



North Carolina Department of Health and Human Services  
Division of Health Service Regulation

Pat McCrory  
Governor

Richard O. Brajer  
Secretary

Mark Payne, Director  
Health Service Regulation

September 7, 2016

***Via email only (govops@ncleg.net)***

Joint Legislative Commission on Governmental Operations  
Joint Commission Assistant  
Fiscal Research Division

RE: Request for consultation for Assisted Living Administrator Certification Renewal Fee

Dear Committee Members:

The N.C. Medical Care Commission is submitting this request for consultation on a proposed rule adoption to impose a fee for Assisted Living Administrator Certificate Renewal in accordance with N.C. Gen. Stat. §12-3.1 and §90-288.15A. The proposed rule, 10A NCAC 13F .1703, would define the processes used by the Adult Care Licensure Section of the Division of Health Service Regulation in the Department of Health and Human Services (DHSR/DHHS) for renewing administrator certificates. The proposed rule adoption will be published in the N.C. Register on September 15, 2016 and a copy of the proposed rule is enclosed.

Currently, there are no rules governing the Assisted Living Administrator Certification process required by N.C. Gen. Stat. §90 Article 20A, the Assisted Living Administrator Act, carried out by Adult Care Licensure Section of DHSR/DHHS that include the renewal fee. Historically, applicants have been charged \$30 to renew their Assisted Living Administrator Certificate every two years in accordance with N.C. Gen. Stat. §90-288.15A. No applicant has ever objected to paying this fee.

Amount of Current Fee/Amount of Proposed Fee/Statutory Authority for Fee

With no Assisted Living Administrator Certification renewal fee amount in current rule, there is a need to propose a rule defining the process used by the agency for administrator certification renewal that also includes collecting a renewal fee of \$30 in accordance with N.C. Gen. Stat. §90-288.15A.

Explanation of the Need for Fee

The Assisted Living Administrator Certification renewal fee is specifically provided for as part of the Assisted Living Administrator Act in N.C. Gen. Stat. §90-288.15A, Fees. To be an administrator of a licensed Adult Care Home (commonly known as Assisted Living facility) and to manage and operate the home, an applicant is issued an administrator certificate after successfully completing criteria outlined in N.C. Gen. Stat. §90-288.14, including an administrator-in-training program. The certificate expires on December 31 of the second year following issuance. All administrators who wish to renew their



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certificates to be able to work in a licensed Adult Care Home as an Assisted Living Administrator must renew their certificate by submitting continuing education documentation, as defined in N.C. Gen. Stat. §90-288.15, and by submitting a fee, as defined in N.C. Gen. Stat. §90-288.15A. To cover the costs of enforcing the provisions of the statute for administrator certificate renewal, the Adult Care Licensure Section of DHSR/DHHS charges this fee. Putting the administrator certification renewal fee in the proposed rule adoption corrects a deficiency of not having this fee in current rule.

Please let us know if you have questions or require further information.

Sincerely,

A handwritten signature in cursive script, reading "Nadine Pfeiffer".

Nadine Pfeiffer, Rule-Review Manager  
Division of Health Service Regulation

Attachment

cc: Dr. John Fagg, MD, Chair, N.C. Medical Care Commission  
Mark Payne, Director, Health Service Regulation  
Joel Johnson, Assistant General Counsel, DHHS  
Megan Lamphere, Chief, Adult Care Licensure  
Emery Milliken, Deputy Director, DHSR

1 10A NCAC 13F .1703 is proposed for adoption as follows:

2  
3 **10A NCAC 13F. 1703 RENEWAL OF ADMINISTRATOR CERTIFICATION**

4 Administrator certification shall be renewed by the Department pursuant to G.S. 90-288.15 based on the  
5 administrator's biennial submission of course completion certificates issued by the course provider, dated from last  
6 certification, initial or renewal, and totaling 30 hours of coursework related to long term care management or the care  
7 of aged and disabled persons, and a renewal fee of thirty dollars (\$30.00) pursuant to G.S. 90-288.15A. Examples of  
8 coursework related to long term care management or the care of aged and disabled persons are financial management,  
9 human resource management, medication administration, dementia care, diabetic care, managing aggressive behaviors  
10 and infection control.

11  
12 *History Note: Authority G.S. 90-288.15; G.S. 90-288.15A; G.S. 131D-2.16; G.S. 131D-4.3; 143B-165;*  
13 *Eff. April 1, 2017.*