

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 722
HOUSE BILL 969

AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-34.12 is amended in the list by deleting the line "Chapter 90, Article 20, entitled 'Nursing Home Administration Act.'"

Sec. 2. G.S. 143-34.13 is amended by adding at the beginning of the list the line "Chapter 90, Article 20, entitled 'Nursing Home Administration Act.'"

Sec. 3. G.S. 90-276(2) is amended by deleting the last sentence.

Sec. 4. G.S. 90-277 is amended by rewriting the first paragraph to read:

"There is created the State Board of Examiners for Nursing Home Administrators. The Board shall consist of seven members. The seven members shall be voting members and shall meet the following criteria:

- (1) All shall be individuals representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients.
- (2) Less than a majority of the Board members shall be representative of a single profession or institutional category.
- (3) Three of the Board members shall be licensed nursing home administrators, and shall be considered as representatives of institutions in construing this section.
- (4) Four of the Board members shall be public, noninstitutional members, with no direct financial interest in nursing homes.
- (5) The terms of the Board members shall be limited to two consecutive terms."

Sec. 5. G.S. 90-278(1)b. is rewritten to read:

- "(1) b. He has satisfactorily completed a course prescribed by the Board, which course contains instruction on the services provided by nursing homes, laws governing nursing homes, protection of patient interests and nursing home administration and he has presented evidence satisfactory to the Board of sufficient education, training and experience in the foregoing fields to administer a nursing home; and".

Sec. 6. G.S. 90-278(2) is repealed.

Sec. 7. G.S. 90-278(3) is amended in the second sentence by deleting the word "secretary" and by substituting the word "chairman".

Sec. 8. G.S. 90-282 is repealed.

Sec. 9. G.S. 90-283 is amended by rewriting the first sentence to read:

"The Board shall elect from its membership a chairman, vice-chairman and secretary, and shall adopt rules and regulations to govern its proceedings."

Sec. 10. G.S. 90-285(1) is amended by deleting the phrase "who are otherwise suitable, by training or experience" and by substituting the phrase: "who are otherwise suitable, by education, training and experience".

Sec. 11. G.S. 90-285(3) is rewritten to read:

- "(3) Issue licenses to qualified individuals;".

Sec. 12. Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-285.1. Suspension, revocation or refusal to issue a license. — The Board may suspend, revoke, or refuse to issue a license or may reprimand or otherwise discipline a licensee after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that a licensee:

- (1) has violated the provisions of this Article or the rules adopted by the Board;
- (2) has violated the provisions of G.S. 130-9(e) and rules promulgated thereunder;
- (3) has been convicted of, or has tendered and has had accepted a plea of no contest to, a criminal offense showing professional unfitness;
- (4) has practiced fraud, deceit, or misrepresentation in securing or procuring a nursing home administrator license;
- (5) is incompetent to engage in the practice of nursing home administration or to act as a nursing home administrator;
- (6) has practiced fraud, deceit, or misrepresentation in his capacity as a nursing home administrator;
- (7) has committed acts of misconduct in the operation of a nursing home under his jurisdiction;
- (8) is a habitual drunkard;
- (9) is addicted or dependent upon the use of morphine, opium, cocaine, or other drugs recognized as resulting in abnormal behavior;
- (10) has practiced without being registered biennially;
- (11) has transferred or surrendered possession of, either temporarily or permanently, his license or certificate to any other person;
- (12) has paid, given, has caused to be paid or given or offered to pay or to give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home patronage;
- (13) has been guilty of fraudulent, misleading, or deceptive advertising;
- (14) has falsely impersonated another licensee;
- (15) has failed to exercise regard for the safety, health or life of the patient;
- (16) has permitted unauthorized disclosure of information relating to a patient or his records; or
- (17) has discriminated among patients, employees, or staff on account of race, sex, religion, color, or national origin."

Sec. 13. G.S. 90-286 is amended by adding a new sentence to read as follows:

"The Board is without power to adopt any rule imposing a continuing education requirement for license renewal. However, the Board shall certify and administer courses in continuing education for nursing home administrators and shall keep a record of such courses completed successfully by each licensee."

Sec. 14. Any rule promulgated pursuant to G.S. 90-286 regarding the imposition of continuing education requirements is hereby repealed.

Sec. 15. Any rules promulgated pursuant to the rule-making powers of the Board under Article 20 of Chapter 90 of the General Statutes shall be ineffective after October 1, 1981, unless readopted by the Board prior to that date.

Sec. 16. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 29th day of June, 1981.