

SUBCHAPTER 37B – DEPARTMENTAL RULES

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 37B .0101 AUTHORITY: NAME & LOCATION OF BOARD

The "North Carolina State Board of Examiners for Nursing Home Administrators," subsequently herein referred to as the "Board," is established and authorized by G.S. 90, Article 20. The Board's physical location and mailing address is: 3733 National Drive, Suite 110, Raleigh, North Carolina 27612. The Board's website address is www.ncbenha.org.

*History Note: Authority G.S. 90-277;
Eff. April 1, 1996;
Amend Eff. July 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0102 ELECTION OF OFFICERS

The Board shall, at the first meeting subsequent to January 1 of each year, elect a chairperson, vice-chairperson and secretary. Vacancies in the officers' terms, occurring from death, resignation, disability or expiration of Board service, shall be filled by election at the next Board meeting following the vacancy.

*History Note: Authority G.S. 90-283;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0103 LICENSED ADMINISTRATOR REQUIRED

Only nursing homes supervised by an administrator licensed in accordance with the requirements of G.S. 90, Article 20 and these Rules may operate in this state.

*History Note: Authority G.S. 90-276; 90-284; 90-285; 90-288; 42 C.F.R. 431.701; 42 C.F.R. 431.703;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0104 FEES

Fees may be paid in the form of check, money order, or cashier's check made payable to NC State Board of Examiners for Nursing Home Administrators or NCBENHA. Payments will be accepted by credit card through the Board's website only. All credit card payments will include a convenience/processing fee.

*History Note: Authority G.S. 90-280;
Eff. May 1, 2023.*

SECTION .0200 - DEFINITIONS

21 NCAC 37B .0201 ADMINISTRATOR OF RECORD

"Administrator of Record" means the licensed administrator who is physically present in the facility for an amount of time sufficient to assure the facility's substantial compliance with applicable state and federal laws and rules.

*History Note: Authority G.S. 90-285;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

21 NCAC 37B .0202 LICENSE

The license is a permanent certificate. An additional current two-part registration card is issued each time a licensee renews his license. One part is to be affixed to and displayed with the license. The second part provided is a wallet card.

History Note: Authority G.S. 90-280; 90-285;
Eff. February 1, 1976;
Amended Eff. April 8, 1977;
Readopted Eff. October 1, 1981; December 15, 1977;
Amended Eff. May 1, 1989;
Transferred and Recodified from 21 NCAC 37A .0909 Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37B .0203 NATIONAL EXAM

The term "National Exam" as used in these Rules means the examination provided by the National Association of Boards of Examiners for Nursing Home Administrators.

History Note: Authority G.S. 90-278;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37B .0204 PRACTICE OF NURSING HOME ADMINISTRATION

"Practice of nursing home administration" means the performance of any act or the making of any decision involved in the planning, organizing, directing, and/or control of the operation of a nursing home.

History Note: Authority G.S. 90-285;
Eff. February 1, 1976;
Readopted Eff. October 1, 1981; December 15, 1977;
Transferred and Recodified from 21 NCAC 37A .0105 Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.

21 NCAC 37B .0205 STATE EXAM

The term "State Exam" as used in these Rules means the examination provided by this Board regarding North Carolina state laws and rules concerning nursing homes.

History Note: Authority G.S. 90-278;
Eff. April 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.