

## SUBCHAPTER 37F – TEMPORARY LICENSES

### SECTION .0100 – TEMPORARY LICENSE REQUIREMENTS

#### **21 NCAC 37F .0101 PREREQUISITES FOR TEMPORARY LICENSURE**

(a) The Chairman of the Board may issue a temporary license through the Executive Director for an initial period of time from issuance until the next Board meeting to an individual temporarily filling the position of a nursing home administrator provided one of the circumstances in Paragraph (b) of this Rule exists and the prerequisites for temporary license in Paragraph (c) of this Rule have been met.

(b) The nursing home shall prove to the satisfaction of the Board that it is not currently being administered by a temporary licensee, and at least one of the following circumstances exists:

- (1) sudden death of the licensed administrator;
- (2) unexpected transfer of the licensed administrator; or
- (3) unforeseeable termination of the licensed administrator.

(c) An individual applying for a temporary license shall:

- (1) be at least 18 years of age;
- (2) be of good moral character;
- (3) be of sound physical and mental health; and
- (4) have previously served as a licensed administrator in another state, served as assistant administrator in a nursing home for at least two years, served as director of nursing in a nursing home for at least one year, or be otherwise comparably qualified. If the applicant is licensed in any other states, the applicant shall provide evidence that he is currently licensed in good standing in each other state.

(d) The Board may approve an application for one renewal of up to six additional months of a temporary license if the nursing home submits evidence satisfactory to the Board that at least one of the circumstances listed in Paragraph (b) of this Rule occurred at the facility after the initial approval of the current temporary license.

*History Note: Authority G.S. 90-278; 90-279; 90-285;  
Eff. February 1, 1980;  
Amended Eff. April 15, 1980;  
Readopted Eff. October 1, 1981;  
Amended Eff. May 1, 1989; December 1, 1983;  
Transferred and Recodified from 21 NCAC 37A .1001 Eff. April 1, 1996;  
Amended Eff. July 1, 2000; April 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*

#### **21 NCAC 37F .0102 ISSUANCE OF TEMPORARY LICENSE**

(a) An applicant for a temporary license shall submit the following items:

- (1) a completed application;
- (2) a resume;
- (3) three reference forms (one employer and two character) located on the Board's website as set forth in Rule 21 NCAC 37D .0203:
  - (A) the Employer Reference Form shall include the address of employment and duties assigned; and
  - (B) the Character Reference Form shall include how the individual knows the applicant and whether the applicant is capable of supervising the care of residents of a skilled facility. No character reference shall be from a relative of the applicant;
- (4) a letter from the owner or regional manager requesting the issuance of a Temporary License for the facility stating the circumstances necessitating the issuance of the license; and
- (5) the processing fee of five hundred dollars (\$500.00).

(b) After an applicant is issued a temporary license he or she shall submit a fingerprint card, necessary forms, and the required fee for a criminal background check, and pass the state examination administered by the Board at the next exam date to retain the temporary license. The forms and fees for the criminal background check is available in the Board office and on the Board's website.

- (c) A temporary license may be extended at the discretion of the Board in accordance with the requirements of Rule .0101(d) of this Section.
- (d) A temporary license shall be issued to the applicant to permit him or her to practice only in the nursing home to which the applicant is assigned on the date of issuance.
- (e) If the Board extends the temporary license, no further fee shall be required.

*History Note: Authority G.S. 90-278; 90-280; 90-285; 90-288.01;  
Eff. February 1, 1980;  
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Temporary Amendment Eff. August 15, 1999;  
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Amended Eff. January 1, 2021.*