

1 **20:49:04:01. Requirements for initial licensure.** ~~An applicant for~~ To obtain licensure as

2 a nursing facility administrator ~~shall meet the education and training requirements and shall, an~~
3 applicant must submit the following to the Board of Nursing Facility Administrators:

4 (1) A completed application form and a nonrefundable fee of ~~\$300~~ three hundred ninety
5 dollars, which shall be annually prorated based on application date and the biennial license renewal
6 date;

7 (2) Certified transcripts verifying completion of at least an ~~associate~~ associate's degree;

8 (3) Verification of:

9 (a) Completion of an administrator-in-training program within four years preceding the
10 date of application; or

11 (b) Completion of a practicum in long term healthcare administration from a higher
12 education institution accredited by an organization recognized by the Council for Higher
13 Education Accreditation within four years preceding the date of application;

14 (4) A copy of the applicant's driver license or equivalent birth verification;

15 (5) Three letters of recommendation from professional references not related to the
16 applicant by kinship or marriage;

17 (6) Verification of passage, within four years preceding the date of application, of the
18 Nursing Home Administrators Licensing Examination or the Core of Knowledge Examination for
19 Long Term Care Administrators and the Nursing Home Administrators Line of Service
20 Examination administered by the National Association of Long Term Care Administrator Boards
21 ~~within four years preceding the date of application;~~ and

1 (7) Verification of passage of the state examination approved by the board covering the
2 rules of the ~~South Dakota~~ Department of Health that govern nursing facilities within four years
3 preceding the date of application.

4 **Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 27, 1976; 6 SDR 66, effective
5 January 9, 1980; 8 SDR 24, effective September 16, 1981; 8 SDR 166, effective June 15, 1982; 9
6 SDR 108, effective February 21, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 17 SDR
7 171, effective May 16, 1991; 22 SDR 74, effective November 27, 1995; 27 SDR 61, effective
8 December 24, 2000; 36 SDR 27, effective August 25, 2009; SL 2014, ch 186, § 35, effective July
9 1, 2014; 46 SDR 75, effective December 4, 2019.

10 **General Authority:** SDCL 36-28-9, 36-28-10, 36-28-11, 36-28-12, 36-28-15.

11 **Law Implemented:** SDCL 36-28-9, 36-28-10, 36-28-11, 36-28-12.

12 **20:49:05:01. Emergency permit.** To meet the needs of a nursing facility that has a vacancy
13 in the administrator's position, the Board of Nursing Facility Administrators may issue to an
14 individual an emergency permit to practice as a nursing facility administrator ~~may be issued to a~~
15 ~~person~~ for not more than ~~180~~ one hundred eighty days, subject to the following:

16 (1) A person of authority from the facility with the vacancy submits an application to the
17 board, accompanied by a nonrefundable ~~emergency permit~~ fee of ~~\$200~~ two hundred sixty dollars;

18 (2) The emergency administrator provides services under the supervision of a preceptor;

19 (3) The preceptor provides appropriate supervision and is reasonably available to the
20 emergency administrator to provide assistance; and

21 (4) The preceptor observes the emergency administrator at least two days ~~a~~ per month in
22 the facility in which the emergency administrator is serving and keeps a written ~~memorandum~~
23 summary of what was accomplished or discussed at each visit. ~~A~~ The emergency administrator and

1 ~~the preceptor shall maintain a copy of the dated memorandum shall be maintained by the~~
2 ~~emergency administrator and the preceptor summary~~ for one year following the date of expiration
3 of the emergency permit.

4 A preceptor may only be held responsible for the acts of the emergency administrator
5 operating under the preceptor's supervision ~~only~~ if the preceptor does not fulfill the requirements
6 ~~as stated above~~ of this section.

7 **Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 27, 1976; 6 SDR 66, effective
8 January 9, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 90, effective January
9 22, 1987; 17 SDR 171, effective May 16, 1991; 18 SDR 86, effective November 17, 1991; 22 SDR
10 74, effective November 27, 1995; 36 SDR 27, effective August 25, 2009; SL 2014, ch 186, § 39,
11 effective July 1, 2014.

12 **General Authority:** SDCL ~~36-28-11, 36-28-13~~.

13 **Law Implemented:** SDCL 36-28-13.

14 **20:49:06:01. Reciprocal licensure.** ~~An applicant for~~ To obtain reciprocal licensure as a
15 nursing facility administrator ~~shall meet the education and training requirements and shall, an~~
16 applicant must submit the following to the Board of Nursing Facility Administrators:

17 (1) A completed application form and a nonrefundable fee of ~~\$300~~ three hundred ninety
18 dollars;

19 (2) Certified transcripts verifying completion of at least an ~~associate~~ associate's degree;

20 (3) Verification of completion of:

21 (a) An administrator-in-training program within four years preceding the date of
22 application;

1 (b) A practicum in long term care healthcare administration from a higher education
2 institution accredited by an organization recognized by the Council for Higher Education
3 Accreditation within four years preceding the date of application; or

4 (c) Six consecutive months of service as an administrator of a licensed nursing facility
5 within four years preceding the date of application;

6 (4) A copy of the applicant's driver license or equivalent birth verification;

7 (5) Three letters of recommendation from professional references not related to the
8 applicant by kinship or marriage;

9 (6) Verification of passage of the Nursing Home Administrators Licensing Examination or
10 the Core of Knowledge Examination for Long Term Care Administrators and the Nursing Home
11 Administrators Line of Service Examination administered by the National Association of Long
12 Term Care Administrator Boards;

13 (7) Verification of passage of the state examination provided by the board covering the rules
14 of the ~~South Dakota~~ Department of Health that govern nursing facilities within four years
15 preceding the date of application; and

16 (8) A certified letter verifying the nursing facility administrator license, or equivalent
17 license, and status of the license from the board in each state or other political subdivision of the
18 United States in which the applicant is or has been licensed.

19 If an applicant for reciprocal licensure has had action taken against a license as a nursing
20 facility administrator, or equivalent license, the board may deny a license to the applicant ~~may be~~
21 ~~denied a license.~~

22 **Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 27, 1976; 6 SDR 66, effective
23 January 9, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 90, effective January

1 22, 1987; 17 SDR 171, effective May 16, 1991; 22 SDR 74, effective November 27, 1995; 24 SDR
2 21, effective August 24, 1997; 27 SDR 61, effective December 24, 2000; 36 SDR 27, effective
3 August 25, 2009; SL 2014, ch 186, § 40, effective July 1, 2014; 46 SDR 75, effective December
4 4, 2019.

5 **General Authority:** SDCL 36-28-9, 36-28-10, 36-28-11, 36-28-12, 36-28-14.

6 **Law Implemented:** SDCL 36-28-9, 36-28-10, 36-28-11, 36-28-12, 36-28-14.

7 **Cross-Reference:** Nursing facilities, ~~art~~ article 44:73.

8 **20:49:08:01. Application for renewal.** ~~Every person who holds a license shall~~To
9 renew a license, a licensee must apply to the ~~board biennially~~ Board of Nursing Facility
10 Administrators by December ~~31~~ thirty-first of each even-numbered year and report any
11 information requested by the board on forms provided by the board. A licensee need not be actively
12 practicing as a nursing facility administrator to be eligible to renew the license.

13 **Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 27, 1976; 6 SDR 66, effective January
14 9, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 27 SDR 61, effective December 24,
15 2000; 36 SDR 27, effective August 25, 2009; SL 2014, ch 186, § 42, effective July 1, 2014.

16 **General Authority:** SDCL 36-28-18.

17 **Law Implemented:** SDCL ~~36-28-19~~ 36-28-18.

18 **20:49:08:01.01. Fee for renewal.** The nonrefundable fee for renewal of a license is ~~\$300~~ three
19 hundred ninety dollars.

20 **Source:** 12 SDR 99, effective December 16, 1985; 12 SDR 151, 12 SDR 155, effective July
21 1, 1986; 13 SDR 90, effective January 22, 1987; 18 SDR 86, effective November 17, 1991; 27
22 SDR 61, effective December 24, 2000; 36 SDR 27, effective August 25, 2009' SL 2014, ch 186,
23 § 43, effective July 1, 2014.

1 **General Authority:** SDCL 36-28-18.

2 **Law Implemented:** SDCL 36-28-18.

3 **20:49:08:02. Inactive status -- Reactivation.** A licensee may place the license ~~as~~ on
4 inactive status upon completion of a form provided by the ~~board~~ Board of Nursing Facility
5 Administrators and payment of ~~the~~ a nonrefundable fee of ~~\$150~~ one hundred ninety-five dollars.
6 A licensee may reactivate the license ~~within five years following the date of inactivation~~ as
7 provided in SDCL 36-28-18.2. The required fee to reactivate a license is ~~the initial licensure fee~~
8 three hundred dollars. To satisfy the continuing education requirement to reactivate a license, the
9 licensee ~~shall~~ must provide evidence of ~~20~~ twenty hours of ~~board approved~~ board-approved
10 continuing education earned within the ~~past 12~~ twelve months prior to the date of reactivation.

11 **Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 27, 1976; 6 SDR 66, effective
12 January 9, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; repealed, 18 SDR 86, effective
13 November 17, 1991; readopted, 27 SDR 61, effective December 24, 2000; 36 SDR 27, effective
14 August 25, 2009; SL 2014, ch 186, § 44, effective July 1, 2014.

15 **General Authority:** SDCL 36-28-18.2, ~~36-28-21.1~~.

16 **Law Implemented:** SDCL 36-28-18.2, ~~36-28-21.1~~.

17 **20:49:15:01. Grounds for revocation, suspension, or other action.** The ~~board~~ Board of
18 Nursing Facility Administrators may revoke or suspend a license or take other action deemed
19 necessary to protect the public upon any of the following grounds:

20 (1) The licensee failed to complete continuing education requirements;

21 (2) The licensee or permittee is ~~guilty of~~ found to have committed fraud, bribery, or deceit
22 in procuring a license or permit, in carrying out the duties ~~as~~ of a nursing home administrator, or
23 in obtaining renewal of a license or permit;

1 (3) The licensee or permittee has been convicted of, pled no contest to, pled nolo contendere
2 to, pled guilty to, or been granted a deferred judgment or suspended imposition of sentence on, or
3 had prosecution deferred with respect to, a felony. A felony ~~is~~ includes any offense ~~which~~
4 committed in another state that would be a felony under the laws of ~~South Dakota if it was~~
5 ~~committed in the~~ this state;

6 (4) The licensee or permittee is addicted to the use of intoxicating beverages, narcotics, or
7 any drugs or controlled substances to ~~such~~ an extent that the licensee or permittee cannot perform
8 the duties of a nursing facility administrator with reasonable skill and safety;

9 (5) The physical or mental condition of the licensee or permittee is determined by a
10 competent examiner to jeopardize those who seek the professional services of the licensee or
11 permittee. A majority of the board may demand an examination of the licensee or permittee. ~~If the~~
12 Failure of the licensee or permittee ~~fails~~ to submit to the examination, ~~it is immediate~~ grounds for
13 suspension of the license or permit;

14 (6) The licensee or permittee is ~~guilty~~ found to have committed of unprofessional conduct;

15 (7) The licensee or permittee has violated any provision of SDCL chapter 36-28 or any rule
16 promulgated pursuant to that chapter; or

17 (8) The licensee had an adverse action taken against a nursing facility administrator or
18 equivalent license in another jurisdiction.

19 **Source:** 8 SDR 24, effective September 16, 1981; 12 SDR 151, 12 SDR 155, effective July
20 1, 1986; 22 SDR 74, effective November 27, 1995; SL 2014, ch 186, § 52, effective July 1, 2014.

21 **General Authority:** ~~SDCL 36-28-4~~ 36-28-9.

22 **Law Implemented:** ~~SDCL 36-28-17, 36-28-19, 36-28-22~~ 36-28-9, 36-28-12.1, 36-28-23.

1 **20:49:15:02. Unprofessional conduct.** Unprofessional conduct includes ~~but is not limited to the~~
2 following:

3 (1) Failure to exercise technical competence in carrying out nursing facility administration;

4 (2) Failure to follow or enforce policies or procedures necessary to assure patient or resident
5 welfare and safety;

6 (3) Failure to safeguard ~~the~~ a patient's or resident's dignity and right to privacy;

7 (4) Violating the confidentiality of information or knowledge concerning ~~the~~ a patient or
8 resident;

9 (5) Mental, verbal, or physical abuse of a patient or resident;

10 (6) Using alcohol or other drugs to the extent that there is significant interference with job
11 performance;

12 (7) Misuse of drug supplies, narcotics, or a patient's or resident's records;

13 (8) Falsifying a patient's or resident's records or intentionally charting incorrectly;

14 (9) Appropriating medications, supplies, or personal items of ~~the~~ a patient or resident or
15 agency;

16 (10) Forging a prescription or making a drug available to self, friends, or family members;

17 (11) Falsifying records submitted to the ~~board~~ Board of Nursing Facility Administrators, ~~to~~
18 ~~the state department of health~~ Department of Health, or ~~to~~ any other government agency;

19 (12) Delegating nursing facility administrator care, functions, tasks, or responsibilities to
20 others, contrary to SDCL chapter 36-28 or to the detriment of patient or resident safety;

21 (13) Failure to exercise appropriate supervision over persons who are authorized to practice
22 only under the supervision of a licensed professional;

1 (14) Leaving a nursing facility administrator assignment or post without notifying a
2 substitute;

3 (15) Assisting any other person to violate or circumvent any provision of
4 SDCL chapter 36-28 or this article;

5 (16) Permitting an unlicensed person to use a nursing facility administrator license or permit
6 for any purpose; and

7 (17) Having a license or certificate in a related health care discipline in ~~the state of South~~
8 ~~Dakota~~ this state or in another state denied, refused renewal, revoked, or suspended due to
9 unprofessional conduct as defined in ~~items 1 to 16~~ subdivisions (1) to (16), inclusive, of this ~~rule~~
10 section.

11 **Source:** 8 SDR 24, effective September 16, 1981; 12 SDR 151, 12 SDR 155, effective July
12 1, 1986; SL 2014, ch 186, § 53, effective July 1, 2014.

13 **General Authority:** SDCL ~~36-28-4~~ 36-28-9.

14 **Law Implemented:** SDCL ~~36-28-17, 36-28-22~~ 36-28-9, 36-28-12.1, 36-28-23.