

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 843
SENATE BILL 642

1 AN ACT TO PROVIDE FOR THE LICENSING OF NURSING HOME
2 ADMINISTRATORS; TO CREATE THE NORTH CAROLINA STATE BOARD OF
3 EXAMINERS FOR NURSING HOME ADMINISTRATORS; TO PRESCRIBE ITS
4 MEMBERSHIP, POWERS, DUTIES AND FUNCTIONS; TO PROVIDE
5 REQUIREMENTS FOR LICENSURE AS A NURSING HOME ADMINISTRATOR;
6 AND TO PROVIDE FOR LICENSE FEES.

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8 The General Assembly of North Carolina do enact:

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10 **Section 1.** Chapter 90 of the General Statutes is amended by adding a new Article
11 20 as follows:

"Article 20

Nursing Home Administrator Act

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14 **Section 90-275. Title.** This Act shall be known and may be cited as the "Nursing Home
15 Administrator Act."

16 **Section 90-276. Definitions.** For the purposes of this Act, and as used herein:

17 (a) The term "Board" means the North Carolina State Board of Examiners for Nursing
18 Home Administrators hereinafter created.

19 (b) The term "Nursing Home Administrator" means a person who administers,
20 manages, supervises, or is in general administrative charge of a nursing home, whether such
21 individual has an ownership interest in such home, and whether his functions and duties are
22 shared with one or more individuals.

23 (c) The term "Nursing Home" means any institution or facility defined as such for
24 licensing purposes under Section 9(c) of Chapter 130 of the General Statutes, whether
25 proprietary or non-profit, including but not limited to, nursing homes owned or administered by
26 the federal or state government or any agency or political subdivision thereof, and nursing
27 homes operated in combination with a home for the aged or any other facility. Provided, this
28 Act shall not apply to any institution conducted by and for the adherents of any church or
29 religious denomination for the purpose of providing facilities for the care and treatment of the
30 sick who depend solely upon spiritual means through prayer for healing in the practice of the
31 religion of such church or denomination and exempt from licensing, and, notwithstanding any
32 other provision of this Act, no license and registration or provisional license shall be required
33 of any individual responsible for planning, organizing, directing, controlling and administering
34 such institution.

35 **Section 90-277. Composition of Board.** There is hereby created the State Board of Examiners
36 for Nursing Home Administrators which shall consist of six members. The State Health
37 Director or his designee shall be an ex officio member who shall serve as secretary for the
38 Board and have no vote. The Governor shall appoint two members from a list of active
39 administrators of nursing homes certified as such by the State Health Director; one member
40 from a list of active administrators of Non-Profit Nursing Homes certified as such by the State
41 Health Director; one member who is a practicing licensed physician; and one member who is
42 professionally involved in health care training or administration. On the effective date of this
43 Act, three members shall be appointed by the Governor for terms of three years, two members

shall be appointed for two years, and thereafter all terms shall be three years, but no member shall serve more than two consecutive full terms.

Any vacancy occurring in the position of an appointive member shall be filled by the Governor for the unexpired term in the same manner as for new appointments. Appointive members may be removed by the Governor for cause after due notice and hearing. The three nursing home administrators initially appointed to the Board shall be deemed to be and shall become licensed Nursing Home Administrators immediately upon their appointment and qualification as members of the Board.

Section 90-278. Qualifications for Licensure. The Board shall have authority to issue licenses to qualified persons as Nursing Home Administrators, and shall establish qualification criteria for such Nursing Home Administrators.

(a) A license as a Nursing Home Administrator shall be issued to any person upon the Board's determination that:

- (1) he is at least 21 years of age, of good moral character and of sound physical and mental health; and
- (2) he has satisfactorily completed a course in instruction and training prescribed by the Board, which course shall be so designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by nursing homes, the laws governing the operation of nursing homes and the protection of the interests of patients therein, and the elements of good nursing home administration; or have presented evidence satisfactory to the Board of sufficient education, training or experience in the foregoing fields to administer, supervise and manage a nursing home; and
- (3) he has passed an examination administered by the Board and designed to test for competence in the subject matters referred to in subsection (2) hereof.

(b) A provisional license shall be issued to any person upon the Board's determination that he has met the requirements in Subsection (a)(1) hereof and is certified by the State Health Director as having served as administrator of a licensed nursing home for a period of one (1) year immediately preceding the effective date of this Article. All such provisional licenses shall terminate two years after issuance or June 30, 1972, whichever is earlier, and none shall be issued by the Board thereafter.

(c) A temporary license may be issued under requirements and conditions prescribed by the Board to any person to act or serve as administrator of a nursing home without meeting the requirements for full licensure, but only when there are unusual circumstances preventing compliance with the procedures for licensing elsewhere provided by this Act. The temporary license shall be issued by the secretary only for the period prior to the next meeting of the Board, at which time the Board may renew such temporary license for a further period only up to one year.

Section 90-279. Licensing Function. The Board shall license nursing home administrators in accordance with rules and regulations issued and from time to time revised by it. A nursing home administrator's license shall not be transferable and shall be valid until expiration or until suspended or revoked for violation of this Act or of the standards established by the Board pursuant to this Act. Denial of issuance or renewal, suspension or revocation by the Board shall be subject to the provisions of Chapter 150 of the General Statutes entitled "Uniform Revocation of Licenses."

Section 90-280. License Fees; Display of License. Each person licensed as a Nursing Home Administrator shall be required to pay a license fee in an amount to be fixed by the Board, which fee shall not exceed one hundred dollars (\$100.00). A license shall expire on the 30th day of September of the second year following its issuance, and shall be renewable biennially upon payment of a renewal fee, fixed by the Board not to exceed one hundred dollars

1 (\$100.00). Each person licensed as a Nursing Home Administrator shall be required to display
2 his license certificate in a conspicuous place in his place of employment.

3 **Section 90-281. Collection of Funds.** All fees and other moneys collected and received by the
4 Board shall be handled as provided by law and as prescribed by the State Treasurer. Such funds
5 shall be used and expended by the Board to pay the compensation and travel expenses of
6 members and employees of the Board and other expenses necessary for the Board to administer
7 and carry out the provisions of this Article. The financial records of the Board shall be
8 subjected to an annual audit, supervised by the State Auditor, and paid for out of the funds of
9 the Board.

10 **Section 90-282. Advisory Council.** The Board may create an advisory council to make
11 recommendations and to supply information to the Board pertaining to the administration and
12 enforcement of this Act, but the advisory council shall have no executive, administrative, or
13 appointive powers or duties.

14 **Section 90-283. Organization of Board; Compensation; Employees and Services.** The
15 Board shall elect from its membership a chairman and vice-chairman, and shall adopt rules and
16 regulations to govern its proceedings. Board members shall be entitled to receive only such
17 compensation and reimbursement as is prescribed by Chapter 138 of the General Statutes for
18 State Boards generally. At any meeting a majority of the voting members shall constitute a
19 quorum. The Board may, in accordance with the State Personnel Act, employ any necessary
20 personnel to assist it in the performance of its duties and may contract for such services as may
21 be necessary to carry out the provisions of this Article.

22 **Section 90-284. Exclusive Jurisdiction of Board.** The Board shall have exclusive authority to
23 determine the qualifications, skill and fitness of any person to serve as an Administrator of a
24 Nursing Home under the provisions of this Act, and the holder of a license under the provisions
25 of this Act shall be deemed qualified to serve as the Administrator of a Nursing Home for all
26 purposes.

27 **Section 90-285. Functions and Duties of the Board.** The Board shall meet at least once
28 annually in Raleigh or any other location designated by the chairman and shall have the
29 following functions and duties:

30 (a) Develop, impose and enforce rules and regulations setting out standards which must
31 be met by individuals in order to receive and hold a license as a Nursing Home Administrator,
32 which standards shall be designed to insure that Nursing Home Administrators shall be
33 individuals who are of good character and who are otherwise suitable, by training or experience
34 in the field of institutional administration, to serve as nursing home administrators.

35 (b) Develop and apply appropriate methods and procedures, including examination and
36 investigations, for determining whether individuals meet such standards, and administer an
37 examination at least twice each year at such times and places as the Board shall designate.

38 (c) Issue licenses to qualified individuals; and for cause, after due notice and hearing,
39 revoke, suspend, or deny renewal of licenses previously issued by the Board in any case where
40 the individual holding such license is determined substantially to have failed to conform to the
41 requirements of such standards.

42 (d) Establish and implement procedures designed to insure that individuals licensed as
43 Nursing Home Administrators will, during any period that they serve as such, comply with the
44 requirements of such standards.

45 (e) Receive, investigate, and take appropriate action with respect to any charge or
46 complaint filed with the Board to the effect that any individual licensed as a Nursing Home
47 Administrator has failed to comply with the requirements of such standards.

48 (f) Conduct a continuing study and investigation of nursing homes and Nursing Home
49 Administrators within the state in order to make improvements in the standards imposed for the
50 licensing of Administrators and of procedures and methods for the enforcement of such

standards, and to raise the quality of nursing home administration in such other ways as may be effective.

(g) Conduct, or cause to be conducted by contract or otherwise, one or more courses of instruction and training sufficient to meet the requirements of this Article, and make provisions for the conduct of such courses and their accessibility to residents of this state, unless it finds that there are sufficient courses conducted by others within this state. In lieu thereof the Board may approve courses conducted within and without this state as sufficient to meet the education and training requirements of this Article.

(h) Make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the State to meet the requirements set forth in Section 1908 of the Social Security Act, the Federal rules and regulations promulgated thereunder, and other pertinent Federal authority.

(i) Receive and disburse any funds appropriated or given to the Board, including any Federal funds, to carry out the purposes of this Act.

(j) Maintain a register of all applications for licensing and registration of nursing home administrators, which register shall show: The place or residence, name and age of each applicant; the name and address of employer or business connection of each applicant; the date of application; information of educational and experience qualifications; the action taken by the Board and the dates; the serial number of the license issued to the applicant; and such other pertinent information as may be deemed necessary.

Section 90-286. Renewal of License. Every holder of a Nursing Home Administrators license shall renew it biennially, by making application to the Board. Renewals of licenses shall be granted as a matter of course, unless the Board finds that the applicant has acted or failed to act in such a manner, or under circumstances, as would constitute grounds for suspension, revocation, or denial of renewal of a license, as provided by this Act and the rules and regulations issued pursuant to this Act.

Section 90-287. Reciprocity with Other States. The Board may issue a nursing home administrators license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction, provided that the Board finds that the standards for licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this State, and that the applicant is otherwise qualified.

Section 90-288. Misdemeanor. It shall be unlawful and constitute a misdemeanor punishable upon conviction by a fine or imprisonment in the discretion of the court, (a) for any person to act or serve in the capacity as, or hold himself out to be, a Nursing Home Administrator, or use any title, sign, or other indication that he is a Nursing Home Administrator, unless he is the holder of a valid license as a Nursing Home Administrator, issued in accordance with the provisions of this Article, and (b) for any person to violate any of the provisions of this Article or any rules and regulations issued pursuant thereto."

Sec. 2. G.S. 150-9, as it appears in the 1967 Cumulative Supplement Volume 3C, is amended by adding the words and punctuation, "the North Carolina State Board of Examiners for Nursing Home Administrators" following the comma and preceding the word "and" in the next to last line thereof.

Sec. 3. If any section or provision of this Act shall be declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances shall be held invalid, the constitutionality and validity of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby, and to this end the sections and provisions of this Act are declared to be severable.

Sec. 4. All laws and clauses of laws in conflict with any of the provisions of this Act are hereby repealed.

Sec. 5. This Article shall take effect on July 1, 1969, but no licenses shall be required or issued prior to October 1, 1969.

1 In the General Assembly read three times and ratified, this the 16th day of June,
2 1969.