

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

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

- (1) have a job description that reflects the position's duties, and responsibilities and is signed by the administrator and the employee;
- (2) be able to implement all of the family care home's accident, fire safety, and emergency procedures for the protection of the residents;
- (3) be informed of the confidential nature of resident information and shall protect and preserve the information from unauthorized use and disclosure, in accordance with G.S. 131D-21(6), and G.S. 131D-21.1;
- (4) not hinder or interfere with the exercise of the rights guaranteed under the Declaration of Residents' Rights in G.S. 131D-21;
- (5) have no findings listed on the North Carolina Health Care Personnel Registry according to G.S. 131E-256;
- (6) have documented annual immunization against influenza virus according to G.S. 131D-9, and exceptions as provided in the law shall be documented in the staff person's personnel record;
- (7) have a criminal background check completed in accordance with G.S. 131D-40 and results available in the staff person's personnel file;
- (8) have an examination and screening for the presence of controlled substances completed in accordance with G.S. 131D-45 and results available in the staff person's personnel file;
- (9) maintain a current driver's license if responsible for transportation of residents; and
- (10) be willing to cooperate with state and local inspectors when determining and maintaining compliance with the rules of this Subchapter.

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

(c) If licensed practical nurses are employed by the facility and practicing in their licensed capacity as governed by the North Carolina Board of Nursing, there shall be a registered nurse available in accordance with the rules set forth in 21 NCAC 36 .0224 and 21 NCAC 36 .0225, which are hereby incorporated by reference including subsequent amendments.

*History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165;  
Eff. January 1, 1977;  
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