

Article 20A.

Assisted Living Administrator Act.

§ 90-288.10. Title.

This Article shall be known as the Assisted Living Administrator Act. (1999-443, s. 1.)

§ 90-288.11. Purpose.

The administrators of assisted living residences are responsible for the residents who require daily care to attend to their physical, mental, and emotional needs. Therefore, the certification of assisted living administrators is necessary to ensure adequate levels of care across the State and to protect public health, safety, and welfare. (1999-443, s. 1.)

§ 90-288.12. Certification required; exemptions.

(a) No person shall perform or offer to perform services as an assisted living administrator unless the person has been certified under the provisions of this Article. A certificate granted under this Article shall be valid throughout the State.

(b) The provisions of this Article shall not apply to:

- (1) Combination homes as defined in G.S. 131E-101 and hospitals that contain adult care beds.
- (2) Family care homes as defined in G.S. 131D-2.1(9).
- (3) Continuing care facilities, as defined in Article 64 of Chapter 58 of the General Statutes, if adult care beds are housed in the same facility as nursing home beds. (1999-443, s. 1; 2009-462, s. 4(b).)

§ 90-288.13. Definitions.

The following definitions apply in this Article:

- (1) Administrator-in-training. – An individual who serves a training period under the supervision of an approved preceptor.
- (2) Assisted living administrator. – An individual certified to operate, administer, manage, and supervise an assisted living residence or to share in the performance of these duties with another person who has been so certified.
- (3) Assisted living residence. – A facility defined in G.S. 131D-2.1(5), whether proprietary or nonprofit. The term also includes institutions or facilities that are owned or administered by the federal or State government or any agency or political subdivision of the State government.
- (4) Department. – The Department of Health and Human Services.
- (5) Preceptor. – An individual who is certified by the Department as an assisted living administrator and who meets the requirements established by the Department to serve as a supervisor of administrators-in-training. (1999-443, s. 1; 2009-462, s. 4(c).)

§ 90-288.14. Assisted living administrator certification.

The Department shall certify as an assisted living administrator any applicant who meets all of the following qualifications:

- (1) Is at least 21 years old.
- (2) Provides a satisfactory criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of

Investigation upon its receiving fingerprints from the applicant. If the applicant has been a resident of this State for less than five years, the applicant shall provide a satisfactory criminal background report from both the State and National Repositories of Criminal Histories.

- (2a) Does not have a substantiated finding of neglect, abuse, misappropriation of property, diversion of drugs, or fraud listed on the Health Care Personnel Registry established under G.S. 131E-256.
- (3) Has a high school diploma or its equivalent and successfully completes the equivalent of two years of coursework at an accredited college or university, or has a minimum of 60 months of supervisory experience, or has a combination of education and experience as approved by the Department. For purposes of this section, "supervisory experience" means having full-time, direct management responsibility, including some responsibility for hiring and firing, over the equivalent of at least two full-time employees with direct resident care responsibilities. Such supervisory experience shall have been in a licensed adult care home or licensed nursing home within the seven years preceding the date of application.
- (4) Successfully completes a Department approved administrator-in-training program of at least 120 hours of study in courses relating to assisted living residences.
- (5) Successfully completes a written examination administered by the Department. (1999-443, s. 1; 2019-180, s. 2.)

§ 90-288.14A. Approval for nursing home administrators to serve as adult care home administrators.

The Department shall approve as an adult care home administrator any individual licensed as a nursing home administrator under Article 20 of this Chapter who, within 90 calendar days after commencing employment as an adult care home administrator, successfully completes the written examination administered by the Department for assisted living administrator certification. An individual approved as an adult care home administrator pursuant to this section is deemed to meet the requirements of G.S. 90-288.14 and may renew his or her assisted living administrator certification pursuant to G.S. 90-288.15. (2018-5, s. 11G.1(b); 2018-97, s. 3.8.)

§ 90-288.15. Issuance, renewal, and replacement of certificates.

(a) The Department shall issue a certificate to any applicant who has satisfactorily met the requirements of this Article. The certificate shall show the full name of the person and an identification number and shall be signed by the Secretary of the Department. A certificate may not be transferred or assigned.

(b) All certificates shall expire on December 31 of the second year following issuance. All applications for renewal shall be filed with the Department and shall be accompanied by documentation of the certificate holder's completion of the annual continuing education requirements established by the Department regarding the management and operation of an assisted living residence.

(c) The Department shall replace any certificate that is lost, destroyed, or mutilated subject to rules established by the Department. (1999-443, s. 1.)

§ 90-288.15A. Fees.

The Department may impose fees not to exceed the following amounts:

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| (1) Assisted Living Administrator Examination Fee | \$50.00 |
| (2) Assisted Living Administrator Certificate Renewal Fee | \$30.00 |

every two years.

(2010-31, s. 10.36A(b).)

§ 90-288.16. Certification by reciprocity.

The Department may grant, upon application, a certificate to a person who holds a valid certificate as an assisted living community administrator issued by another state if, in the Department's determination, the standards of competency for the certificate are substantially equivalent to those in this State. (1999-443, s. 1.)

§ 90-288.17. Posting certificates.

Every person issued a certificate under this Article shall display the certificate prominently in the assisted living residence where the person works. (1999-443, s. 1.)

§ 90-288.18. Adverse action on a certificate.

(a) Subject to subsection (b) of this section, 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.

(b) The provisions of Chapter 150B of the General Statutes shall govern all administrative action and judicial review in cases where the Department has taken action as described in subsection (a) of this section. A petition for a contested case shall be filed within 30 days after the Department mails the certificate holder a notice of its decision to deny a renewal application, or to recall, suspend, or revoke an existing certificate. (1999-443, s. 1.)

§ 90-288.19. Reporting requirement.

The holder of a facility license issued under G.S. 131D-2.4 shall report any incidents of suspected abuse, neglect, or exploitation of persons residing in an assisted living residence by a person certified under this Article to the Health Care Personnel Registry. (1999-443, s. 1; 2009-462, s. 4(d).)

§ 90-288.20. Penalties.

A person who serves as an assisted living administrator without first obtaining a certificate from the Department is guilty of a Class 1 misdemeanor. Each act of unlawful practice constitutes a distinct and separate offense. (1999-443, s. 1.)