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Document No. 4852

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS**

CHAPTER93

Statutory Authority: 1976 Code Sections 40‑1‑70 and 40‑35‑60

93‑60. Board of Examiners; Officers and Duties.

93‑70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation and parole.

93‑80. Administrator‑in‑Training Program Requirements.

93‑110. Examination; Scheduling and Grading.

93‑130. Provisional Licenses.

**Synopsis:**

 The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93‑60 to correct the Board name, 93‑70(D) to conform to the mandates of statute, 93‑80(D) to clarify employment requirements for preceptors, 93‑110(B) to remove a phrase indicating an examination is two parts; 93‑110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re‑take the exam; and 93‑130 to delete language regarding the failure to appear for an examination.

 A Notice of Drafting was published in the *State Register* on August 24, 2018.

**Instructions:**

 Replace regulation as shown below. All other items and sections remain unchanged.

**Text:**

93‑60. Board of Long Term Health Care Administrators; Officers and Duties.

 A. The Board shall elect annually from among its members a chairman and vice‑chairman who together shall constitute the executive committee.

 B. The chairman shall preside at all meetings of the Board and shall sign all official documents of the Board, unless otherwise assigned to the Executive Director. In the absence of the chairman, the vice chairman shall preside at meetings and perform all duties usually performed by the chairman.

93‑70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.

 A. In addition to the requirements in South Carolina Code Ann. Section 40‑35‑40(B), the following combination of education and experience shall be acceptable for consideration of a community residential care facility administrator:

 (1) A South Carolina licensed nursing home administrator that has been a practicing nursing home administrator for two or more years shall not be required to have on‑site work experience at a community residential care facility under the supervision of a licensed community residential care facility administrator.

 B. A person applying to become an administrator of a facility licensed under this article including, but not limited to, nursing homes and community residential care facilities shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine state criminal history and a federal fingerprint review to be conducted by the Federal Bureau of Investigation to determine other criminal history. If a fee is charged by the Federal Bureau of Investigation for the fingerprint review, it must be paid by the person applying for administrator. Where facility licensees are governmental agencies, the criminal background check must be obtained on the individual who is the administrator of the governmental facility. The Board may deny an application for licensure where the results of the check meet the misconduct provisions of these regulations.

 C. Any applicant who has been declared ineligible to take the examination shall be given written notification by the Board of disqualification, the reasons, and his right to a hearing.

 D. If an applicant has been convicted of a felony or misdemeanor involving moral turpitude by any state or federal court of competent jurisdiction thereof, the applicant may not be permitted to take the examination for licensure. If the applicant submits to the Board a copy of the certificate of pardon granted by the board of parole that indicates, among other things, that the applicant has completed all sentences including all periods of probation or parole, the Board may consider this document in its review of prior criminal convictions. In the case of a conviction in any jurisdiction wherein the laws do not provide for a certificate of pardon, an equivalent written statement or document may be submitted.

93‑80. Administrator‑in‑Training Program Requirements.

 A. A person shall be permitted to participate in the AIT program who submits sound evidence satisfactory to the board that the candidate meets the following criteria:

 (1) Nursing home administrator AIT candidates must have earned a Baccalaureate degree or higher from an accredited college or university or must be enrolled in a course of study that will award such a degree on completion.

 (a) For nursing home administrator AIT candidates with a Baccalaureate degree or higher in health care administration or a related health care degree, the duration of an AIT internship shall be six months.

 (b) For nursing home administrator AIT candidates with a Baccalaureate degree other than a health care administration degree, the duration of an AIT internship shall be nine months.

 (2) Community residential care facility administrator AIT candidates must have earned at least an Associate’s degree from an accredited college or university or must be enrolled in a course of study that will award such a degree upon completion.

 (a) For community residential care facility administrator AIT candidates with a Baccalaureate degree or higher, the duration of the AIT internship shall be three months.

 (b) For community residential care facility administrator AIT candidates with a health related Associate’s degree, the duration of the AIT internship shall be six months.

 (c) For community residential care facility administrator AIT candidates with a nonhealth‑related Associate’s degree or who are licensed practical nurses, the duration of the AIT internship shall be nine months.

 B. An AIT candidate must register with the Board by completing a Board‑approved form and submitting the registration fee of $25.00. After approval the Board shall issue an AIT training permit to the applicant valid for up to one year. If the preceptor or AIT terminates the program, the Board will invalidate the permit immediately.

 C. The candidate may indicate a preceptor of his choice from a list of Board‑approved preceptors. It shall be the responsibility of the candidate to contact the preceptor to determine if the preceptor will accept the AIT. Once a preceptor accepts an AIT, this must be reported to the Board. The preceptor shall not train an employer or supervisor.

 D. The preceptor shall meet the following criteria:

 (1) Currently licensed in this state;

 (2) Have no disciplinary sanctions against the license;

 (3)(a) The Nursing Home Administrator preceptor shall be licensed for three years preceding the date of application as a preceptor, be a licensed nursing home administrator and be employed by the facility licensed pursuant to the regulations promulgated by the Department of Health and Environmental Control.

 (b) The Community Residential Care Facility Administrator preceptor shall be licensed for two years preceding the date of application as a preceptor, be a licensed community residential care administrator and be employed by a facility, with at least 24 beds, licensed pursuant to the regulations promulgated by the Department of Health and Environmental Control.

 E. The preceptor must register on an approved form with the Board. The Board may, for good cause, refuse to approve or renew a preceptor.

 F. A preceptor shall supervise no more than one AIT concurrently.

 G. The preceptor will evaluate the background and experience of the AIT to determine specific areas of concentration. The preceptor and AIT will then design a course of study and present it to the Board for approval. The curriculum shall follow the guidelines set forth in a standards manual approved by the Board. A recoupment fee for the manual not to exceed $50.00 will be imposed on the preceptor.

 H. The preceptor shall maintain a current checklist in the facility tracking progress of the AIT. This checklist may be requested and reviewed at any time by the Board. On completion of the program, the checklist shall be submitted with the final report and evaluation.

 I. At the end of the AIT program, the preceptor will submit a final report and evaluation of the AIT on Board approved forms stating whether the AIT has satisfactorily completed all requirements. The final report and evaluation will become part of the AIT’s permanent record with the Board.

 J. Any change in preceptor requires notice to and approval by the Board. An internship which has been discontinued by a period of military service shall be allowed to be completed within a year after the service. The Board must receive notice in the event of discontinuance of training for any other reason and the AIT must comply with section (B) upon recommencement of the program.

 K. The preceptor shall notify the AIT of his performance as the program progresses. If the performance is not acceptable, the preceptor will inform the AIT, and the AIT will be given the opportunity to correct the deficiencies.

 L. Following the completion of the AIT program:

 (1) the nursing home administrator AIT may apply for licensure as a nursing home administrator as delineated in Regulation 93‑70 but is not required to complete any of the qualifying work experience set forth in Regulation 93‑70(A)(1).

 (2) the community residential care facility administrator AIT may apply for licensure as a community residential care facility administrator as delineated in Regulation 93‑70 but is not required to complete any of the qualifying work experience set forth in Regulation 93‑70(A)(2).

93‑110. Examination; Scheduling and Grading.

 A. Examinations are available year round through computer‑based testing.

 B. The Board shall administer the examinations.

 (1) Nursing home administrator applicants will sit for an examination. The national portion is prepared by the National Association of the Boards of Examiners for Long Term Care Administrators (NAB). The South Carolina portion is prepared by the South Carolina Board and examines applicants on regulations promulgated by the Department of Health and Environmental Control as they relate to Nursing Homes.

 (2) Community Residential Care Facility Administrator applicants will sit for an examination. The national portion is prepared by the National Association of the Boards of Examiners for Long Term Care Administrators (NAB). The South Carolina portion is prepared by the South Carolina Board relating to regulations promulgated by the Department of Health and Environmental Control as they relate to Community Residential Care Facilities.

 C. The content, form, and character of the examination shall be the same for all applicants on any one examination.

 D. The grade standards shall be provided to each applicant prior to the examination.

 E. Every nursing home applicant for licensure shall be required to pass the NAB examination. In addition, each applicant must pass a State examination approved by the board at a raw score of seventy‑five (75%) percent.

 F. Every community residential care facility applicant shall be required to pass the NAB examination. In addition, the applicant must pass a State examination approved by the board with a raw score of seventy‑five (75%) percent.

 G. The Board shall provide to each applicant who completes an examination a report of their examination scores. Applicants shall be provided with a documented report of the results of each examination.

 H. The Board shall not disclose the grade levels achieved by an applicant to anyone outside the Board except upon written authorization of the applicant.

 I. A nursing home applicant who is sitting for the first time for both the national and South Carolina portions of the examination and who receives a passing score in either portion shall be entitled to receive credit for the portion passed and to be re‑examined during the next scheduled examination only on the portion not passed. Credit for passing either portion of the examination may be extended upon the approval of the Board.

 J. A community residential care facility applicant who is sitting for the first time for both the national and South Carolina portions of the examination and who receives a passing score in either portion shall be entitled to receive credit for the portion passed and to be re‑examined during the next scheduled examination only on the portion not passed. Credit for passing either portion of the examination may be extended upon the approval of the Board.

 K. An applicant who has failed to pass the examination three times must petition the Board if he desires to pursue licensure.

93‑130. Provisional Licenses.

 A. In the event of an unexpected vacancy caused by the death of an administrator, departure of an administrator, or similar event, the Board may issue a provisional license to an applicant who has met the requirements in South Carolina Code Ann. Section 40‑35‑40 and as provided in regulation and has paid the initial application fee, but who has not passed the examination.

 B. An applicant for a provisional license shall submit a complete application. The application shall also include a letter from the owner of the facility of which the applicant will be appointed the administrator or from an officer of the facility’s board of directors, which states all of the following:

 (1) The need for a provisional license;

 (2) The name of the appointed administrator;

 (3) The date of the appointment;

 (4) A specific request that the Board issue a provisional license to the named administrator.

 C. An applicant shall remit the provisional license fee after receiving notice that the application has been approved. A letter of provisional licensure shall be issued after receipt of the fee.

 D. The Department of Health and Environmental Control shall be notified of the issuance of each provisional license.

 E. A provisional license will expire 90 days from issue or upon the issue of an initial license, whichever occurs first. A request for extension must be made in writing prior to the expiration date and must state extenuating circumstances if the provisional licensee has not taken the appropriate examination. No provisional license can be renewed so as to extend more than 180 days from the date first issued.

 F. If the provisional nursing home licensee does not pass either the national or South Carolina portions of the examination, the provisional license will be extended until the applicant takes the next scheduled examination, provided the facility engages the services of a consultant administrator for a minimum of sixteen (16) hours per month. The consultant administrator must have a minimum of two years of experience operating a facility. If the applicant fails the examination the second time, the provisional license will be terminated at the end of the provisional license period.

 G. If the provisional community residential care facility licensee does not pass either the national or South Carolina portions of the examination, the provisional license will be extended until the next scheduled examination, provided the community residential care facility engages the services of a consultant administrator for a minimum of sixteen (16) hours per month. The consultant administrator must have at least two years experience of operating a facility. If the provisional licensee fails the examination the second time, the provisional license will be terminated at the end of the provisional license period.

 H. All applicable fees apply for the second application and second examination.

 I. A provisional license cannot be transferred to another individual.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

 The updated regulations will delete certain language within R.93‑70(D) as it exceeds statutory authority. Additionally, the proposed regulations would amend: R.93‑60 to correct the Board name from “Examiners” to “Long Term Health Care Administrators”; 93‑80(D) to clarify employment requirements for preceptors; 93‑110 to remove a phrase indicating an examination is two parts; 93‑110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re‑take the exam and 93‑130 to delete language regarding the failure to appear for an examination.