

**SOUTH CAROLINA BOARD OF LONG TERM HEALTH CARE  
ADMINISTRATORS SPECIAL CALLED MEETING**

August 16, 2024 at 9:30 AM - WebEx  
110 Centerview Drive, Kingstree Building  
Columbia, South Carolina 29210

This meeting will be held using video and teleconference. Members of the public who wish to attend may do so by telephone or the internet. For telephone or internet logon information, please email [contact.lthca@llr.sc.gov](mailto:contact.lthca@llr.sc.gov).

**1. Call to Order**

- a. Public notice of this meeting was properly posted at the S.C. Board of Long Term Health Care Administrators office, Synergy Business Park, Kingstree Building, and on the board website and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

**2. New Business**

**A. Draft Changes to Long Term Health Care Administrator Regulations-Chapter 93**

**3. Adjournment**

**The next meeting will be held August 23, 2024**

## 2024 LTHC REGULATION PROPOSED CHANGES OVERVIEW

Regulation	Summary of Changes	Items for Discussion
93-50. General Definitions.	<ul style="list-style-type: none"> <li>• Change from “AIT” to “AIR”</li> <li>• Minor edits to “Dual licensee definition”</li> <li>• Minor edits to “Inactive licensee”</li> <li>• Need to clarify “On site or available” definition</li> </ul>	<ul style="list-style-type: none"> <li>• Are we still good with the way the definition of CEU?</li> <li>• What organizations have we approved to award credit?</li> <li>• Does the definition for “On site or available” match intent (consider clarification as currently requires no in-person availability)?</li> </ul>
93-60. Board of Examiners; Officers and Duties.	<ul style="list-style-type: none"> <li>• Change from “Executive Director” to “ Board Executive”</li> </ul>	
93-65. Operating a Facility Without a License.	<ul style="list-style-type: none"> <li>• Still needs editing</li> </ul>	<ul style="list-style-type: none"> <li>• Need Board to clarify intent</li> </ul>
93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.	<ul style="list-style-type: none"> <li>• Recommend inclusion of non-degree route based upon experience</li> <li>• Adding language for dual licensee</li> <li>• Updates to criminal background check language based on statutory change</li> </ul>	<ul style="list-style-type: none"> <li>• Does Board want experience-based licensure without degree?</li> </ul>
93-75. Health Services Executive Certification Designation.	<ul style="list-style-type: none"> <li>• New section based on MN and NV language</li> </ul>	<ul style="list-style-type: none"> <li>• We can’t create a new license type, but we can offer an HSE designation to a dual license</li> </ul>

Regulation	Summary of Changes	Items for Discussion
93-80. Administrator-in-Residency Program Requirements.	<ul style="list-style-type: none"> <li>• Change from AIT to AIR throughout</li> <li>• Addition of dual licensee AIR path</li> <li>• Addition of language limiting CEU credit to successful preceptorships at Board’s discretion</li> <li>• Adding requirement that license held by preceptor is same as the license sought by the AIR participant</li> <li>• Addition of “or its designee” for preceptor changes</li> <li>• Correction of language regarding result of completion of AIR program</li> <li>• Statement prohibiting AIR candidate from being left in sole charge of facility</li> </ul>	<ul style="list-style-type: none"> <li>• Do we want the preceptor to hold the same license the AIR participant is seeking?</li> <li>• Do we want a bed count employment requirement added to dual licensee preceptor qualifications?</li> <li>• Are we ok with Board Executive or Board Member appointed by Board to approve preceptor changes without a Board appearance?</li> <li>• We don’t want AIR candidate in sole charge of facility, right?</li> </ul>
93-110. Examination; Scheduling and Grading.	<ul style="list-style-type: none"> <li>• Clarifying language that NAB determines a passing score, not the Board</li> </ul>	<ul style="list-style-type: none"> <li>• Do we want to clarify that the passed portions of the exam do not have to be retaken at any point while candidate is still attempting examination? Add a numerical limit to number of attempts? Or a time limit within which all sections must be passed? Or we can delete and decide case-by-case?</li> </ul>
93-130. Provisional Licenses.	<ul style="list-style-type: none"> <li>• Likely need to change language that the fee will not be required until the provisional application is approved</li> </ul>	<ul style="list-style-type: none"> <li>• Patrice, do we notify DHEC/DPH of each provisional license issued? If not, Vito, who would the appropriate individual to whom to provide this information?</li> </ul>
93-150. Inactive or Retired Status Licenses.	<ul style="list-style-type: none"> <li>• Added clarification that application to reactivate must be approved prior to an individual serving as administrator of a facility</li> </ul>	<ul style="list-style-type: none"> <li>• Would the Board consider removing these license statuses?</li> <li>• Can we establish a limit to the number of remedial CEUs?</li> </ul>
93-160. Registration of Licenses.	<ul style="list-style-type: none"> <li>• Added dual license language</li> </ul>	
93-170. Display of Certificate and Normal Work Hours.	<ul style="list-style-type: none"> <li>• Added dual license language</li> </ul>	

Regulation	Summary of Changes	Items for Discussion
93-200. Continuing Education for Relicensure.		<ul style="list-style-type: none"> <li>The Board needs to approve “methods, procedures, and criteria for approving programs of continuing education” [Another task force, or would a Board member like to take this own individually or delegate to Patrice and then to Board for final approval?]</li> </ul>
93-210. Reinstatement of Lapsed License.	<ul style="list-style-type: none"> <li>Added requirement for lapses longer than 5 years</li> </ul>	<ul style="list-style-type: none"> <li>Is requirement for submission of a full application ok?</li> </ul>
93-220. Complaints.	<ul style="list-style-type: none"> <li>Removed statement regarding file confidentiality; file is maintained in accordance with LLR policies and procedures and does not need to be delineated in regulation</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
93-230. Suspension and Revocation of License.	<ul style="list-style-type: none"> <li>Changed language to match statutory language</li> <li>Updated language regarding criminal charges to include crimes related to LTHC administration</li> <li>Reorganization</li> </ul>	
93-250. Conduct of Hearing.	<ul style="list-style-type: none"> <li>Added catchall for discipline</li> </ul>	<ul style="list-style-type: none"> <li>Likely won’t make it through Legislative Committee, but worth a shot to increase Board’s options for discipline</li> </ul>

Document No. TBD

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
STATE BOARD OF LONG TERM CARE ADMINISTRATORS  
CHAPTER 93**

**Text:**

93-50. General Definitions.

Whenever used in these regulations, unless expressly stated otherwise, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

A. “Administrator-in-~~Training (AIT)~~Residency (AIR)” is a person participating in a Board-approved training program within a nursing home or a community residential care facility under the supervision of a Board-approved preceptor.

B. “Applicant” means a person who submits all materials necessary for evaluation of credentials including an application form, references, college or university transcripts, fees, and if applicable, a request for a provisional license.

C. “Continuing education credit” is defined as one (1) contact hour of a planned program of teaching-learning that **has been approved by an organization empowered by the Board to award credit** for continuing education.

D. “Direct Resident Care Responsibilities” shall mean activities performed by a caregiver that are specific to a resident. Direct resident care activities are as follows:

(1) “Hands-on” care of physical assistance, including, but not limited to, assistance with activities of daily living (e.g. bathing, dressing, eating, range of motion, toileting, transferring, and ambulation); assistance with medical treatments; and/or medication administration;

(2) Assistance with physical or psychosocial assessments; and

(3) Documentation, if conducted for treatment or care purposes.

E. “Dual licensee” or “Dual Licensed Administrator” means a person who holds a license authorizing the licensee to practice as a nursing home administrator and/or a community residential care facility administrator.

F. “Equitably distributed” means either:

(1) Four (4) hours may be scheduled each day, Monday through Friday, or

(2) Up to five (5) hours can be accumulated on Saturday and Sunday, and, if hours are accumulated on weekends, the hours worked Monday through Friday must be distributed over portions of at least three (3) days.

G. “Full time” means no fewer than thirty (30) hours per week.

H. "Health Services Executive" (HSE)" is an individual who has completed the qualification requirements through the National Association of Long Term Care Administrator Boards (NAB). It is not a license and does not grant the holder of this qualification any additional privilege under the statute.

I. "Inactive license" means a license issued to an administrator who has submitted the appropriate Board-approved application and paid the associated fee to have their license placed in inactive status. A holder of an inactive license is not working is not authorized to work as an administrator in a nursing home ~~or as an administrator in a~~ and/or community residential care facility.

J. "Licensee" means an approved applicant who has met all qualifications for licensure, including passing the required examinations, as prescribed by the Board, has paid all fees, and has been issued a current license by the Board.

K. "Normal ~~B~~business ~~H~~hours" means the hours between 0700 (7:00 a.m.) and 1900 (7:00 p.m.).

L. "On site or available" means accessible directly or by electronic means and able to respond immediately. [is the intention to NOT require ANY in-person availability? Combined with R.93-65 that is the effect!]

M. "Person" means an individual and does not include the following: a firm, a corporation, an association, a partnership, or any other group of individuals.

N. "Practice of nursing home administration" means the managing, supervising, or general administration of a nursing home.

O. "Practice of community residential care facility administration" means the managing, supervising, or general administration of a community residential care facility.

P. "Preceptor" is a person who is a licensed nursing home administrator, ~~or a licensed community residential care facility administrator,~~ or a dual licensed administrator and meets the requirements of the Board to supervise an administrator-in-training residency during the training period as delineated in R.93-80.

Q. "Provisional license" means a temporary license that is issued when substantiated by need when an applicant who meets licensure qualifications has not passed the required examinations. A provisional license may only be issued to qualified applicants when a licensed facility is unexpectedly without a licensed administrator in charge as delineated in R.93-130.

#### 93-60. Board of Examiners; Officers and Duties.

A. The Board shall elect annually from among its members a chairman and vice-chairman who together shall constitute the executive committee.

B. The chairman shall preside at all meetings of the Board and shall sign all official documents of the Board, unless otherwise assigned to the Board Executive Director. In the absence of the chairman, the vice chairman shall preside at meetings and perform all duties usually performed by the chairman.

#### 93-65. Operating a Facility Without a License.

A. No nursing home or community residential care facility within the State may operate except under the supervision of a licensed administrator.

B. Violation of the following standards will be considered an unprofessional act that is likely to harm the public.

[The section below is hard to understand; please explain what we are trying to say so it can be reworded for clarity]

(1) For combinations of ~~C~~community ~~R~~residential ~~C~~care ~~F~~facilities and/or other licensed facilities, having the same licensee, on one property, regardless of the number of beds, one (1) full-time licensed administrator must be on site or available during normal business hours.

(2) For one ~~C~~community ~~R~~residential ~~C~~care ~~F~~facility with more than ten (10) beds on one property, there must be a full-time licensed administrator on site or available during normal business hours.

(3) For one ~~C~~community ~~R~~residential ~~C~~care ~~F~~facility with ten (10) beds or fewer on one property, there must be an administrator who is on site a minimum of twenty (20) hours per week with time spent in the facility during normal business hours, equitably distributed daily.

(4) When a combination ~~situation~~ facility exists that does not comply with item B(1) above in that the facilities are not operated by the same licensee or are not located on one property, a second facility must be ten (10) or fewer beds and within no further than a forty-mile radius of the combination site, and the work hours of the administrator must be equitably distributed daily during normal business hours.

93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.

A. In addition to the requirements in South Carolina Code Ann. Section 40-35-40, the following combination of education and experience shall be acceptable for consideration for licensure:

(1) For a nursing home administrator, ~~validation by the NAB as meeting the minimum education and experience requirements to be a qualified HSE.:~~

**(a) ADD NON-DEGREE ROUTE BASED UPON EXPERIENCE; or**

(b) validation by the National Association of Long Term Care Administrator Boards (NAB) as meeting the minimum education and experience requirements to be a qualified Health Services Executive (HSE)

(2) For a community residential care facility administrator:

(a) a South Carolina licensed nursing home administrator that has been a practicing nursing home administrator for two (2) or more years shall not be required to have on-site work experience at a community residential care facility under the supervision of a licensed community residential care facility administrator; or

**(b) ADD NON-DEGREE ROUTE BASED UPON EXPERIENCE; or**

~~(c)(b) validation by NAB as meeting the minimum education and experience requirements to be a qualified HSE.~~ the National Association of Long Term Care Administrator Boards (NAB) as meeting the minimum education and experience requirements to be a qualified Health Services Executive (HSE).

(3) For a dually licensed nursing home and community residential care facility administrator:

(a) ADD NON-DEGREE ROUTE BASED ON EXPERIENCE

(b) validation by the National Association of Long Term Care Administrator Boards (NAB) as meeting the minimum education and experience requirements to be a qualified Health Services Executive (HSE)

B. A person applying to become an administrator of a facility licensed under this article including, but not limited to, nursing homes and community residential care facilities shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine state criminal history and a federal fingerprint review to be conducted by the Federal Bureau of Investigation to determine other criminal history. If a fee is charged by the Federal Bureau of Investigation for the fingerprint review, it must be paid by the person applying for administrator. Where facility licensees are governmental agencies, the criminal background check must be obtained on the individual who is the administrator of the governmental facility. The Board may deny an application for licensure based on the results of a person's criminal history in accordance with S.C. Code Ann. Section 40-1-140, where the results of the check meet the misconduct provisions of these regulations.

C. Any applicant who has been declared ineligible to take the examination shall be given written notification by the Board of the disqualification, the reasons for the disqualification, and written notification of the right to a hearing.

D. If an applicant has been convicted of a felony or misdemeanor directly related to the practice of administration of nursing homes and/or community residential care facilities involving moral turpitude by any state or federal court of competent jurisdiction thereof, the applicant may not be permitted to take the examination for licensure. If the applicant submits to the Board a copy of the certificate of pardon granted by the board of parole that indicates, among other things, that the applicant has completed all sentences including all periods of probation or parole, the Board may consider this document in its review of prior criminal convictions. In the case of a conviction in any jurisdiction wherein the laws do not provide for a certificate of pardon, an equivalent written statement or document may be submitted.

93-75. Health Services Executive Certification Designation

A. A dual licensed nursing home administrator and community residential care administrator who obtains a Health Services Executive (HSE) Certificate from the National Association of Long Term Care Administrator Boards shall be permitted to request an HSE designation be added to their dual nursing home administrator and community residential care facility administrator license.

B. Designation as an HSE certificate holder indicates that the licensee has a combination of competencies (education, experience, and examination) that meets or exceeds current requirements of licensure to practice as a nursing home administrator and community residential care facility administrator in the majority of jurisdictions within the United States.

C. Designation as an HSE certificate holder is not a license nor does it grant additional privilege to practice as a licensed dual nursing home administrator and community residential care facility administrator in this State.

D. Licensees granted designation as an HSE certificate holder who do not maintain HSE certification must notify the Board within seven (7) business days of expiration of their HSE certification so that the HSE designation may be removed from their State license.

93-80. Administrator-in-Training/Residency (AIR) Program Requirements



A. A person shall be permitted to participate in the ~~AIF~~ administrator in residency (AIR) program who submits sound evidence satisfactory to the ~~b~~Board that the candidate meets the following criteria:

(1) Nursing home administrator ~~AIF~~ AIR candidates must have earned a Baccalaureate degree or higher from an accredited college or university or must be enrolled in a course of study that will award such a degree on completion.

(a) For nursing home administrator ~~AIF~~ AIR candidates with a Baccalaureate degree or higher in health care administration or a related health care degree, the duration of an ~~AIF internship~~ AIR program shall be six (6) months.

(b) For nursing home administrator ~~AIF~~ AIR candidates with a Baccalaureate degree other than a health care administration degree, the duration of an ~~AIF internship~~ AIR program shall be nine (9) months.

(2) Community residential care facility administrator ~~AIF~~ AIR candidates must have earned at least an Associate's degree from an accredited college or university or must be enrolled in a course of study that will award such a degree upon completion.

(a) For community residential care facility administrator ~~AIF~~ AIR candidates with a Baccalaureate degree or higher, the duration of the ~~AIF internship~~ AIR program shall be three (3) months.

(b) For community residential care facility administrator ~~AIF~~ AIR candidates with a health-related Associate's degree, the duration of the ~~AIF internship~~ AIR program shall be six (6) months.

(c) For community residential care facility administrator ~~AIF~~ AIR candidates with a non-health-related Associate's degree or who are licensed practical nurses, the duration of the ~~AIF internship~~ AIR program shall be nine (9) months.

(3) Dual nursing home administrator and community residential care facility administrator AIR candidates must have earned a Baccalaureate degree or higher from an accredited college or university or must be enrolled in a course of study that will award such a degree on completion.

(a) For dual administrator AIR candidates with a Baccalaureate degree or higher in health care administration or a related health care degree, the duration of the AIR internship shall be seven (7) months.

(b) For dual administrator AIR candidates with a Baccalaureate degree other than a health care administration degree, the duration of the AIR internship shall be ten (10) months.

B. An ~~AIF~~ AIR candidate must register with the Board by completing a Board-approved form and submitting the registration fee. After approval, the Board shall issue an ~~AIF training~~ AIR program permit to the applicant valid for up to one (1) year. If the preceptor or ~~AIF~~ AIR candidate terminates the program, the Board will invalidate the permit immediately. The continuing education credit provided to the preceptor, if any, and the AIR experience credit provided to the AIR candidate, if any, will be at the discretion of the Board based upon the reason for the termination and the documented AIR experience.

C. It shall be the responsibility of the AIR candidate to contact a ~~b~~Board-approved preceptor to determine if the preceptor will accept the ~~AIF~~ AIR candidate. Once a preceptor accepts an ~~AIF~~ AIR candidate, this relationship must be reported to the Board on an approved form. The preceptor shall not train an employer or supervisor.

D. The preceptor shall meet the following criteria:

(1) Currently licensed in this state as a nursing home administrator, a community residential care facility administrator, or a dual licensed administrator based upon the AIR program the preceptor plans to supervise;

(2) Have no disciplinary sanctions against the license;

(3)(a) ~~The Nursing Home Administrator preceptor shall be licensed for three (3) years preceding the date of application as a preceptor, be a currently licensed as a nursing home administrator, and be employed by the a facility licensed pursuant to the regulations promulgated by the South Carolina Department of Public Health and Environmental Control.~~

(b) ~~The Community Residential Care Facility Administrator preceptor shall be licensed for two (2) years preceding the date of application as a preceptor, be a currently licensed as a community residential care administrator, and be employed by a facility, with at least twenty-four (24) beds, licensed pursuant to the regulations promulgated by the South Carolina Department of Public Health and Environmental Control.~~

(c) The dual license administrator preceptor shall be licensed for (2) years preceding the date of application as a preceptor, be currently licensed as a dual licensed administrator, and be employed by a facility, with at least WHAT???. Licensed pursuant to the regulations promulgated by the South Carolina Department of Public Health.

E. The preceptor must register with the Board on an approved form ~~with the Board~~. The Board may, for good cause, refuse to approve or renew a preceptor.

F. A preceptor ~~shall~~ may supervise up to two (2) AIF AIR candidates concurrently.

G. The preceptor will evaluate the background and experience of the AIF AIR candidate to determine specific areas of concentration for the residency. The preceptor and AIF AIR candidate will then design a course of study and present it to the Board for approval. The curriculum shall follow the guidelines set forth in a standards manual approved by the Board.

H. The preceptor shall maintain ~~a current checklist~~ documentation as required by the Board in the facility tracking progress of the AIF AIR program. This ~~checklist~~ documentation may be requested and reviewed at any time by the Board. On completion of the program, the ~~checklist~~ documentation shall be submitted with the final report and evaluation.

I. At the end of the AIF AIR program, the preceptor will submit a final report and evaluation of the AIF AIR candidate on Board-approved forms stating whether the AIF AIR candidate has satisfactorily completed all requirements. The final report and evaluation will become part of the AIF's AIR candidate's permanent record with the Board.

J. Any change in preceptor requires notice to and approval by the Board or its designee. An AIF AIR program which has been discontinued by a period of military service shall be allowed to be completed within a year after the service concludes. The Board must receive notice in the event of discontinuance of training for any other reason, and the AIF AIR candidate must ~~comply with section (B) upon recommencement~~ receive Board approval to continue the of the program with a new preceptor.

K. During the ~~AIF~~ AIR program, the preceptor shall provide ongoing performance reviews to the ~~AIF~~ AIR candidate. If the performance is not acceptable, the preceptor will inform the ~~AIF~~ AIR candidate, and the ~~AIF~~ AIR candidate will be given the opportunity to correct the deficiencies.

L. Following the completion of the ~~AIF~~ AIR program:

(1) the nursing home administrator ~~AIF~~ AIR candidate may apply for licensure as a nursing home administrator as delineated in R.93-70 but is not required to complete any of the qualifying work experience set forth in ~~R.93-70(A)(1)~~ South Carolina Code Ann. Section 40-35-40(A)(4).

(2) the community residential care facility administrator ~~AIF~~ AIR candidate may apply for licensure as a community residential care facility administrator as delineated in R.93-70 but is not required to complete any of the qualifying work experience set forth in ~~R.93-70(A)(2)~~ South Carolina Code Ann. Section 40-35-40(B)(4).

(3) the dual nursing home administrator and community residential care facility administrator AIR candidate may apply for license as a dual licensed administrator as delineated in R.93-70 but is not required to complete any of the qualifying work experience.

(M) AIR participants shall not be left in sole charge of a nursing home or community residential care facility at any time. Violation of this provision may result in cancellation of any and all AIR hours toward completion of the program that may have been accrued by the AIR candidate, and may, in the discretion of the Board, cause the Board after sufficient notice to the AIR candidate, to revoke or suspend the program. The AIR preceptor may also be subject to disciplinary action by the Board.

93-100. Fees [and Fee Schedule].

A. The Board shall set fees in amounts to be sufficient to provide for administering the Act.

B. The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-21 and on the South Carolina Board of Long Term Health Care Administrators website.

93-110. Examination; Scheduling and Grading.

A. The Board shall administer the examinations ~~by a~~ through a Board-approved testing provider.

(1) Nursing home administrator applicants will sit for an examination. The national portion is prepared by the National Association of the Boards of Examiners for Long Term Care Administrators (NAB). The South Carolina portion is prepared by the ~~South Carolina Board~~ and examines applicants on regulations promulgated by the Department of ~~Health and Environmental Control~~ Public Health as they relate to ~~Nnursing Hhomes~~.

(2) Community ~~Rresidential~~ ~~Ecare~~ ~~Ffacility~~ ~~Aadministrator~~ applicants will sit for an examination. The national portion is prepared by the National Association of the Boards of Examiners for Long Term Care Administrators (NAB). The South Carolina portion is prepared by the South Carolina Board relating to regulations promulgated by the Department of ~~Health and Environmental Control~~ Public Health as they relate to ~~Ecommunity~~ ~~Rresidential~~ ~~Ecare~~ ~~Ffacilities~~.

B. Every nursing home applicant for licensure shall be required to pass the NAB examinations, with passing scores to be determined by NAB. In addition, each applicant must pass a State examination approved by the ~~Bboard~~ at with a raw score of seventy-five (75%) percent.

C. Every community residential care facility applicant shall be required to pass the NAB examinations, with passing scores to be determined by NAB. In addition, each applicant and must pass a State examination approved by the Board with a raw score of seventy-five (75%) percent.

D. The Board shall not disclose the ~~grade-levels~~ examination scores achieved by an applicant to anyone outside the Board except upon written authorization of the applicant.

E. A nursing home administrator applicant who is sitting for the first time for both the national and South Carolina portions of the examination and who receives a passing score in either portion shall be entitled to receive credit for the portion passed and to be re-examined during the next scheduled examination only on the portion not passed. Credit for passing either portion of the examination may be extended upon the approval of the Board.

F. A community residential care administrator ~~facility~~ applicant who is sitting for the first time for the national and the state examinations and who receives a passing score in any of the examinations shall be entitled to receive credit for the examination(s) passed and to be re-examined during the next scheduled examination only on the examination(s) not passed. Credit for passing any of the examination(s) may be extended upon the approval of the Board. [Potentially DELETE these provisions? Or extend passage indefinitely]

G. Applicants who fail to pass the examination three (3) times must petition the Board or its designee if they desire to pursue licensure.

#### 93-120. Initial Licenses.

A. An applicant who has successfully complied with the requirements of the licensing law and the standards provided for herein, passed the examination provided for herein, and paid the fees for the initial licensure period shall be issued a license as a ~~N~~nursing ~~H~~home ~~A~~administrator, ~~or as a C~~community ~~R~~esidential ~~C~~are ~~A~~administrator, or as a dual licensed administrator licensee. Issuance of the license shall entitle the person to serve, act, practice, or otherwise present themselves as a licensed ~~N~~nursing ~~H~~home ~~A~~administrator, licensed ~~C~~community ~~R~~esidential ~~C~~are ~~F~~acility ~~A~~administrator, or ~~D~~dual licensed administrator.

B. A license cannot be transferred to another individual.

#### 93-130. Provisional Licenses.

A. In the event of an unexpected vacancy caused by the death of an administrator, departure of an administrator, or similar event, the Board may issue a provisional license to an applicant who has met the requirements in S.C. Code Ann. Section 40-35-40 and as provided in regulation and has paid the initial application fee, but who has not passed the required examinations.

B. An applicant for a provisional license shall submit a complete application. The application shall also include a letter from the owner of the facility or from an officer of the facility's board of directors, which states all of the following:

- (1) Justification of the need for provisional licensure or explanation for the unexpected vacancy;

(2) The name of the desired appointed administrator; and

(3) The facility name, physical address, and anticipated date of administrator appointment;

C. An applicant shall remit the provisional license fee after receiving notice that the application has been approved. A ~~letter of~~ provisional licensure shall be issued after receipt of the fee.

D. The Department of ~~Health and Environmental Control~~ Public Health shall be notified of the issuance of each provisional license. **[DO WE DO THIS?]**

E. A provisional license will expire ninety (90) days from issue or upon the issue of an initial license, whichever occurs first. A request for extension must be made in writing prior to the expiration date. Requests for extensions must be from the owner of the facility or from an officer of the facility's board of directors and state the following:

(1) Justification of the facility's continued absence of a non-provisional licensed administrator;

(2) Justification as to why the provisional licensed administrator has not taken the appropriate examinations or attested to additional study if the provisional licensed administrator has failed the examination; and

(3) Name and license number of the consultant administrator contracted by the facility.

F. In the event an extension is granted, the facility shall engage the services of a consultant administrator for a minimum of sixteen (16) hours per month. The consultant administrator must have a minimum of two (2) years of experience operating a facility.

G. If the provisional licensee fails ~~at~~ the same required examination twice, the provisional license will be terminated at the end of the provisional license period and may not be renewed.

H. A provisional license cannot be transferred to another individual. Once granted a provisional license, the licensee may not reapply for a provisional license for the same facility. Individual licensees are limited to two (2) provisional license requests per licensure type. If an applicant has attained two (2) provisional licenses for either ~~N~~nursing ~~H~~home ~~A~~administrator or ~~C~~community ~~R~~residential ~~C~~care ~~F~~facility ~~A~~administrator, they are not eligible to apply for a provisional ~~D~~dual ~~A~~administrator license.

I. If an applicant for provisional licensure has previously failed either the national or state examinations, the facility must engage the services of a consultant administrator for a minimum of sixteen (16) hours per month beginning the date of issuance of the provisional license.

#### 93-150. Inactive or Retired Status Licenses.

A. The ~~b~~Board may consider a request from a licensee to have his or her license placed in inactive or retired status.

B. To qualify for inactive or retired license status, the licensee must affirm that he or she is not employed as the administrator in a nursing home or a community residential care facility in the State.

C. An application for renewal in inactive or retired status shall be submitted to the ~~b~~Board with the fee for inactive or retired status ~~renewal~~ on or before the expiration date of the license.

D. In order to qualify for retired status, the applicant must have attained the age of sixty-five (65) years or at least twenty (20) years of licensure and must affirm that he or she is not employed as the administrator in a nursing home or a community residential care facility in the State.

E. In order to reactivate an inactive license, an applicant must submit an application on a form approved by the Board, along with the required fee, and proof of completion of the annual continuing educational requirements for each year that the license was inactive, up to a maximum of HOW MANY CEUs. The application must be approved, and the license must be placed in active status, prior to the licensee assuming an administrator role in a nursing home or community residential care facility in the State.

F. In order to reactivate a retired license, an applicant for reactivation must submit an application on a form approved by the Board, along with the required fee, and proof of six (6) hours of continuing education during the previous twelve (12) months. The application must be approved, and the license must be placed in active status prior to the licensee assuming an administrator role in a nursing home or community residential care facility in the State. The applicant must provide proof of an additional fourteen (14) hours of continuing education within ninety (90) days of the license being reactivated, or the license will automatically be ~~replaced in the~~ placed back into retired status, and the licensee must immediately cease and desist any work as an administrator in a nursing home or community residential care facility in the State.

F. G. If ~~the applicant~~ a license has been inactive or retired for five (5) years or more, the Board may require the ~~applicant~~ licensee to pass an examination approved by the Board in lieu of or in addition to completing the required continuing education.

#### 93-160. Registration of Licenses.

A. Only a person who is licensed as a nursing home administrator, ~~or a~~ community residential care facility administrator, or a dual licensed administrator pursuant to the provisions of these regulations for the current licensure period shall have the right and privilege of using the title of “Nursing Home Administrator,” ~~or~~ “Community Residential Care Facility Administrator,” or “Dual Licensed Administrator.” No other person shall use or shall be designated by title or by abbreviation or any other words, letters, sign, card, or device tending to or intended to indicate that the person is a licensed nursing home administrator, a community residential care facility administrator, or a dual licensed administrator. ~~Nursing Home Administrator or a Community Residential Care Facility Administrator.~~

B. All licensees must notify the Board in writing within fifteen (15) days of any change of address and employment in a nursing home or community residential care facility. [What is the intention? Facility address change or individual licensee change; need to clarify]

#### 93-170. Display of Certificate and Normal Work Hours.

A. Every person currently licensed as a ~~N~~nursing ~~H~~home ~~A~~administrator, ~~or C~~community ~~R~~residential ~~C~~care ~~F~~facility ~~A~~administrator, or dual licensed administrator shall display the certificate in a conspicuous place in his office or place of business or employment.

B. Licensed ~~A~~administrators must post their normal work hours in a conspicuous place at the nursing home or community residential care facility where ~~he~~ the licensee is practicing as the ~~A~~administrator. Work hours may vary from week to week if the posting is updated appropriately. Administrators will maintain records of their posted hours for at least one (1) year and must be made available to the Board upon request.

#### 93-200. Continuing Education for Relicensure.

A. Each applicant for renewal of a license shall present evidence of having earned the required number of hours of continuing education as defined in R.93-50(G).

B. Evidence of continued learning appropriate to facility administration shall consist of one (1) or more of the following:

(1) records of continuing education hours awarded by an accredited college or university or approved association or professional society; or

(2) official transcripts and course descriptions of courses taken at an accredited educational institution; or

(3) certificate of attendance received for attending other continuing education programs that have been registered with the hBBoard and approved by the hBBoard for credit.

C. The hBBoard shall establish methods, procedures, and criteria for approving programs of continuing education. [We need to do this?]

D. A nursing home administrator must have twenty (20) hours of continuing education for relicensure with five (5) hours in patient care. A Community Residential Care Facility Aadministrator must have eighteen (18) hours of continuing education. A dual licensed administrator must have ~~When an administrator serves both types of facilities,~~ twenty-nine (29) hours of continuing education is required; with five (5) hours of the twenty-nine (29) ~~must be~~ devoted to community residential care.

E. Carry-over: Continuing education hHours for any hBBoard-approved program may be carried forward, in their entirety, if they are in excess of that required for any licensure period. Such carry-over hours must represent the total earned during the continuing education program and must be used during the following licensure period.

F. Program Delivery Methods.

(1) Live Instruction is a program in which participants engage simultaneously through interaction of a real-time instructor or discussion leader.

(a) On-site Live Instruction Programming consists of ~~L~~ive ~~i~~nstruction at a specific location.

(b) Online Live Instruction Programming consists of ~~L~~ive ~~i~~nstruction using technology and/or remote access offered at a scheduled date and time.

(c) A minimum of fifty (50%) percent of required continuing education hours must be obtained via ~~L~~ive ~~i~~nstruction.

(2) Online Pre-recorded Instruction: ~~A~~ is a program designed to permit a participant to have control over time, place, and/or pace of learning a given subject through the use of electronic media (including technology applications and processes and computer-based or web-based technology) without interaction with a real-time instructor.

G. Hardship Waiver. A licensee experiencing extraordinary hardship or extenuating circumstances, disability, or illness, may submit a written request to the Board to waive, modify, or extend the continuing

education requirements. A licensee must demonstrate that they are unable to participate in a sufficient number of regular continuing educational programs required for licensure/~~registration~~.

#### 93-210. Reinstatement of Lapsed License.

A. An administrator previously licensed in this State whose license shall not have been revoked or suspended but whose license has lapsed for failure to renew on or before the expiration date of the license may seek to reinstate the license within a one-year period after the expiration date by submitting an application, along with the annual renewal fee and a penalty fee, proof of meeting the continuing education requirements, and a statement of practice since the license's expiration.

B. If the lapsed license period is more than one (1) year, the individual shall submit an initial application, along with the required fee, showing proof of meeting the current licensure requirements, submit a statement of practice since licensure expiration, and either submit the required continuing education hours for each year since the license expired or retake and pass the national and state examinations.

C. If the lapsed license period is five (5) or more years, the individual shall submit an initial application, along with the required fee, showing proof of meeting the current licensure requirements, submit a statement of practice since licensure expiration, and retake and pass the national and state examinations.

#### 93-220. Complaints.

A. The Department shall be responsible for investigating complaints, either directly or indirectly, relating to administrators.

B. The Department has the responsibility to evaluate complaints and investigative information received from the South Carolina Department of ~~Health and Environmental Control~~ Public Health or any other source.

C. A complaint received by the Board may be referred to the appropriate agency or agencies for investigation.

D. The administrator must respond in writing to the Board when requested, ~~The Department may request in writing that the administrator~~ including filing a written response to the ~~initial~~ complaint. Failure to do so in a timely manner may be grounds for discipline.

E. The findings and the corrective measures taken by the investigating agency or agencies, with any other information deemed appropriate, shall be reviewed by the Board for the purpose of improving the standards imposed for licensing, for decisions on revocation or suspension of license or other disciplinary actions, and for assessing the qualifications for relicensure of an administrator.

~~F. Information pertaining to a complaint shall be kept in a confidential file. A cross reference shall be kept in the administrator's file so that all complaint information may be re-evaluated if a subsequent complaint is received.~~

#### 93-230. Suspension and Revocation of License.

The Board may cancel, fine, suspend, or revoke the license of, or otherwise restrict the practice of, an administrator who engages in misconduct, including but not limited to: ~~Misconduct, which constitutes grounds for revocation, suspension, or other restriction or limitation~~ of a license or limitation or other discipline of a licensee, is a satisfactory showing to the board of:



(1) Use of a false, fraudulent, or forged statement or document or committing a fraudulent, deceitful, or dishonest act or omitting a material fact in obtaining licensure under this article;

(2) Acting in a manner inconsistent with the health or safety of the patients of the nursing home or community residential facility;

(3) Cancellation, revocation, suspensions, or other discipline of a license to practice any regulated profession or occupation in any state or jurisdiction;

(4) Failing to ensure that the nursing home or community residential care facility in which he is an administrator complies with the provisions of law and regulations of the licensing or supervising authority or agency whether federal, state, or local, having jurisdiction over the operation and licensing of the nursing home or community residential care facility;

(5) Intentional or knowing, direct or indirect, violation of or the aiding and abetting in the violation of this article or a regulation promulgated under this article;

(6) Failing to operate a nursing home or community residential care facility in manner which ensures the safety, health, and welfare of the patients;

(7) Use of a false, fraudulent, or forged statement in the practice of nursing home administration or community residential care facility administration;

(8) Supervising or aiding an unlicensed person in the practice of nursing home administration or community residential care facility administration;

(9) Permitting unauthorized disclosure of information relating to a patient in a nursing home or community residential care facility under his administration;

(10) Obtaining compensation or assisting in obtaining compensation under fraudulent circumstances;

(11) A dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public;

(12) Use of alcohol, drugs, or controlled substances to such a degree as to adversely affect the ability to act as a nursing home administrator or community residential care facility administrator;

(13) A mental or physical disability or addiction which renders further practice dangerous to the public or to the residents of the nursing home or community residential care facility; or

(14) Conviction of, or pleading guilty or nolo contendere to, a felony, as defined under the law of this State, or any crime involving the safety, health, or welfare of a resident, or any other crime directly related to licensure as a nursing home administrator or community residential care facility administrator involving moral turpitude. The license of a person who is convicted of, or who pleads guilty or nolo contendere to those crimes mentioned in this item immediately may be suspended temporarily pending final disposition of a disciplinary proceeding where the Board has probable cause to believe that continued practice as a nursing home administrator or community residential care facility administrator by the licensee constitutes harm to the safety, health, or welfare of patients in a nursing home or community residential care facility. ~~to be commenced upon the conviction or the entry of the plea of guilty or nolo contendere.~~ A person so suspended must be reinstated immediately upon the filing of a certificate submission to the Board evidence that the conviction has been reversed. ~~The~~ Reinstatement does not terminate a disciplinary action pending

against the person. ~~The license of a person may be suspended immediately pending final disposition of a disciplinary proceeding where the Board has probable cause to believe that continued practice as a nursing home administrator or community residential care facility administrator by the licensee constitutes harm to the safety, health, or welfare of patients in a nursing home or community residential care facility.~~

#### 93-240. Hearing Procedure.

A. The Department may initiate an investigation as provided in South Carolina Code Ann. Section 40-1-80. A copy of the charges, together with notice of the time and place of the hearing, shall be served on the accused by certified mail directed to his address as recorded in the Board's files at least thirty (30) days before the date fixed for the hearing.

B. Upon conclusion of the hearing, the Board may revoke the license of the accused, may suspend the license for a fixed period of time, may reprimand or take other disciplinary action, issue an order of suspension containing provisions concerning reinstatement of the license, or may dismiss the charges.

#### 93-250. Conduct of Hearing.

A. A disciplinary hearing shall be conducted pursuant to South Carolina Code Ann. Section 40-1-90. At any disciplinary hearing, any party to the proceedings may appear in person and with counsel, and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses.

B. At any hearing conducted before the Board, if a party shall appear without counsel, the Board shall advise such party of his right to be represented by counsel, to call witnesses, to cross-examine witnesses, and to produce evidence ~~in~~ on his behalf.

C. Appearances shall be noted on the official record of hearings.

D. The Board shall have authority to issue subpoenas and subpoenas duces tecum.

E. Upon a determination by the Board that there are grounds for discipline, the Board may take any one or more of the following actions:

- (1) Issue a public reprimand;
- (2) Impose costs pursuant to ~~South Carolina Code Ann.~~ Section 40-1-170;
- (3) Impose a fine not to exceed one thousand dollars for each violation not to exceed a total fine of ten thousand dollars;
- (4) Place the licensee on probation for a definite or indefinite time and prescribe conditions to be met during probation;
- (5) Suspend the license for a definite or indefinite time, and prescribe conditions to be met before readmission to practice;
- (6) Permanently revoke the license; or;
- (7) Otherwise discipline the licensee in a manner the Board deems appropriate.

#### 93-260. Applicability, Legal Effect, and Severability of Regulations.

A. The regulations of the Board are intended to be consistent with the applicable Federal and State law and shall be so construed, whenever necessary, to achieve such consistency.

B. In the event that any provision of these regulations is declared unconstitutional or invalid or that the application of them to any person or circumstance is held invalid, the applicability of the provision to other persons and circumstances, and the constitutionality or validity of every other provision of these regulations shall not be affected.

C. These regulations shall not affect pending actions or proceedings, civil or criminal, which may be prosecuted or defended in the same manner and with the same effect as though these regulations had not been promulgated.