

1           **20:49:04:01. Requirements for initial licensure.** An applicant for licensure as a nursing  
2 facility administrator shall meet the education and training requirements and shall submit the  
3 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;

6           (2) Certified transcripts verifying completion of at least an associate degree;

7           (3) Verification of:

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

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

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

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

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

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

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

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

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

9           **20:49:05:01. Emergency permit.** To meet the needs of a nursing facility that has a vacancy  
10 in the administrator's position, an emergency permit to practice as a nursing facility administrator  
11 may be issued by the Board of Nursing Facility Administrators to a person for not more than 180  
12 days, subject to the following:

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

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

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

18           (4) The preceptor observes the emergency administrator at least two days a month in the  
19 facility in which the emergency administrator is serving and keeps a written memorandum of what  
20 was accomplished or discussed at each visit. A copy of the dated memorandum shall be maintained  
21 by the emergency administrator and the preceptor for one year following the date of expiration of  
22 the emergency permit.

1 A preceptor may be held responsible for the acts of the administrator operating under the  
2 preceptor's supervision only if the preceptor does not fulfill the requirements as stated above.

3 **Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 27, 1976; 6 SDR 66, effective  
4 January 9, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 90, effective January  
5 22, 1987; 17 SDR 171, effective May 16, 1991; 18 SDR 86, effective November 17, 1991; 22 SDR  
6 74, effective November 27, 1995; 36 SDR 27, effective August 25, 2009; SL 2014, ch 186, § 39,  
7 effective July 1, 2014.

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

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

10 **20:49:06:01. Reciprocal licensure.** An applicant for reciprocal licensure as a nursing  
11 facility administrator shall meet the education and training requirements and shall submit the  
12 following to the Board of Nursing Facility Administrators:

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

15 (2) Certified transcripts verifying completion of at least an associate degree;

16 (3) Verification of completion of:

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

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

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

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

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

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

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

11 (8) A certified letter verifying the nursing facility administrator license, or equivalent  
12 license, and status of the license from the board in each state or other political subdivision of the  
13 United States in which the applicant is or has been licensed. If an applicant for reciprocal licensure  
14 has had action taken against a license as a nursing facility administrator, or equivalent license, the  
15 applicant may be denied a license.

16 **Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 27, 1976; 6 SDR 66, effective  
17 January 9, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 90, effective January  
18 22, 1987; 17 SDR 171, effective May 16, 1991; 22 SDR 74, effective November 27, 1995; 24 SDR  
19 21, effective August 24, 1997; 27 SDR 61, effective December 24, 2000; 36 SDR 27, effective  
20 August 25, 2009; SL 2014, ch 186, § 40, effective July 1, 2014; 46 SDR 75, effective December  
21 4, 2019.

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

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

1           **Cross-Reference:** Nursing facilities, art 44:73.

2           **20:49:08:01. Application for renewal.** Every person who holds a license shall apply  
3 to the board biennially by December 31 of each even-numbered year and report any information  
4 requested by the board on forms provided by the board. A licensee need not be actively practicing  
5 as a nursing facility administrator to be eligible to renew the license.

6           **Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 27, 1976; 6 SDR 66, effective January  
7 9, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 27 SDR 61, effective December 24,  
8 2000; 36 SDR 27, effective August 25, 2009; SL 2014, ch 186, § 42, effective July 1, 2014.

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

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

11          **20:49:08:01.01. Fee for renewal.** The nonrefundable fee for renewal of a license is ~~\$300~~ three  
12 hundred ninety dollars.

13          **Source:** 12 SDR 99, effective December 16, 1985; 12 SDR 151, 12 SDR 155, effective July  
14 1, 1986; 13 SDR 90, effective January 22, 1987; 18 SDR 86, effective November 17, 1991; 27  
15 SDR 61, effective December 24, 2000; 36 SDR 27, effective August 25, 2009' SL 2014, ch 186,  
16 § 43, effective July 1, 2014.

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

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

19          **20:49:08:02. Inactive status -- Reactivation.** A licensee may place the license as inactive  
20 upon completion of a form provided by the board and payment of the nonrefundable fee of ~~\$150~~  
21 one hundred ninety five dollars. A licensee may reactivate the license within five years following  
22 the date of inactivation. The required fee to reactivate a license is the initial licensure fee. To satisfy  
23 the continuing education requirement to reactivate a license, the licensee shall provide evidence of

1 20 hours of board approved continuing education earned within the ~~past~~12 months prior to the  
2 date of reactivation.

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

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

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

9 **20:49:15:01. Grounds for revocation, suspension, or other action.** The board may  
10 revoke or suspend a license or take other action deemed necessary to protect the public upon any  
11 of the following grounds:

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

13 (2) The licensee or permittee is guilty of fraud, bribery, or deceit in procuring a license or  
14 permit, in carrying out the duties as a nursing home administrator, or in obtaining renewal of a  
15 license or permit;

16 (3) The licensee or permittee has been convicted of, pled no contest, nolo contendere, pled  
17 guilty to, or been granted a deferred judgment or suspended imposition of sentence, or had  
18 prosecution deferred with respect to a felony. A felony is any offense which would be a felony  
19 under the laws of South Dakota if it was committed in the state;

20 (4) The licensee or permittee is addicted to the use of intoxicating beverages, narcotics, or  
21 any drugs or controlled substances to such an extent that the licensee or permittee cannot perform  
22 the duties;

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

6 (6) The licensee or permittee is guilty of unprofessional conduct;

7 (7) The licensee or permittee has violated any provision of SDCL chapter [36-28](#) or any rule  
8 promulgated pursuant to that chapter; or

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

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

13 **General Authority:** SDCL 36-28-49.

14 **Law Implemented:** SDCL 36-28-17, ~~36-28-19~~, ~~36-28-229~~.

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

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

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

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

21 (4) Violating the confidentiality of information or knowledge concerning the patient or  
22 resident;

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

- 1           (6) Using alcohol or other drugs to the extent that there is significant interference with job  
2 performance;
- 3           (7) Misuse of drug supplies, narcotics, or a patient's or resident's records;
- 4           (8) Falsifying a patient's or resident's records or intentionally charting incorrectly;
- 5           (9) Appropriating medications, supplies, or personal items of the patient or resident or  
6 agency;
- 7           (10) Forging a prescription or making a drug available to self, friends, or family members;
- 8           (11) Falsifying records submitted to the board, to the state department of health, or to any  
9 other government agency;
- 10          (12) Delegating nursing facility administrator care, functions, tasks, or responsibilities to  
11 others contrary to SDCL chapter [36-28](#) or to the detriment of patient or resident safety;
- 12          (13) Failure to exercise appropriate supervision over persons who are authorized to practice  
13 only under the supervision of a licensed professional;
- 14          (14) Leaving a nursing facility administrator assignment or post without notifying a  
15 substitute;
- 16          (15) Assisting any other person to violate or circumvent any provision of  
17 SDCL chapter 36-28 or this article;
- 18          (16) Permitting an unlicensed person to use a nursing facility administrator license or permit  
19 for any purpose; and
- 20          (17) Having a license or certificate in a related health care discipline in the state of South  
21 Dakota or in another state denied, refused renewal, revoked, or suspended due to unprofessional  
22 conduct as defined in items 1 to 16, inclusive, of this rule.



1           **Source:** 8 SDR 24, effective September 16, 1981; 12 SDR 151, 12 SDR 155, effective July  
2 1, 1986; SL 2014, ch 186, § 53, effective July 1, 2014.

3           **General Authority:** SDCL 36-28-49.

4           **Law Implemented:** SDCL 36-28-17, ~~36-28-229~~.