

1 10A NCAC 13G .0406 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13G .0406 OTHER STAFF QUALIFICATIONS**

4 (a) Each staff person of a family care home shall:

- 5 (1) have a job description that reflects ~~actual~~ the positions, duties and responsibilities and is  
6 signed by the administrator and the employee;
- 7 (2) be able to ~~apply~~ implement all of the family care home's accident, fire ~~safety~~ safety, and emergency  
8 procedures for the protection of the residents;
- 9 (3) be informed of the confidential nature of resident information and shall protect and preserve ~~such~~  
10 the information from unauthorized use and ~~disclosure~~; disclosure, in accordance with  
11 Note: G.S. 131D-2(b)(4), G.S. 131D-21(6), and G.S. 131D-21.1 govern the disclosure of such the  
12 information; G.S. 131D-21.1;
- 13 (4) not hinder or interfere with the exercise of the rights guaranteed under the Declaration of Residents'  
14 Rights in G.S. 131D-21;
- 15 (5) have no substantiated findings listed on the North Carolina Health Care Personnel Registry  
16 according to G.S. 131E-256;
- 17 (6) have documented annual immunization against influenza virus according to G.S. 131D-9, except as  
18 documented otherwise according to exceptions in this law.
- 19 (7) have a criminal background check in accordance with ~~G.S. 114-19.10~~ and G.S. 131D-40;
- 20 (8) have results of the examination and screening for the presence of controlled substances in  
21 accordance with G.S. 131D-45;
- 22 (8)(9) maintain a ~~valid~~ current driver's license if responsible for transportation of residents; and
- 23 (9)(10) be willing to ~~work~~ cooperate with ~~bona fide~~ state and local inspectors ~~and the monitoring and~~  
24 ~~licensing agencies toward meeting and maintaining~~ when determining and maintaining compliance  
25 with the rules of this Subchapter.

26 (b) ~~Any~~ At all times, there shall be at least one staff ~~member~~ person in the facility left in charge of ~~the~~ resident care  
27 ~~of residents who~~ shall be 18 years or older.

28 (c) If licensed practical nurses are employed by the facility and practicing in their licensed capacity as governed by  
29 ~~their practice act and occupational licensing laws,~~ the North Carolina Board of Nursing, there shall be ~~continuous~~  
30 ~~availability~~ of a registered nurse consistent available in accordance with the rules set forth in ~~Rules 21 NCAC 36~~  
31 ~~.0224(i) .0224 and 21 NCAC 36 .0225. .0225,~~ which are hereby incorporated by reference including subsequent  
32 amendments.

33 ~~Note: The practice of licensed practical nurses is governed by their occupational licensing laws.~~

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35 *History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165;*

36 *Eff. January 1, 1977;*

37 *Readopted Eff. October 31, 1977;*

1                    *Amended Eff. April 1, 1984;*  
2                    *Temporary Amendment Eff. December 1, 1999;*  
3                    *Amended Eff. July 1, 2000;*  
4                    *Temporary Amendment Eff. September 1, 2003;*  
5                    *Amended Eff. June 1, ~~2004~~ 2004;*  
6                    *Readopted Eff. October 1, 2022.*