly, allowing administrators who are in violation of the requirements to continue in their duties until another agency, include law enforcement, formally takes action against them. This increases the exposure of residents in these homes to potentially harmful situations related to misadministration of medication and improper care that could lead to their hospitalization.

Additionally, the Division is defining its processes to ensure consistency throughout the state for all assisted living administrators in both adult care and family care homes. These two types of assisted living facilities serve aged and/or disabled residents who have needs in the areas of supervision, personal care services, and medication administration. While the resident care and services rules for adult care and family care homes are the same, the requirements for their administrators are not since the training for administrators for family care homes has not been updated in 25 years. This rule change would rectify this situation by having the training in the management of the provision of care and services be consistent across both settings.

Moreover, the language and requirements set forth in the proposed rules are consistent with current rules and regulations governing similar types of healthcare professionals who are licensed, certified, or credentialed in North Carolina, such as nursing home administrators and emergency management personnel.

I. Family Care Homes

Three rules related to family care home administrators are being proposed for adoption to address:

- qualifications for approval (10A NCAC 13G .1501),
- adverse actions against approval and renewal of approval in an effort to upgrade and better regulate the position of administrator in terms of qualifications required (10A NCAC 13G .1502), and
- renewal of approval (10A NCAC 13G .1503).

These rules are expected to positively impact the management and operation of family care homes, ensuring the safety, health, and general welfare of their residents, through a more rigorous training program, more thorough consideration of applicants' backgrounds, actions, and behavior while serving as administrator, and closer examination of continuing education for renewal.

These rule would however create a cost for family care homes, as they will foreseeably have a smaller pool of administrators for the homes because of the training requirements, including increased costs, and a more extensive background check. Additionally, administrator applicants will be faced with greater costs due to training, state criminal background checks, and higher scrutiny in background checks. The renewal process will require submission of continuing education documents to the state on a biennial basis.

At the same time, DHSR staff will be involved in a more time-consuming review of background checks, an investigation of negative behavior or conditions that relate to job activities and a new process of renewal involving receipt and review of continuing education documentation, issuance of renewals and possible adverse actions on renewal.

Further descriptions of these rules, including their justification and impact, is presented in Part I of the following section of this analysis. Current requirements in rule that match those in proposed rules are not counted in the impact of these rules because of no resulting additional cost. Impact from current policy that is only being codified now in the proposed rules, however, is included in the analysis and is considered to be have an additional cost over the current rules (i.e. the current policy is not considered to be part of the baseline for the purpose of this analysis).

II. Adult Care Homes

Administrators of adult care homes with seven or more beds require certification as per G.S. 90, Article 20A: Assisted Living Administrator Act and rule 10A NCAC 13F .1701. G.S. 90-288.18 gives authority to the Department to take adverse action on an administrator's certificate and promulgate rules to specify conditions for such action. To ensure the safety and wellbeing of residents in these facilities and the proper management of these facilities, the agency is proposed rule 10A NCAC 13F .0702, which calls for action against certification to be taken based on certain circumstances, including if the administrator:

- Has been convicted of a felony or misdemeanor that is still withstanding,
- Was the administrator for another adult care home or family care home whose license has been suspended or revoked (the Section would take into consideration the length of time the administrator served at the facility and the causes surrounding the suspension/ revocation),
- Cannot perform their duties because of illness, use of various substances, or physical or mental impairment,
- Tested positive for a controlled substance or refused to take drug test,
- Is on the NC Health Care Personnel Registry noted for committing a variety of crimes or missuses of professional abilities,
- Did not meet the continuing education requirements, and
- Failed to report arrest or conviction.

Proposed Rule 10A NCAC 13F .1703 establishes the continuing education hours necessary for renewal of certification – 30 hours for a 2 year period – and a fee of \$30 for the renewal. This rule is meant to ensure that administrators continue to have the proper knowledge to ensure wellbeing of the facility residents and the sustainability of the facility to avoid residents having to be rehoused.

While the requirements proposed in these two rules have been established in certification policy, they have not been established in rule. Moving this policy into rule would allow the agency to take unequivocal action in regards to certification of administrators. The rules will

allow more direction to the agency and legal counsel in consideration of action against certification, whether initial or renewal. These rules will not necessarily increase the number of actions the agency takes against certification nor will they impact administrators and facilities based on the Department's past years of experience in certification, but they will provide additional guidance for decision-making.

There will be an increase in the time for DHSR staff to review applications, particularly criminal background information as required by the law referenced in Rule .1701 for which Rule .1702 addresses factors to be considered in the review and any comments related to administrator behavior which might impact resident care and safety. The benefit will be greater efficiency, clarity and consistency in implementing the law on certification and assuring a safe environment for residents. Rule summary and fiscal impact is in Part II of the following section of this analysis.

Current policy is not considered to be part of the baseline in determining the impact of the proposed rules and, therefore, is considered additional cost; however, requirements that are in the current rules and match those in proposed rules are part of the baseline and not include in the impacts of the proposed rules.

Unless stated otherwise, this analysis assumed the number of applicants and administrators to stay somewhat constant over the next few years. This assumption is supported by roughly similar number of applicants and administrators over the last few years without significant overall increase or decrease. Also, there are over 1,200 currently certified administrators with a pool of approximately 300 - 400 of those who are not currently employed by a facility. While it is likely that the proposed requirements would result in a lower number of applicants and administrators, there is not enough information available to make a reasonable assumption on what that number may look like.

RULES JUSTIFICATION AND ANTICIPATED FISCAL IMPACT

I. FAMILY CARE HOMES (2-6 BEDS)

10A NCAC 13G .0401 Administrator Qualifications is proposed for repeal because qualifications are now proposed in 10A NCAC 13G .1501 Administrator Approval under a new Section .1500 to contain proposed rules for approval, adverse action on approval and renewal of approval.

10A NCAC 13G .1501 Administrator Approval is proposed for adoption. As mentioned above, the approval of administrators of family care homes (FCHs) of two to six beds has changed little over the years since 1977 with persons being approved for a specific family care home but not licensed or certified for this position.

While rules for the operation of these homes have been revised to take into account increasing care needs of residents, including health care, the current training requirements for family care home administrators have been in place for 25 years. Therefore, the training must be upgraded.

A. Training

The proposed rule would require applicants to successfully complete a state-approved administrator-in-training program that includes coursework and on-the-job training at a cost the training program provider establishes. There is little to no cost associated with the existing rule;

trainees currently receive on-the-job training from the family care home administrator at no cost, other than time, since the administrator is typically involved in the daily operation of the home. The proposed rule formalizes training and assures consistency by requiring the structure of the state-approved administrator-in-training programs currently offering training for administrator certification, including specific coursework and guided work experience.

In addition, the proposed rule would no longer allow an administrator to be exempt from training based on past education, training, and experience related to the management and operation of adult residential care facilities. The reason for this change is that the validity of those factors, the extent of training and quality of experience, is hard to determine. This change would provide some consistency with the requirements of the administrator certification program (for 7+ bed facilities), where such exemptions are not allowed except for currently licensed nursing home administrators.

The Department has approved six administrator-in-training programs that were developed for adult care administrator certification training. To be approved, the programs have to follow guidelines established by the Department to assure consistency in training. These guidelines cover key areas of administration and operation of assisted living facilities. As a result of the proposed rule change administrators of family care homes would be required to complete such a program. The content of these programs is applicable to family care home administrators, since both family care homes and adult care homes of seven beds or more serve aged and/or disabled adults.

These programs require a specific number of classroom hours, followed by practicum hours in a facility. These programs have the capacity to take on more students, thereby avoiding the need for the applicant to find individual administrators who have little incentive and time plus receiving little recompense, if any, to train another administrator.

Impact

Administrator-in-Training Cost to Applicant:

The average cost of the training based on charges of currently approved administrator-in-training programs is around \$500. Each approved individual/agency offering the program establishes its own price for the training. Approximately 105 family administrator applicants each year can be expected over the next 3 years based on an average number of applicants each year over the past three years. An estimated 10% of those applications were not completed or approved. At least 25 of the approved applicants received approval for more than one home since FCH administrators can serve that role in more than one home. The average number of initial FCH licenses issued over the past three years was 43 and the average number of changes of ownership (CHOW), all of which require a new license, over same period was 24 for an average total of 67 licenses issued for which an administrator application is also required. There is no indication from the past few years that there will be a significant increase or decrease in applications for licenses and administrator approvals, therefore the analysis will be based on 70 FCH administrator applications. With approximately 70 administrator applicants per year needing the Administrator-in-Training program at an average cost of \$500.00 the annual cost is estimated as follows:

Calculation: \$500 training cost x 70 applicants/yr. = \$35,000/yr.

This is a cost born by administrator applicants unless a corporation bears the cost to train someone to be an administrator of one of its facilities, which is rarely the case.

There may be additional costs that the applications may incur, including travel costs to training sites and the opportunity cost of the applicants' time. Given that there are only 6 approved programs, travel costs will vary by individual depending on the location of their residence relative to these programs, thus making the quantification of travel costs (including time and cost of gas or other transportation) difficult.

The applicants would costs related to the time they spend in training since they could have spent that time either working and earning income or performing other activities with non-market value. The minimum training time for all approved programs is 100 hours, which covers classroom and supervised practical experience. Since the employment background of applicants is not consistent and it can't be assumed, especially for FCH administrator applicants who could be either employed and earning income or unemployed at time of application, this analysis assumes that the value of an applicant's hour would be equal to the NC minimum hourly wage in 2016 of \$7.25 plus a fringe, including paid leave, of 45%.^{1,2}

Calculation: 70 applicants/yr. x 100 hrs. of training x \$7.25/hr. x (1+45%) ~ \$73,600

The on-the-job training required by current rule has no established cost to the applicant but only an opportunity cost for the owner of the home serving as preceptor. Since the proposed rule would continue to require on-the-job training, there is no impact from this provision.

There may be increases in administrator-in-training program costs over the next two to three years but not estimable as each private provider program can set and change its charges at any time and cost is not controlled by the State.

B. Criminal Background Checks

The current rule on administrator qualifications requires a local background check from the clerk of court. However, this provides a limited picture of possible criminal activities that applicant may have engaged in across the state. In contrast, the certification of administrators of adult care homes requires a state criminal record check. The proposed rule makes the requirement the same for family care home administrator applicants, thus facilitating the discovery of any criminal background activity that could possibly impact the safety of residents. This requirement will ensure to a higher degree the safety of residents and employees in family care homes.

¹ National Council of State Legislatures. 2016 Minimum Wage by State.

<http://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx>

² Bureau of Labor Statistics. Civilian Compensations. <http://www.bls.gov/news.release/ecec.t01.htm>

Impact

The applicants would incur cost savings for the criminal background check since the state fingerprint check currently costs \$14.00, as opposed to county clerk of court searches that cost \$25.00. However, the typical cost of getting a fingerprint card completed at a local law enforcement agency is \$18.00. Since current rule would require the applicant to make a trip to the county of clerk to obtain the information and the new rule would require a trip to a law enforcement office for fingerprints, this analysis assumes that any travel and time costs would not change.

There will be an increase in time required for Department staff to process the cards and review results to determine if the report is satisfactory based on the factors specified in the rule. The average number of family care home administrator applicants over the past years taking into account administrator approvals for more than one home is 80.

Criminal Background Check Cost to Applicant:

Cost Associated with Current Rule:

Criminal background check from county clerk of court - \$25.00

Calculation: \$25/clerk of court check x 80 applicants = \$2,000/yr.

Cost of Proposed Rule:

State criminal background fingerprint check - \$14.00

Calculation: \$14/fingerprint check x 80 applicants/yr. = **\$1,120/yr.**

Cost of fingerprint card completion

Calculation: \$18/card x 80 applicants/yr. = **\$1,440/yr.**

Total cost = \$2,560/yr.

Cost of proposed rule;

The cost for the background checks has not changed for several years and future increases are not predictable.

This proposed requirement might however prevent some individuals whose criminal background checks raise issues or who are between the ages of 18 and 21 from being approved as administrators, thus leading to a loss of income. There is not enough information to be able to estimate how many applicants would be denied approval as a result of problematic background checks. The income loss per individuals, however, could be about \$70,000 per year (assuming administrators of these facilities earn as much as nursing home administrators on the lower end of the pay scale).³

Criminal Background Check Administrative Cost to Division:

The proposed rule has administrative costs that are in addition to current rule because there will be more state staff time involved in reviewing and approving applications due to state criminal background reports to mail, process, and review. Administrative costs

³ Salary.com. North Carolina Nursing Home Administrator Salaries. <http://www1.salary.com/NC/Nursing-Home-Administrator-salary.html>

are based on hourly wage from total annual compensation, salary plus benefits, of current Division staff (this is the basis for departmental staff costs throughout this analysis). Two staff person within the Adult Care Licensure Section, a policy coordinator and administrative assistant, will need to spend additional time for the mailing and review/approval of applications.

Cost of Current Rule:

Policy Coordinator: 0.5 hrs./application. x 70 applications/yr. x \$41/hr = \$1,435/yr.

Administrative Assistant: 0.25 hrs/application x 70 applications/yr. x \$23/hr = \$402.50/yr

Total Administrative Cost: \$1,435 + \$403 = \$1,838/yr.

Cost of Proposed Rule:

Policy Coordinator: 1 hr./application x 70 applications/yr. x \$41/hr. = \$2,870/yr.

Administrative Assistant: 0.30 hrs./application x 70 applications/yr. x \$23/hr. = \$483/yr.

Total Administrative Cost: \$2,870 + \$483 = \$3,353/yr.

Additional Cost of Proposed Rule: \$3,353 - \$1,838 = \$1,515/yr.

Salary and wage increases overall for the past several years have been miniscule and future increases are not estimable.

Departmental Mailing Costs

In addition to the cost of state staff time, there are mailing costs for the Department in sending out applications with fingerprint cards to applicants. This is an additional cost from current rule because, currently, application forms can be downloaded and do not have to be mailed. However, the proposed rule requires there to be a fingerprint card, which cannot be downloaded, included with the application so all applications will have to be mailed. Postage for mailing one application and fingerprint card is \$1.42, and the estimated number of persons requesting the application/card is 105 (as mentioned above).

Calculation: \$1.42 postage x 105 applications/yr. = \$149.10/yr.

Total cost of mailing per proposed rule = \$149.10

Benefits:

Taking both the training and background report requirements into consideration, family care homes should be better able to fulfill their responsibility of assuring the health and safety of their residents.

The practice, per current rule, of training by family care home preceptor has several significant limitations, including finding a family care home administrator willing and capable of providing the on-the-job training, consistency in training, and quality control over multiple administrators selected by applicants as preceptors. This rule will allow for

applicants to choose from a list of approved training providers who have met the requirements for provision of training with programs established with State approval and held accountable by the State. Applicant administrators should receive a consistent and sound knowledge base through coursework and relevant experience and understanding of application of that knowledge through the on-the-job training part of the training.

The upgrading of skills and knowledge should result in homes that are better run and maintained thus reducing negative effects on residents, less time for the state in investigation of problems and complaints, and reducing the time intensive process of dealing with violations of rules that lead to penalties. The expectation is that there will be fewer citations for rule non-compliance in surveys and complaint investigations which has have been increasing over the past few years as acuity levels of residents increase and business demands have increased for both regulatory and reimbursement purposes. The logical assumption in any business is that improved training will result in improved service as is the case in most arenas, including the human service field.

A state-wide criminal background check on applicant administrators will provide greater security than a local background check for family care home management and operation and, consequently greater assurance of maintaining safety of residents and staff. This would translate into lower number of ER visits by residents due to misadministration of medication or neglect from not following proper rules of care. For every ER visit that is avoided, the rule would result in a cost of ER services saved of about \$1,500.⁴ Also, this would result in fewer facilities needing to shut down and residents needing to be relocated.

Table 1. Summary of Annual Anticipated Impact of Rule 10A NCAC 13G .1501

<u>Impact</u>	<u>Annual Impact (rounded)</u>
<i>Applicants</i>	
Cost of training	(35,000)
Opportunity cost of training	(73,600)
Cost from background check	(560)
Loss of income	Unquantified
Total Impact (cost)	(109,160)
<i>State</i>	
Cost of staff time to review/process applications	(1,500)
Postage costs	(150)
Total Impact (cost)	(1,650)
<i>Public Benefit</i>	Unquantified
TOTAL IMPACT	(110,810)

⁴ US DHHS. Agency for Healthcare Research and Quality. Emergency Room Services-Median and Mean Expenses per Person with Expense and Distribution of Expenses by Source of Payment: United States, 2013. http://meps.ahrq.gov/mepsweb/data_stats/tables_compendia_hh_interactive.jsp?SERVICE=MEPSSocket0&PROGRAM=MEPSPGM.TC.SAS&File=HCFY2013&Table=HCFY2013_PLEXP_E&VAR1=AGE&VAR2=SEX&VAR3=RACETH5C&VAR4=INSURCOV&VAR5=POVCAT13&VAR6=REGION&VAR7=HEALTH&VARO1=4+17+44

10A NCAC 13G .1502 Adverse Action on Administrator Approval is proposed for adoption. Currently, family care home administrator applicants provide a background check from county clerk of court in regards to criminal offenses without specification of what would prohibit approval of an applicant administrator based on the check. The proposed rule would require Department consideration of various factors and circumstances regarding convictions of felonies and misdemeanors found through state background checks prior to approving applicants. It would also allow for taking action on a current family care home administrator's approval based on consideration of these same factors and circumstances when convictions are reported or discovered.

The proposed rule provides administrators and the Department with specific factors to be considered in determining initial approval and continuing approval of family care home administrators so that adverse action can be clearly authoritative, explanatory, and justified. This will provide greater awareness for administrators and facilities of the Department's process of approval and continuing approval of administrators and increased accountability for administrator actions to better ensure protection of residents and staff. The costs involve Department staff time, as well as loss of income for those administrators that would no longer get approved or would see their approval revoked or suspended.

Impact

Benefits:

Since current rule does not address adverse action on FCH administrator approval nor what is considered to be a satisfactory criminal background report, the proposed rule will provide a regulatory basis to take enforceable action against an administrator applicant or administrator whose background report reveals criminal activity that could impact FCH operation, including resident safety and well-being, such as embezzlement, theft, assault, and rape or attempted rape. Although there is a clear benefit from fewer incidences of such occurrences, due to the lack of data and the complexity of these potential cost avoidances, this analysis does not attempt to quantify the benefit these changes may have for the resident population in the affected facilities.

Being rule-based should make challenges to adverse actions less likely and without possibilities of suits against the State, thereby avoiding the expense and time of administrative court or even Superior court involvement. Given that varying costs of such case and the number of agencies involved, it is difficult to estimate what the savings to the State may be.

This rule should also serve notice to applicants about what the Department is looking for and considering regarding the background checks, thereby possibly avoiding unnecessary applications and reviews. While it is unclear how many applications will no longer happen as a result of this rule, the Division cost savings per application may be less than \$100 per case based on the costs of review and mailing described in the discussion for rule .1501.

Departmental Administrative Costs:

Department staff would be involved in considering, determining, and taking action on background reports showing felonies and misdemeanors and on reports, discovery, or knowledge related to information resulting from investigations, surveys, or facility monitoring, of the negative factors in the rule that would impact the administrator's certification.

Approving and taking action on approvals will require Department staff time for reviewing, consulting, and decision-making purposes. Additional consideration would have to be given for suspension of an administrator's approval based on alleged criminal conduct that could impact safety of residents. Prediction of number of cases that will require review and action is not possible but an estimate is twelve cases per year based on an estimated ten to fourteen cases that called for review each of the past three years and 10 cases of either suspension or revocation of facility licenses (see Part 4 of Rule) based on the number of such cases in 2015.

Policy Coordinator – 2 hours/case for inquiry, review and consultation with Section management and communication with Attorney General's Office (AGO) at \$41/hr.

Calculation: $\$41/\text{hr} \times 2 \text{ hrs./case} \times 12 \text{ cases/year} = \$984/\text{yr.}$

$\$41/\text{hr} \times 2 \text{ hrs /case} \times 10 \text{ cases/year} = \underline{\$820/\text{yr.}}$

Total $\underline{\$1804/\text{yr.}}$

Supervisor - 0.5 hrs/case for review and consultation with Policy Coordinator and management at \$48.00/hr.

Calculation: $\$24/\text{case} \times 12 \text{ cases/yr.} = \$288/\text{yr.}$

$\$24/\text{case} \times 10 \text{ cases/yr} = \underline{\$240/\text{yr.}}$

Total $\underline{\$528/\text{yr.}}$

Section Chief - 0.5 hrs. for review and consultation with Policy Coordinator and Supervisor and AGO Counsel at \$51/hr.

Calculation: $\$26/\text{cases} \times 12 \text{ cases/yr.} = \$312/\text{yr.}$

$\$26/\text{cases} \times 10 \text{ cases/yr.} = \underline{\$260/\text{yr.}}$

Total $\underline{\$572 / \text{yr.}}$

Legal Counsel with AGO - 0.5 hrs. for review and consultation with Section management and AGO Counsel at \$43/hr (ave. of 2 attorneys' total compensation)

Calculation: $\$22/\text{case} \times 12 \text{ cases/yr.} = \$264/\text{yr.}$

$\$22/\text{case} \times 10 \text{ cases/yr.} = \underline{\$220/\text{yr.}}$

Total $\underline{\$484}$

Total Administrative Cost:

Calculation: $\$1,804 + \$528 + \$572 + \$484 = \underline{\$3,388/\text{yr.}}$

Department Mailing Cost:

Mailing cost for the Department if all cases resulted in action against approval would be a single letter of notification mailed to 22 administrator at a cost of \$.49/letter.

Calculation: $22 \text{ cases} \times \$.49 \text{ postage} = \underline{\$11.00}$

Administrators:

This proposed requirement might however prevent some individuals whose criminal background checks raise issues from being approved as administrators, thus leading to a loss of income. There is not enough information to be able to estimate how many applicants would be denied approval or have their approval revoked or suspended. The income loss per individuals, however, could be about \$70,000 per year (assuming administrators of these facilities earn as much as nursing home administrators on the lower end of the pay scale).⁵

Table 2. Summary of Annual Anticipated Impact of Rule .1502:

Impact	Annual Impact (Rounded)
<i>Administrators</i>	
Loss of income	Unquantified
<i>State</i>	
DHHS cost of staff time to review and take action	(2,900)
AGO staff time	(500)
DHHS postage costs	(10)
Benefit from fewer administrators	unquantified
Total Impact (Cost)	(3,410)
Public Benefit	Unquantified
TOTAL IMPACT	(3,410)

10A NCAC 13G .1503 Renewal of Administrator Approval is proposed for adoption and it establishes a process of renewal of administrator approval in line with renewal of administrator certification of adult care homes of seven beds or more. Currently, family care home administrators have to acquire 15 hours of continuing education annually and accounting for this has been the responsibility of the county departments of social services who perform at least quarterly monitoring family care homes for compliance with rules. In order to better assure accountability of the acquisition of continuing education credits by administrators, the proposed rule requires an official renewal process directed by the Department to assure compliance with continuing education.

Impact

Benefits:

The proposed rule will allow for an official, uniform, and accountable means of administrator approval renewal. Since monitoring of CE has been the responsibility of the county department of social services' personnel and each county establishes its own

⁵ Salary.com. North Carolina Nursing Home Administrator Salaries. <http://www1.salary.com/NC/Nursing-Home-Administrator-salary.html>

monitoring system and is not directly under the Department's authority, there has been no assurance of completion of CE requirements and no formal approval renewal. With such in place, administrators will more likely be assured of getting the required CE credits and the Department will have quality control of an official renewal process. The CE requirements are intended to keep administrators up-to-date on care and operational issues with some of the CE provided by the Department itself on rule areas that are most frequently cited for deficiencies and violations.

Facility Administrator Costs

Family care home administrators would have to complete a one-page renewal application and mail it with documentation of 30 hours of continuing education to the Department every two years.

Current postage cost is \$2.08 for mailing envelope 30 pages of documentation of 30 hours of continuing education. Copies of continuing education certificates at 10 cents per copy would cost \$3.00 every 2 years. The resulting cost for each of 550 administrators providing the CE documentation to the Department would be \$5.08 biennially with a total cost of \$2794 or \$1397 annually for all administrators since renewals will be conducted on approximately half the administrators each year, i.e., all approvals will not fall in the same year. The number of administrators needing renewal is based on total number of licensed family care homes and allowing for some administrators being administrators of more than one home and those that may not renew.

Calculation:

$$\begin{aligned} & \$5.08/\text{administrator}(\text{copies and postage}) \times 550 \text{ administrators} = \$2,794/2 \text{ yrs.} \\ & \text{Or } \$1,397/\text{yr.} \end{aligned}$$

The change from 15 hours per year of continuing education to 30 hours over a two-year period would not result in any impact since the number of CE hours over two years remains the same.

Departmental Administrative Costs

Department staff would now be preparing, mailing, and reviewing approximately 250 CE renewal applications annually. The proposed rule requires biennial renewal for each family care home administrator and there will be a system to renew approximately half of the administrators each year.

Two staff persons would be involved in mailing renewal applications, reviewing and processing renewal applications and mailing notifications of renewal to approximately 225 administrators per years at an estimated time of 12 hours for each staff person.

Calculation:

<i>Policy Coordinator:</i>	$\$41/\text{hr.} \times 12 \text{ hrs./yr.} =$	$\$492/\text{yr.}$
<i>Administrative Assistant:</i>	$\$23/\text{hr.} \times 12 \text{ hrs./yr.} =$	$\$276/\text{yr.}$
	<i>Total</i>	$\$768/\text{yr.}$

Departmental Mailing Costs

Mailing cost for the Department would be for mailing of approximately 225 renewal applications annually and 200 renewal notifications, considering an estimated 80% renewal rate.

Calculation: 225 renewal applications/yr. x \$.49 postage = \$110.25/yr.
200 renewal notices/yr. x \$.49 postage = \$98/yr.
Total \$208.25/yr.

Administrators:

This proposed requirement might however prevent some individuals from obtaining renewal who would not meet the continuing education requirements due to the more stringent check, thus leading to a loss of income. There is not enough information to be able to estimate how many applicants would be denied renewal. The income loss per individuals, however, could be about \$70,000 per year (assuming administrators of these facilities earn as much as nursing home administrators on the lower end of the pay scale).⁶

Table 3. Summary of Annual Anticipated Impact of Rule .1503:

Impact	Annual Impact (rounded)
<i>Administrators</i>	
Postage and copying costs	(1,400)
Loss of income	Unquantified
Total Impact (cost)	(1,400)
<i>State</i>	
Department cost of staff time	(800)
Department postage costs	(210)
Total Impact (Cost)	(1,010)
Public Benefit	Unquantified
TOTAL IMPACT	(2,410)

Estimated Annual Impact of Rules 13G .1501, .1502 and .1503 is about \$115,460.*

*Given the lack of available information to calculate cost increases, reoccurring costs for the next two fiscal years are considered to stay constant.

⁶ Salary.com. North Carolina Nursing Home Administrator Salaries. <http://www1.salary.com/NC/Nursing-Home-Administrator-salary.html>

II. ADULT CARE HOMES (7 beds or more)

10A NCAC 13F .1702 Adverse Action on Administrator Certification is proposed for adoption to require the Department to consider various factors and circumstances regarding convictions of felonies and misdemeanors prior to approving applicants. The new rule would also allow for the Department to take action on an administrator's certification based on consideration of these same factors and circumstances. The adoption of this rule will provide considerably more guidance and authority for the Department to take action on the certification of administrators and disclose to applicants and certified administrators the specific factors, conditions and circumstances used that could negatively impact certification. It should be noted here that review of background checks and reports of administrator problems as specified in rule is current practice.

Impact

Benefit:

Applicant administrators will have a clearer understanding of factors to be considered by the Department in criminal background check review, which may impact their decision to apply. The Department will also have clearer direction on what a "satisfactory" as stated in law and how background checks are to be reviewed and decisions made on certification. Adverse action will have the authority of rule based on G.S. 90-288.18 stating:

"[...] the Department shall have the authority to deny a new or renewal application for a certificate, and to amend, recall, suspend, or revoke an existing certificate upon a determination that there has been a substantial failure to comply with the provisions of this Article or any rules [promulgated under this Article.]"

Departmental Administrative Costs

Certification of administrators and taking action on certification currently requires Department staff time. Additional Department staff would be involved in considering, determining, and taking action on background reports showing felonies and misdemeanors and on reports, discovery or knowledge, through incoming information resulting from investigations, surveys or facility monitoring, of the negative factors in the rule that would impact the administrator's certification. Additional consideration would have to be given for suspension of an administrator's approval based on alleged criminal conduct that could impact safety of residents.

Prediction of number of cases that will require review and action is difficult, but this analysis employs an estimate of 25 cases per year, based on a 20-30 cases that called for review each of the past three years, and another 11 cases of either suspension or revocation of facility licenses (see paragraph (a)(4) of Rule), based on the number of such cases in 2015.

Star Rating Administrator – 2 hours/case for inquiry, review, and consultation with Section management and communication with Attorney General's Office (AGO) at \$41/hr.

Calculation: $\$41/\text{hr.} \times 2 \text{ hr. /case} \times 36 \text{ cases/year} = \$2,952/\text{yr.}$
 $\$41/\text{hr.} \times 2 \text{ hr. /case} \times 11 \text{ cases/year} = \underline{\$902/\text{yr.}}$
Total $\$3,854/\text{yr.}$

Supervisor - 0.5 hrs/case for review and consultation with Policy Coordinator and management at \$48.00/hr.

Calculation: $\$24/\text{case} \times 36 \text{ cases/yr.} = \$864/\text{yr.}$
 $\$24/\text{case} \times 11 \text{ cases/yr} = \underline{\$264/\text{yr.}}$
Total $\$1,128/\text{yr.}$

Section Chief - .5 hrs. for review and consultation with Policy Coordinator and Supervisor and AGO Counsel at \$51/hr.

Calculation: $\$26/\text{cases} \times 36 \text{ cases/yr.} = \$936/\text{yr.}$
 $\$26/\text{cases} \times 11 \text{ cases/yr.} = \underline{\$286/\text{yr.}}$
Total $\$1222/\text{yr.}$

Legal Counsel with AGO - .5 hrs. for review and consultation with Section management and AGO Counsel at \$43/hr (ave. of 2 attorneys' wages)

Calculation: $\$22/\text{case} \times 36 \text{ cases/yr.} = \$792/\text{yr.}$
 $\$22/\text{case} \times 11 \text{ cases/yr.} = \underline{\$242/\text{yr.}}$
Total $\$1034/\text{yr.}$

Total Administrative Cost:

Calculation: $\$3,854 + \$1,128 + \$1,222 + \$1,034 = \underline{\$7,238/\text{yr.}}$

Departmental Mailing Costs

Mailing cost for the Department if all cases resulted in action against approval would be a single letter of notification mailed to administrator for 47 cases at a cost of \$.49/letter.

Calculation: $47 \text{ cases} \times \$0.49 \text{ postage} = \underline{\$23.00}$

Administrators:

This proposed requirement might however prevent some individuals from gaining approval due to the additional factors and considerations that would not be involved in the approval process, thus leading to a loss of income. There is not enough information to be able to estimate how many applicants would be denied approval. The income loss per individuals, however, could be about \$70,000 per year (assuming administrators of these facilities earn as much as nursing home administrators on the lower end of the pay scale).⁷

Certified administrators and applicants can appeal adverse action on certification by law but there has been no such action on which to base cost. Appeals would involve

⁷ Salary.com. North Carolina Nursing Home Administrator Salaries. <http://www1.salary.com/NC/Nursing-Home-Administrator-salary.html>

opportunity for informal settlement followed by administrative court proceedings if necessary involving legal counsel. Also, while there has been little growth in the number of adult care homes since the moratorium and then Certificate of Need were implemented many years ago, there is interest among some adult care home providers and state legislators in introducing a bill at the next legislative session to eliminate the Certificate of Need for adult care homes of seven beds or more. It has never applied to family care homes.

Table 4. Summary of Annual Anticipated Impact of Rule .1702

Impact	Annual Impact
<i>Administrators</i>	
Loss of income	Unquantified
Cost of potential appeals	Unquantified
Total Impact (cost)	-
<i>State</i>	
Department cost of staff time	(6,204)
AGO's staff time	(1,034)
Department postage costs	(23)
DHHS cost of potential appeals	Unquantified
Total Impact (Cost)	(7,261)
Public Benefit	Unquantified
TOTAL IMPACT	(7,261)

10A NCAC 13F .1703 Renewal of Administrator Certification is proposed for adoption. The proposed rule establishes the continuing education requirements for renewal of administrator certification as authorized by G.S. 90-288.15 and G.S. 90-288.15A. The requirements mirror the current policy on certification renewal implemented by the Department when the law became effective and followed since that time, thereby further legitimating the process as rule-based. Biennial renewal of certification is current practice as required by law.

Impact

Benefit:

Current policy will be established in rule as authorized by statute, thereby ensuring enforceability of the process and promoting awareness of its regulatory nature to stakeholders, particularly certified administrators.

Certified Administrator Cost:

G.S. 131D 90-288-15A established a cost of up to \$30.00 the Department may charge for administrator certification renewal. The proposed rule sets a fee of \$30.

Calculation: 1,100 certified administrators X \$30/biennial renewal = \$33,000/biennium

Annual cost: \$16,500

This proposed rule might however prevent some individuals from obtaining their renewal who would not meet the continuing education requirements, thus leading to a loss of income. There is not enough information to be able to estimate how many applicants would be denied renewal. The income loss per individuals, however, could be about \$70,000 per year (assuming administrators of these facilities earn as much as nursing home administrators on the lower end of the pay scale).⁸

Departmental Fee Revenue:

While the administrators would incur a cost from the \$30 fee, the Department would collect just as much in revenue.

Table 5. Summary of Annual Anticipated Impact of Rule .1703*

Impact	Annual Impact
<i>Administrators</i>	
Cost of renewal fee	(16,500)
Loss of income	Unquantified
Total Impact (cost)	(16,500)
<i>Department</i>	
Fee revenue	16,500
Total Impact (Cost)	16,500
Public Benefit	Unquantified
TOTAL IMPACT	Unquantified

*Given the lack of available information to calculate cost increases, reoccurring costs for the next two fiscal years are considered to stay constant.

CONCLUSION

Administrators of licensed assisted living facilities in North Carolina, adult care homes and family care homes, are responsible for the total operation of the facility, which means administration and management in all areas from building maintenance to staffing and staff

⁸ Salary.com. North Carolina Nursing Home Administrator Salaries. <http://www1.salary.com/NC/Nursing-Home-Administrator-salary.html>

qualifications to direct provision of resident care, in order to assure the health and safety of residents. The proposed rules addressing administrator qualifications, disqualifications, and renewals will help assure compliance with current certification/approval and renewal practices as authorized by law but implemented by policy and traditional practice without the teeth of specific procedure specified in rule. The logical and often unquantifiable intent is the improvement of the operation of these facilities and promotion of a safe environment for all residents under their care. While Table 6 below presents the impacts of the rules the Division has been able to quantify, the costs of resident hospitalizations resulting from improper or negligent care and the mismanagement of facilities, whether it by fraud or lack of knowledge of rule-based practice, far outweigh the cost of training and great scrutiny of background checks, even if considering the expense of one hospitalization or the closing of one home with its impact on residents, families and staff, much less the death of one resident which is incalculable.

Table 6. SUMMARY OF COMBINED ESTIMATED ANNUAL COST OF PROPOSED RULES

Impact	Annual Impact
<i>Applicants/ Administrators</i>	
Cost	(127,060)
Loss of revenue, cost of appeals	Unquantified
Net Impact	(127,060)
<i>State</i>	
DHHS Cost	(11,797)
AGO Cost	(1,534)
Benefit	16,500
Net Impact	3,169
Public Benefit	
	Unquantified
TOTAL NET IMPACT*	(123,891)

* This impact is in abstract of the benefits and other costs that the Division has not been able to quantify.

Appendix
Proposed Rule Text

10A NCAC 13F .1702 is proposed for adoption as follows:

10A NCAC 13F .1702 ADVERSE ACTION ON CERTIFICATION

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

- (1) _____ has not completed 30 hours biennially of continuing education credits as required by Rule .1703 of this Section;
- (2) _____ has been convicted by any jurisdiction of a felony unless rights of citizenship have been restored and all of the following have been considered and determined by the Department to allow certification:
 - (A) _____ date of conviction;
 - (B) _____ circumstances surrounding the committing of the crime, if known;
 - (C) _____ nexus between the criminal conduct of the person and job duties; and
 - (D) _____ prison, jail, probation, parole, rehabilitation and employment records of the person since the date the crime was committed;
- (3) _____ has been convicted by any jurisdiction of a misdemeanor unless all terms of the judgment imposed for said misdemeanor have been met and the following have been considered and determined by the Department to allow certification:
 - (A) _____ date of conviction;
 - (B) _____ circumstances surrounding the committing of the crime, if known;
 - (C) _____ nexus between the criminal conduct of the person and job duties; and
 - (D) _____ prison, jail, probation, parole, rehabilitation and employment records of the person since the date the crime was committed;
- (4) _____ was the administrator of an adult care home or family care home whose license was summarily suspended pursuant to G.S. 131D-2.7(c), or a notice of revocation of the facility's license was issued pursuant to G.S. 131D-2.7(b). In these circumstances, the Department shall take into consideration the length of time the administrator was serving in that capacity at the facility and the nexus between the reason for the summary suspension or revocation of the facility's license and the job duties of the administrator;
- (5) _____ is unable to perform as administrator with reasonable skill and safety to residents by reason of any observable or documented condition that impairs the individual in such a way that it endangers the health, safety, or welfare of residents.
- (6) _____ tested positive for a controlled substance or refused to consent to drug testing according to G.S. 131D-45;

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

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

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

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; Eff. April 1, 2017.

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

10A NCAC 13F. 1703 RENEWAL OF ADMINISTRATOR CERTIFICATION

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

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; Eff. April 1, 2017.

10A NCAC 13G .0401 is proposed to be repealed:

10A NCAC 13G .0401 QUALIFICATIONS OF ADMINISTRATOR

History Note: Authority G.S. 131D-2; 143B-153; Eff. January 1, 1977; Readopted Eff. October 31, 1977;

Amended Eff. July 1, 1990; September 1, 1987; April 1, 1987; April 1, 1984;
ARRC Objection Lodged January 18, 1991;
Amended Eff. August 1, ~~1991~~ 1991;
Repealed Eff. April 1, 2017.

10A NCAC 13G .1501 is proposed for adoption as follows:

SECTION .1500 – ADMINISTRATOR APPROVAL AND RENEWAL

10A NCAC 13G .1501 ADMINISTRATOR APPROVAL

(a) Each family care home shall have an administrator that has been approved by the Department pursuant to this Rule.

(b) Applicant administrators shall meet the following qualifications:

- (1) be 21 years of age or older;
- (2) provide a satisfactory criminal background report from the State Repository of Criminal Histories, that shall be provided by the State Bureau of Investigation upon its receiving fingerprints of the applicant from the Division of Health Service Regulation, unless the applicant has been a resident of this State for less than five years, requiring the applicant to provide a satisfactory criminal background report from both the State and National Repositories of Criminal Histories;
- (3) complete an approved administrator-in-training program listed on the website at <http://ncdhhs.gov/dhsr/acls/adminguidelines.html> and consisting of a minimum of 20 hours of instruction in N.C. Assisted Living laws and statutes, human resources and business management, and a minimum of 100 hours of on-the-job training in an assisted living facility;
- (4) complete with 75% accuracy a written examination administered by the Department within 12 months of completing the administrator-in-training program; and
- (5) be at least a high school graduate or certified under the GED Program.

(c) For the purpose of this Rule, a satisfactory criminal background report means:

- (1) no conviction by any jurisdiction of a felony for which prison time was served unless rights of citizenship have been restored and all of the following have been considered and determined by the Department to allow approval:
 - (A) date of conviction;
 - (B) circumstances surrounding the committing of the crime, if known;
 - (C) nexus between the criminal conduct of the person and job duties; and
 - (D) prison, jail, probation, parole, rehabilitation and employment records of the person since the date the crime was committed;

- (2) no conviction by any jurisdiction of a misdemeanor unless all terms of the judgment imposed for said misdemeanor have been met and the following have been considered and determined by the Department to allow approval:
- (A) date of conviction;
 - (B) circumstances surrounding the committing of the crime, if known;
 - (C) nexus between the criminal conduct of the person and job duties; and
 - (D) prison, jail, probation, parole, rehabilitation and employment records of the person since the date the crime was committed.

*History Note: Authority G.S. 131D-2.16; G.S. 131D-4.3; 143B-165;
Eff. April 1, 2017.*

10A NCAC 13G .1502 is proposed for adoption as follows:

10A NCAC 13G .1502 ADVERSE ACTION ON ADMINISTRATOR APPROVAL

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

- (1) has not completed 30 hours biennially of continuing education credits required by Rule .1503 of this Section;
- (2) is convicted by any jurisdiction of a felony unless rights of citizenship have been restored and all of the following have been considered and determined by the Department to allow approval:
 - (A) date of conviction;
 - (B) circumstances surrounding the committing of the crime, if known;
 - (C) nexus between the criminal conduct of the person and job duties; and
 - (D) prison, jail, probation, parole, rehabilitation and employment records of the person since the date the crime was committed;
- (3) is convicted by any jurisdiction of a misdemeanor unless all terms of the judgment imposed for said misdemeanor have been met and the following have been considered and determined by the Department to allow approval:
 - (A) date of conviction;
 - (B) circumstances surrounding the committing of the crime, if known;
 - (C) nexus between the criminal conduct of the person and job duties; and
 - (D) prison, jail, probation, parole, rehabilitation and employment records of the person since the date the crime was committed;
- (4) was the administrator of an adult care home or family care home whose license was summarily suspended pursuant to G.S. 131D-2.7(c), or a notice of revocation of the facility's license was issued

pursuant to G.S. 131D-2.7(b). In these circumstances, the Department shall take into consideration the length of time the administrator was serving in that capacity at the facility and the nexus between the reason for the summary suspension or revocation of the facility's license and the job duties of the administrator;

(5) is unable to perform as administrator with reasonable skill and safety to residents by reason of any observable or documented condition that impairs the individual in such a way that it endangers the health, safety, or welfare of residents.

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

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

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

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

*History Note: Authority G.S. 131D-2.16; G.S. 131D-2.18; G.S. 131D-4.3; 143B-165;
Eff. April 1, 2017.*

10A NCAC 13G .1503 is proposed for adoption as follows:

10A NCAC 13G .1503 RENEWAL OF ADMINISTRATOR APPROVAL

Beginning January 1, 2017, administrator approvals shall be renewed by the Department on a biennial basis with an expiration date of June 30 of the second year following issuance based on the administrator's submission of course completion certificates issued by the course provider, dated from last approval, initial or renewal, and totaling 30 hours of coursework related to long term care management or the care of aged and disabled persons. Examples of coursework related to long term care management or the care of aged and disabled persons are financial management, human resource management, medication administration, dementia care, diabetic care, managing aggressive behaviors and infection control.

*History Note: Authority G.S. 131D-2.16; G.S. 131D-4.3; 143B-165;
Eff. April 1, 2017.*