

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

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HOUSE BILL 512
Committee Substitute Reported Without Prejudice 4/21/99

Short Title: Assisted Living Administrators.

(Public)

Sponsors:

Referred to:

March 22, 1999

A BILL TO BE ENTITLED
AN ACT TO LICENSE ASSISTED LIVING RESIDENCE ADMINISTRATORS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 20A.

"ASSISTED LIVING ADMINISTRATOR ACT.

"§ 90-288.10. Title.

This Article shall be known as the Assisted Living Administrator Act.

"§ 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 licensure of assisted living administrators is necessary to ensure adequate levels of care across the State and to protect public health, safety, and welfare.

"§ 90-288.12. License required; exemptions.

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

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

- 1 (1) Hospitals or nursing homes that have adult care beds.
- 2 (2) Family care homes as defined in G.S. 131D-2(a)(5).
- 3 (3) Continuing care facilities as defined in Article 64 of Chapter 58 of the
4 General Statutes.

5 **"§ 90-288.13. Definitions.**

6 The following definitions apply in this Article:

- 7 (1) Administrator-in-training. – An individual who serves a training period
8 under the supervision of an approved preceptor.
- 9 (2) Assisted living administrator. – An individual licensed to operate,
10 administer, manage, and supervise an assisted living residence or to
11 share in the performance of these duties with another person who has
12 been so licensed.
- 13 (3) Assisted living residence. – A facility defined in G.S. 131D-2(a)(1d),
14 whether proprietary or nonprofit. The term also includes institutions or
15 facilities that are owned or administered by the federal or State
16 government or any agency or political subdivision of the State
17 government.
- 18 (4) Department. – The Department of Health and Human Services.
- 19 (5) Preceptor. – An individual who is licensed by the Department as an
20 assisted living administrator and who meets the requirements
21 established by the Department to serve as a supervisor of
22 administrators-in-training.

23 **"§ 90-288.14. Department authority.**

24 The Department shall have the power and duty to promulgate rules and regulations for
25 the operation of adult care homes as defined in G.S. 131D-2(a)(1b).

26 **"§ 90-288.15. Assisted living administrator license.**

27 An applicant shall be licensed by the Department as an assisted living administrator if
28 the applicant meets all of the following qualifications:

- 29 (1) Is at least 21 years old.
- 30 (2) Provides a criminal background report from the State and National
31 Repositories of Criminal Histories, which shall be provided by the State
32 Bureau of Investigation upon its receiving fingerprints from the
33 applicant.
- 34 (3) Has no physical or mental disabilities that would hinder the applicant's
35 ability to perform the duties of an assisted living administrator.
- 36 (4) Successfully completes the equivalent of two years of coursework at an
37 accredited college or university or has a combination of education and
38 experience as approved by the Department.
- 39 (5) Successfully completes a Department approved administrator-in-
40 training program of at least 120 hours of study in courses relating to
41 assisted living residences.
- 42 (6) Successfully completes a written examination administered by the
43 Department.

1 **"§ 90-288.16. Issuance, renewal, and replacement of licenses.**

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

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

11 (c) The Department shall replace any license that is lost, destroyed, or mutilated
12 subject to rules established by the Department.

13 **"§ 90-288.17. Licensure by reciprocity.**

14 The Department may grant, upon application, a license to a person who holds a valid
15 license as an assisted living community administrator issued by another state if, in the
16 Department's determination, the standards of competency for the license are substantially
17 equivalent to those in this State.

18 **"§ 90-288.18. Posting licenses.**

19 Every person issued a license under this Article shall display the license prominently
20 in the assisted living residence where the person works.

21 **"§ 90-288.19. Suspension, revocation, and refusal to renew a license.**

22 The Department may deny or refuse to renew a license, suspend, or revoke any
23 license for any of the following:

- 24 (1) Violation of any provision of this Article or any rule adopted by the
25 Department.
- 26 (2) Violation of the standards or rules of the Social Services Commission as
27 they relate to assisted living residences.
- 28 (3) Obtaining or attempting to obtain a license by bribery or fraudulent
29 misrepresentation.
- 30 (4) Serving as an assisted living administrator without a license issued by
31 the Department.
- 32 (5) Transferring or assigning a license issued by the Department.
- 33 (6) Gross malpractice or gross incompetency as determined by the
34 Department.
- 35 (7) Advertising by means of knowingly false or deceptive statements.
- 36 (8) Permitting the unauthorized disclosure of resident information.
- 37 (9) Violation of the Adult Care Home Residents' Bill of Rights as provided
38 in Article 3 of Chapter 131D of the General Statutes.

39 **"§ 90-288.20. Reporting requirement.**

40 The holder of a facility license issued pursuant to G.S. 131D-2 shall report any
41 incidents of suspected abuse, neglect, or exploitation of persons residing in an assisted
42 living residence by a person licensed under this Article to the Health Care Personnel
43 Registry.

1 **"§ 90-288.21. Penalties.**

2 A person who violates any of the provisions of this Article is guilty of a Class 1
3 misdemeanor. Each act of unlawful practice constitutes a distinct and separate offense."

4 Section 2. G.S. 131D-2(a)(1b) reads as rewritten:

5 "(1b) "Adult care home" is an assisted living residence in which the housing
6 management provides 24-hour scheduled and unscheduled personal care
7 services to two or more residents, either directly or, for scheduled needs,
8 through formal written agreement with licensed home care or hospice
9 agencies. Some licensed adult care homes provide supervision to
10 persons with cognitive impairments whose decisions, if made
11 independently, may jeopardize the safety or well-being of themselves or
12 others and therefore require supervision. Medication in an adult care
13 home may be administered by designated, trained staff. Adult care
14 homes that provide care to two to six unrelated residents are commonly
15 called family care homes. ~~Adult care homes and family care homes are~~
16 ~~subject to licensure by the Division of Facility Services."~~

17 Section 3. Notwithstanding the provisions of G.S. 90-288.15, as enacted in
18 Section 1 of this act, the Department may grant a license to practice as an assisted living
19 administrator to a person who has been actively engaged as an assisted living
20 administrator for four years, completes a written examination administered by the
21 Department, and is registered with the Division of Facility Services on or before
22 December 31, 1999. All persons who do not make application to the Department within
23 one year of the effective date of this act shall be required to complete the requirements
24 provided in G.S. 90-288.15.

25 Section 4. This act is effective when it becomes law.