

1 10A NCAC 13F .1702 is adopted with changes as published in 31:06 NCR, pp. 474-478, as follows:

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3 **10A NCAC 13F .1702 ADVERSE ACTION ON CERTIFICATION**

4 (a) The Department shall deny, suspend, or revoke the certification of an administrator ~~when~~ if the administrator or
5 applicant administrator:

- 6 (1) has not completed ~~30 hours biennially of~~ the continuing education credits as required by Rule .1703
7 of this Section;
- 8 (2) has been convicted by any jurisdiction of a felony unless rights of citizenship have been restored
9 and all of the following have been considered and determined by the Department to allow
10 certification:
- 11 (A) the date of conviction;
- 12 (B) the circumstances surrounding the committing of the crime, if known;
- 13 (C) the nexus between the criminal conduct of the person and ~~job duties;~~ the duties of an
14 administrator; and
- 15 (D) the prison, jail, probation, parole, ~~rehabilitation~~ rehabilitation, and employment records of
16 the person since the date the crime was committed;
- 17 (3) has been convicted by any jurisdiction of a misdemeanor unless all terms of the judgment imposed
18 for said misdemeanor have been met and the following have been considered and determined by the
19 Department to allow certification:
- 20 (A) the date of conviction;
- 21 (B) the circumstances surrounding the committing of the crime, if known;
- 22 (C) the nexus between the criminal conduct of the person and ~~job duties;~~ the duties of an
23 administrator; and
- 24 (D) the prison, jail, probation, parole, ~~rehabilitation~~ rehabilitation, and employment records of
25 the person since the date the crime was committed;
- 26 (4) was the administrator of an adult care home or family care home whose license was summarily
27 suspended pursuant to G.S. ~~131D-2.7(e);~~ 131D-2.7(c) or a notice of revocation of the facility's
28 license was issued pursuant to G.S. 131D-2.7(b). In these circumstances, the Department shall take
29 into consideration the length of time the administrator was serving in that capacity at the facility and
30 the nexus between the reason for the summary suspension or revocation of the facility's license and
31 the job duties of the ~~administrator;~~ administrator in deciding whether to deny, suspend, or revoke
32 the certification of an administrator;
- 33 (5) is unable to perform as administrator with reasonable skill and safety to residents by reason of any
34 observable or documented ~~condition~~ condition, such as dementia or other disease condition known
35 to result in irreversible cognitive deterioration or drug or alcohol dependency, that impairs the
36 individual in such a way that it endangers the health, safety, or welfare of ~~residents.~~ residents;

- 1 (6) tested positive for a controlled substance or refused to consent to drug testing according to G.S.
 2 131D-45;
- 3 (7) prior or subsequent to applying for administrator certification, has a finding on the North Carolina
 4 Health Care Personnel Registry pursuant to G.S. 131E-256; or
- 5 (8) fails to report any arrest or conviction for a felony or misdemeanor to the Department within ten
 6 days ~~any~~ after such arrest or conviction for a felony or misdemeanor conviction.

7 (b) The Department shall suspend the certification of an administrator ~~due to any arrest with a~~ who has been arrested
 8 because of alleged criminal conduct, if the relationship between the alleged criminal conduct and ~~job~~ the
 9 administrator's duties that has been determined by the Department to indicate indicates a need to seek action in order
 10 to further protect facility residents pending adjudication by a court. Serving as an administrator while the
 11 administrator's certification is suspended shall be grounds for revocation of certification. Examples of criminal
 12 conduct the Department may consider in relation to ~~job~~ the administrator's duties ~~are~~ include fraud, physical assault,
 13 theft, abuse, neglect, exploitation, and drug diversion.

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 15 *History Note:* Authority G.S. 90-288.18; G.S. 131D-2.16; G.S. 131D-2.18; G.S. 131D-4.3; 143B-165;
 16 Eff. April 1, 2017.