

1979 WL 43519 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 14, 1979

***1 RE: Opinion Request**

Ms. Bonnie L. Carroll
Administrative Assistant
State Board of Examiners For Nursing Home Administrators
P.O. Box 11477
Columbia, South Carolina 29211

Dear Ms. Carroll:

I am writing in response to your letter of August 3, 1979, concerning the Board's authority to require practical experience in nursing home administration as a requisite to initial licensure as a nursing home administrator. It is the opinion of this Office that the Board possesses this authority.

Several statutory provisions direct this conclusion. The State Board of Examiners for Nursing Home Administrators possesses the authority to license nursing board administrators. It is mandated to 'establish qualification criteria for such nursing home administrators.' [Section 40-35-30, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. Further, the Board is prohibited from issuing a license to an applicant ' . . . unless he shall have submitted evidence satisfactory to the Board of his ability to supervise a nursing home. . . . ' [Supra](#). In addition, this authority is reiterated in [§§ 40-35-80 and 40-35-90 of the Code](#). Paralleling this authority to determine eligibility criteria, the Board is authorized to promulgate rules and regulations implementing the licensing process. [Section 40-35-40, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended.

The present rules and regulations reflect the Board's determination that practical experience is a necessity in determining whether or not an applicant is qualified to practice as a nursing home administrator. R93-5(4) requires the applicant for licensure to submit satisfactory evidence to the Board 'that he is suitable and fit to be licensed. . . . ' To meet this requirement the applicant, *inter alia*, must submit evidence of his 'ability to assume responsibility for the administration of a nursing home as evidenced by prior accredited activities and evaluation of prior services ' R93-6c(4), [emphasis added]. R93-6d specifies guidelines for the determination of 'suitable ability.' These sections of the regulations indicate the necessity of prior related experience by the applicant.

Thus, it is the opinion of this Office that the State Board of Nursing Home Examiners has the statutory authority to require 'practical experience' as a condition of licensure. Further, it appears that the Board has implemented by regulation this requirement.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

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