

Nursing Home Licensure Rule Fiscal Analysis

No Substantial Fiscal Impact

Agency: Division of Health Service Regulation

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Impact: State government impact: No
Local government impact: No
Federal government impact: No
Substantial economic impact: No

Title of Rule:
10A NCAC 13D .2201 Administrator (amend). See proposed rule in Appendix.

Statutory Authority for Rule:
G.S. 131E-104
G.S. 131E-116

Introductory Note:
There are 417 licensed nursing homes and each one has to have an administrator licensed by the NC Board of Examiners for Nursing Home Administrators to oversee operation of the home.

Background and Rationale for Rule Amendment:
Stakeholders identified the need to update 10 NCAC 13D .2201. We received a complaint that a nursing home did not have an administrator licensed in North Carolina. A federal deficiency was cited and the nursing home responded with an acceptable plan of correction. This was an unusual situation. We also had concern that the word “temporary” was not defined. We wanted to clearly state that the nursing home must have a licensed administrator or one with a temporary license in the proposed amendment. We identified a need to resolve a previous RRC objection related to lack of authority.

Rule Summary and Anticipated Impact
10A NCAC 13D .2201 – Administrator

The agency is proposing to amend this rule. The rule is being amended to eliminate words that are not clear and to eliminate ambiguous requirements. A reference to the NC Board of Examiners for Nursing Home Administrators was added to the rule to clarify that an administrator must have a license or temporary license issued by the State. We removed the word “temporary” and other verbiage that is not in the authority of the Division of Health Service Regulation. The administrator’s compliance with the rules was simplified. To satisfy the RRC objection, language was removed for staff responsibilities for which there was no authority by DHSR. There is a private fiscal impact. There is no state or federal impact.

Fiscal Impact:

There is a private fiscal impact for initial licensure of \$1513.

| Item | Cost |
|--|--------|
| Application Fee | \$250 |
| Administrator-in-Training Classes (6 @ \$150) | \$900 |
| State Exam | \$150 |
| National Association of Long Term Care Administrator Boards (NAB) exam including \$50 State approval | \$400 |
| Fingerprint | \$38 |
| Total Initial Fees | \$1513 |
| License Fee Renewal every two years | \$500 |
| Repeat exam for previously failed attempts | \$150 |

10A NCAC 13D .2201 is proposed for amendment as follows:

10A NCAC 13D .2201 ADMINISTRATOR

- (a) ~~The A~~ facility shall be under the ~~direct management~~ control of an ~~administrator~~. administrator licensed by the North Carolina State Board of Examiners for Nursing Home Administrators or one with a temporary license issued in accordance with G.S. 90-278(3). ~~The administrator shall not serve simultaneously as the director of nursing.~~
- (b) If an administrator is not the sole owner of a facility, his or her authority and responsibility shall be ~~clearly~~ defined in a written agreement or in the facility's governing bylaws.
- (c) The administrator shall be responsible for the operation of a facility on a full-time basis.
- (d) The administrator shall ~~ensure patient services are provided in accordance~~ comply with ~~all applicable local, State and federal regulations and codes, and with acceptable standards of practice that apply to professionals providing such services in the facility.~~ the rules of this Subchapter.
- (e) The administrator shall be responsible for developing and implementing policies for the management and operation of the ~~facility.~~ facility as set forth in 21 NCAC 37B .0204 incorporated herein by reference including subsequent amendments and editions. These rules can be accessed free of charge at <http://reports.oah.state.nc.us/ncac.asp>.
- (f) In the ~~temporary~~ absence of the administrator, a person shall be on-site who is designated to be in charge of the ~~overall~~ facility operation.

*History Note: Authority G.S. ~~90-284; 131E-104; 131E-116;~~
RRC objection due to lack of statutory authority Eff. July 13, 1995;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,
~~2015; 2015.~~
Amended Eff. January 1, 2018.*