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**BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS**

CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-70, 40-35-5 through 40-35-136, 40-35-230

93-50. General Definitions.

93-65. Operating a Facility Without a License.

93-110. Examination; Scheduling and Grading.

93-210. Reinstatement of Lapsed License.

**Synopsis:**

 To satisfy the requirements of licensure for long term health care administrators, Regulations 93-50, 93-65, 93-110, and 93-210 are updated in conformance with the current Long Term Health Care Administrators Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

**Instructions:**

The following sections of Chapter 93 are modified as provided below. All other items and sections remain unchanged.

**Text:**

93-50. General Definitions.

Whenever used in these regulations, unless expressly stated otherwise, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

A. "Accredited college or university" means a college or university whose accreditation is recognized by the Council on Higher Education Accreditation (CHEA) and the United States Department of Education.

B "Applicant" means a person who submits all materials necessary for evaluation of credentials including an application form, references, college or university transcripts, fees, and if applicable, a request for a provisional license.

C. "Board" means the South Carolina State Board of Long Term Health Care Administrators.

D. "Community residential care facility" means any facility defined for licensing purposes under law or pursuant to regulations for community residential care facilities promulgated by the South Carolina Department of Health and Environmental Control, whether proprietary or nonprofit.

E. "Community residential care facility administrator" means a person who has attained the required education and experience, is otherwise qualified, has been issued a license by the Board and is eligible to administer, manage, supervise, or be in administrative charge of a community residential care facility.

F. "Continuing education credit" is defined as one contact hour of a planned program of teaching-learning that has been approved by an organization empowered by the Board to award credit for continuing education.

G. "Dual licensee" means a person who holds a license as a nursing home administrator and a community residential care facility administrator.

H. "Habilitation center for persons with intellectual disabilities or persons with related conditions" means a facility which is licensed by the Department of Health and Environmental Control that serves four or more persons with intellectual disabilities or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

I. "Inactive license" means a license issued to an administrator who is not working as an administrator in a nursing home or as an administrator in a community residential care facility.

J. "Licensee" means an approved applicant who has passed the examination, as prescribed by the Board, has paid all the fees, and has been issued a current license by the Board.

K. "Nursing home" means any institution or facility defined as such for licensing purposes under law or pursuant to regulations for nursing homes promulgated by the South Carolina Department of Health and Environmental Control, whether proprietary or nonprofit, including, but not limited to, nursing homes owned or administered by the State or political subdivision thereof. The definition does not include habilitation centers for the persons with intellectual disabilities or persons with related conditions.

L. "Nursing home administrator" means a person who has attained the requisite education and experience, is otherwise qualified, and has been issued a license by the Board and is eligible to administer, manage, supervise, or be in administrative charge of a nursing home.

M. "Person" means an individual and does not include the following: a firm, a corporation, an association, a partnership, or any other group of individuals.

N. "Practical experience in nursing home administration" means full time employment (minimum of 36 hours per week) under the on-site supervision of a licensed Nursing Home Administrator in a state licensed nursing home. The number of years of experience required is dependent on educational preparation as delineated in 93-70. The beginning administrator or intern shall be responsible and accountable for a minimum of six months, by providing supervision in at least two of the three following areas:

1. Business and fiscal management;

2. A direct patient-care service, such as nursing, physical, occupational, or speech therapy, chaplaincy, social work, activities;

3. A supporting service, such as dietary, maintenance, engineering, laundry, environmental services, or pharmacy.

O. "Practice of nursing home administration" means the managing, supervising or general administration of a nursing home.

P. "Practice of community residential care facility administration" means the managing, supervising or general administration of a community residential care facility.

Q. "Provisional license" means a temporary license that is issued when substantiated by need when an applicant who meets examination qualifications has been appointed the administrator of a nursing home or a community residential care facility which is without a licensed administrator in charge.

R. "Qualified intellectual disability professional" means a person who, by training and experience, meets the requirements of applicable federal law and regulations for a qualified intellectual disability professional, as determined by the South Carolina Department of Disabilities and Special Needs.

S. "Related health care administration" means the administration of a facility that provides direct nursing care on a twenty-four hour basis to persons who require health services because of illness, age, or chronic disability. Administration of a Retirement/Residential Care Facility is not accepted as related health care administration.

T. "Administrator-in-Training (AIT)" is a person participating in a Board approved training program within a nursing home or a community residential care facility under the supervision of a Board approved preceptor.

U. "Preceptor" is a person who is a licensed nursing home administrator or a licensed community residential care facility administrator and meets the requirements of the Board to supervise an administrator-in-training during the training period as delineated in 93-80.

93-65. Operating a Facility Without a License.

A. No nursing home or community residential care facility within the State may operate except under the supervision of a licensed administrator.

B. Violation of the following standards will be considered an unprofessional act that is likely to harm the public.

(1) For combinations of Community Residential Care Facilities and/or other licensed facilities, having the same licensee, on one property, regardless of the number of beds, one full-time licensed administrator must be on site or available during normal business hours.

(2) For one Community Residential Care Facility with more than ten beds on one property, there must be a full-time licensed administrator on site or available during normal business hours.

(3) For one Community Residential Care Facility with ten beds or fewer on one property, there must be an administrator who is on site a minimum of twenty hours per week with time spent in the facility during normal business hours, equitably distributed daily.

(4) When a combination situation exists that does not comply with item (1) above, a second facility must be ten or fewer beds and be within the same five number zip code or no further than a twenty mile radius of the combination site, and the work hours of the administrator must be equitably distributed daily during normal business hours.

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 a two-part 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 a two-part 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 before he takes 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 notified of the results of each examination by mail only.

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 fails to pass the examination may apply to re-take the examination once. An applicant who has failed the examination twice must petition the Board if he desires to pursue licensure.

93-210. Reinstatement of Lapsed License.

A. An administrator previously duly licensed in this State whose license shall not have been revoked or suspended but whose license has lapsed for failure to renew on or before the expiration date of his license may seek to reinstate the license within a one-year period after the expiration date by submitting an application with the annual renewal fee and a penalty fee as listed on Attachment A for reinstating the lapsed license, provided that the continuing education requirements in 93-200 are met.

B. If the lapsed license period is more than one year, the individual shall meet the requirements in 93-70.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

 These regulations are updated in conformance with the current Long Term Health Care Administrators Practice Act.