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Indicates New Matter

AMENDED

March 5, 2014

**H. 4550**

Introduced by Rep. Parks

S. Printed 3/5/14--H.

Read the first time January 23, 2014.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Labor, Licensing and Regulation estimates this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 40‑35‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING LONG TERM HEALTH CARE ADMINISTRATORS, SO AS TO REVISE AND ADD NECESSARY DEFINITIONS; TO AMEND SECTION 40‑35‑40, RELATING TO THE LICENSURE OF LONG TERM HEALTH CARE ADMINISTRATORS, SO AS TO REVISE LICENSURE CRITERIA; AND TO AMEND SECTION 40‑35‑200, RELATING TO THE PROHIBITION AGAINST A PERSON ACTING OR SERVING IN THE CAPACITY OF A NURSING HOME ADMINISTRATOR OR RESIDENTIAL CARE FACILITY ADMINISTRATOR WITHOUT A LICENSE, SO AS TO MAKE A CONFORMING CHANGE.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑35‑20 of the 1976 Code is amended to read:

“Section 40‑35‑20. As used in this chapter:

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

(2) ‘Board’ means the South Carolina Board of Long Term Health Care Administrators.

(3) ‘Community residential care facility’ or ‘CRCF’ means a facility defined for licensing purposes under law or pursuant to regulations for community residential care facilities by the Department of Health and Environmental Control, whether proprietary or nonprofit.

(4) ‘Community residential care facility administrator’ or ‘CRCFA’ 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.

(5) ‘Consumer’ means a person who is or has been a resident of a nursing home or community residential care facility.

(6) ‘Department’ means the Department of Labor, Licensing and Regulation.

(7) ‘Habilitation center for persons with intellectual disability or persons with related conditions’ means a facility which is licensed by the Department of Health and Environmental Control and that serves four or more persons with intellectual disability 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.

(8) ‘Nursing home’ means an institution or facility defined for licensing purposes under law or pursuant to regulations for nursing homes promulgated by the Department of Health and Environmental Control, whether proprietary or nonprofit including, but not limited to, nursing homes owned or administered by the State or a political subdivision of the State. The term does not include habilitation centers for persons with intellectual disability or persons with related conditions.

(9) ‘Nursing home administrator’ or ‘NHA’ 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.

(10) ‘Practical experience in nursing home administration’ means ~~a minimum of thirty‑six hours per week~~ full‑time employment, with a minimum of thirty‑six hours each week, under the on‑site supervision ~~of~~ by a licensed nursing home administrator in a ~~state licensed~~ state‑licensed nursing home~~, and in the case of a beginning administrator, this includes providing, for a minimum of six months, supervision in at least two of these areas~~. The number of years experience required depends on educational preparation as provided in R.93‑70. During the on‑site supervision by a licensed NHA, the applicant is responsible and accountable for at least a six‑month period in at least two of the following areas:

(a) business and fiscal management;

(b) a direct patient‑care service ~~including, but not limited to,~~ such as nursing, physical therapy, occupational therapy, speech therapy, chaplaincy, social work, or activities; and

(c) a supporting service ~~including, but not limited to,~~ such as dietary, maintenance, engineering, laundry, environmental services, or pharmacy.

(11) ‘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 Department of Disabilities and Special Needs.

(12) ‘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. ~~This does not include administration of a continuing care retirement/residential care facility.~~ Administration of a CRCF or an Independent Living Community is not considered related health care administration.

(13) ‘Community residential care facility administrator work experience’ means on‑site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed CRCFA in a licensed CRCF.

(14) ‘Work experience in a health related field other than in a Community Residential Care Facility’ means a satisfactory demonstration through the application for licensure that the applicant has sufficient knowledge of and experience with business and fiscal management responsibilities, coordinating patient care, and direct contact in a health care facility as determined by the board.

(~~13~~15) ‘Sponsor’ means a person who is financially or legally responsible for an individual currently residing in a nursing home or residential care facility.”

SECTION 2. Section 40‑35‑40 of the 1976 Code is amended to read:

“Section 40‑35‑40. (A) The board shall issue a nursing home administrator license to a person who submits evidence satisfactory to the board that the person:

(1) is at least twenty‑one years of age;

(2) has not been convicted of any criminal act that is relevant to the practice of nursing home administration, including financial misconduct or physical violence;

(3) is of reputable and responsible character and is of sound physical and mental health sufficient to perform the duties of a nursing home administrator;

(4)(a) has a baccalaureate degree or higher in ~~nursing home~~ health care administration or related health care ~~administration~~ degree from an accredited college or university and one year of practical experience in nursing home administration or related health care administration;

(b) has a baccalaureate degree other than in health care administration from an accredited college or university and two years of practical experience in nursing home administration or related health care administration; ~~or~~

(c) has a health‑related associates degree from an accredited college or university and three years of practical experience in nursing home administration or related health care administration; or

(~~c~~d) has a combination of education and experience as established by the board in regulation;

(5) has successfully completed the nursing home administrators’ examination administered by the board; and

(6) has paid the applicable fees.

(B) The board shall issue a community residential care facility administrator license to a person who submits evidence satisfactory to the board that the person:

(1) is at least twenty‑one years of age;

(2) has not been convicted of any criminal act that is relevant to the practice of community residential care facility administration, including financial misconduct or physical violence;

(3) is of reputable and responsible character and is of sound physical and mental health sufficient to perform the duties of a community residential care facility administrator.

(4)(a) has a ~~minimum of an associate degree~~ nonhealth‑related associates degree or is a licensed practical nurse with at least one year of on‑site work experience of at least three hundred eighty‑four hours with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator;  ~~however, a person who has a health‑related associate degree or higher is required to have only six months of on‑site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator; or~~

(b) ~~had at least three months of on‑site work experience under the supervision of a licensed community residential care facility administrator and has a:~~

~~(i)~~ ~~health‑related baccalaureate degree and at least two years’ work experience, as defined by the board, in a health‑related field other than in a community residential care facility; or~~

~~(ii)~~ ~~nonhealth‑related baccalaureate degree with at least three years’ work experience, as defined by the board, in a health‑related field other than in a community residential care facility; or~~ has a health‑related associates degree with at least nine months of on‑site work experience of at least two hundred eighty‑eight hours with supervisory and direct resident care responsibilities under the supervision of a licensed CRCFA;

(c) has a baccalaureate degree or higher with at least six months of on‑site work experience of at least one hundred ninety‑two hours with supervisory and direct resident care responsibilities under the supervision of a licensed CRCFA;

(~~c~~d) has a combination of education and experience as established by the board in regulation; or

(e) provided, however, a person initially licensed as a community residential care facility administrator before July 1, 2000, must have at least a high school diploma or the equivalent and at least two years of on‑site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator;

(5) has successfully completed the community residential care facility administrators’ examination administered by the board and has paid the established fees.

(C) The board may establish qualifications in regulation for the issuance of a combined nursing home administrator and community residential care facility administrator license.

(D) An applicant for a nursing home administrator license or a community residential care facility administrator license 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. In addition to the fingerprint fee, the results of the reviews must be furnished to the board by the applicant before initial licensure.

(E) An applicant for a nursing home administrator license or a community residential care facility administrator license shall provide a current credit report before initial licensure.

(F) An application must be submitted on forms prescribed by the department and developed in consultation with the board.”

SECTION 3. Section 40‑35‑200(B) of the 1976 Code is amended to read:

“(B) It is unlawful for a person to act or serve in the capacity of a nursing home administrator or community residential care facility administrator unless the person is licensed in accordance with this chapter.”

SECTION 4. This act takes effect upon approval by the Governor.

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