

MINNESOTA CODE OF AGENCY RULES

RULES OF THE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

1982 Reprint



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BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

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RULES AND REGULATIONS

MINNESOTA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

CHAPTER ONE: NHA 1 SOURCE OF AUTHORITY

NHA 1 The Rules and Regulations herein contained constitute, comprise and shall be known as the Rules and Regulations of the Board of Examiners for Nursing Home Administrators of the State of Minnesota and are promulgated pursuant to the authority granted to the said Board under and pursuant to M.S. 1969 § 144.954 and M.S. 1969 § 144.959, and in accordance with the Administrative procedures Act M.S. 1969 cp. 15.

CHAPTER TWO: NHA 3 *see also 2585T* **DEFINITIONS**

NHA 3 Whenever used in these rules and regulations, unless expressly otherwise stated, the following terms shall have the respective meaning hereinafter set forth.

(a) "Board" means the Minnesota State Board of Examiners for Nursing Home Administrators.

(b) "Nursing Home Administrator" means a person who administers, manages, supervises, or who is in general administrative charge of a nursing home whether or not such an individual has an ownership interest in such home, and whether or not his functions and duties are shared with one or more other individuals.

(c) "Nursing Home Administrator-in-Training" means an individual recorded as such with the Board under and pursuant to the Law and these rules and regulations.

(d) "Nursing Home" means an institution or facility licensed as such under Minnesota Statutes, section 144.50 to 144.56 by the Minnesota State Board of Health.

(e) "Examination" means any method or methods used by the Board to evaluate the eligibility, background, knowledge, competence, experience, skills or any other qualifications of an applicant for licensure.

(f) "Person" means an individual, and does not include the terms firm, corporation, association, partnership, institution, public body, joint stock association or any other group of individuals.

(g) "License" means a certificate or other written evidence issued by the Board to indicate that the bearer has been certified by that body to meet all the standards required of a licensed nursing home administrator.

(h) "Temporary License" means a license issued by the Board to an individual who meets the statutory qualifications of Minnesota Statutes, Section 144.953 § 2.

(1) "Temporary Permit" means a permit issued by the Board to an individual who meets the statutory qualifications of Minnesota statutes section 144.953 § 2, but whose service as a nursing home administrator began during the period from January 1, 1969 and through June 30, 1972.

CHAPTER THREE: NHA 6-7 BOARD OF EXAMINERS

NHA 6 Meetings

(a) The Board shall have a minimum of four (4) meetings per year. A quorum of five (5) members entitled to vote shall be present at every meeting to conduct the business of the Board.

(b) The chairman or other officer of the Board may call special meetings thereof when circumstances or functioning of the Board require it.

(c) Roberts' Rules of Order (Rev.) shall govern all meetings of the Board.

NHA 7 Organization

(a) The Board shall elect annually at its first meeting in its calendar year from among its membership, a chairman, vice-chairman and secretary/treasurer. Vacancies in the officer positions of the Board shall be filled in like manner at any meeting.

(b) The chairman shall preside at all meetings of the Board and shall sign all official documents of the Board. In the absence of the chairman, the vice-chairman shall preside at meetings and perform the duties of chairman.

(c) In addition to the duties that may be imposed by Law, the secretary-treasurer or a designee, shall attend all meetings of the Board, keep a full and complete record of the minutes of said meetings, notify the members of the Board of the time and place fixed for meetings of the Board, and maintain records pertaining to licensees and these rules and regulations.

(d) The secretary/treasurer or designee shall conduct all routine correspondence for the Board and shall issue all notices of meetings and hearings and shall have custody of all books, records and property of the Board.

(e) The Board shall maintain a register of all applications for licensing of nursing home administrators which register shall show: Name, address, education and experience qualifications of each applicant; name and address of current employer or business connection; date of application; date and serial number of the license issued to the applicant; the date on which action was taken by the Board; and such other information as may be pertinent in the opinion of the Board.

CHAPTER FOUR: NHA 10-15 LICENSE

7 MCAR S 6.010 Requirements.

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A. No initial license shall be issued to a person as a nursing home administrator unless the individual:

1. is at least 18 years of age.
2. is of sound physical and mental health.
3. is of good moral character and otherwise suitable.
4. has furnished satisfactory evidence, as required by the board, that he/she possesses the general administrative abilities needed to satisfactorily administer a nursing home and possesses the ability to relate the administration of a nursing home to the physical, psychological, spiritual, emotional and social needs of patients and to create a compassionate and helpful environment.

5. has paid all license and examination fees as established by the board.

6. has achieved a passing score, to be reasonably established by the board, on all required examinations, unless otherwise hereinafter provided.

7. has satisfactorily completed a board approved practicum course in long term care administration of a minimum of 300 clock hours under the guidance of a licensed nursing home administrator preceptor and the supervision of a faculty person coordinating the course at the college or university offering the course.

8. has a Baccalaureate degree (or a higher degree) from an accredited institution. If this degree is not in health care administration with courses in long term care, the degree must include at least one course in each of the following areas: management, long term care programs, gerontology, issues in health care, medical terminology, business or health care law, accounting or fiscal management. The requirements of this section do not apply to those individuals who are applying for renewal of their license.

B. Waiver provisions.

1. The board shall waive 7 MCAR S 6.010 A.8 if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of two continuous years and meets all other licensure requirements.

2. The board shall waive 7 MCAR S 6.010 A.7 if the applicant submits evidence of having completed satisfactorily one year full time as an administrator or in an assistant administrator position in a health care facility.

3. The board shall waive the requirements of 7 MCAR SS 6.010 A.7 and 6.010 A.8 for any applicant who, on April 15, 1980, was registered with the Commissioner of Health as a hospital administrator and who was administratively responsible on April 15, 1980, for a nursing home (convalescent and nursing care unit) attached to a hospital and had served in that capacity for a period of three (3) or more years. Any applicant applying for licensure pursuant to this rule shall be required to pass the currently used written examination.

4. The board shall waive all, except the following, requirements of 7 MCAR SS 6.010 A.7 and 6.010 A.8 for any applicant who, on April 15, 1980, was registered with the Commissioner of Health as a hospital administrator and who was administratively responsible on April 15, 1980, for a nursing home (convalescent and nursing care unit) attached to a hospital and had served in that capacity for a period of less than three (3) years:

- a. Long term care programs.
- b. Gerontology.

Any applicant applying for licensure pursuant to this rule shall be required to pass the currently used written examination.

5. The board shall waive any provision of its rules requiring a demonstration of medical knowledge which is contrary to the religious beliefs of the Church of Christ, Scientist for any applicant who seeks to obtain a license restricted to administering a nursing home operated exclusively in accordance with the teachings of the Church of Christ, Scientist. Any license issued pursuant to this section shall be endorsed to restrict the license to administering such institutions.

6. The board shall waive the requirements of 7 MCAR SS 6.010 A.6, 6.010 A.7 and 6.010 A.8 for any applicant who on April 15, 1980, was registered with the Commissioner of Health as a hospital administrator and who was administratively responsible on April 15, 1980, for a nursing home (convalescent and nursing care unit) attached to a hospital, and who is applying for a license restricted to the administration of a nursing home attached to a hospital. Any license issued pursuant to this subpart shall be endorsed to restrict the licensee to the administration of a nursing home attached to a hospital.

NHA 11 Application

(a) Application for licensure shall be made on forms provided by the Board and shall be accompanied by all the required supportive information and documents. Completed applications shall be received by the Board no less than 45 days in advance of an examination date. Applications shall become void one year after the application form is filed with the Licensure Board unless the applicant maintains an active file by either writing the examinations when offered or is enrolled in an approved educational course designed to meet licensure requirements and so notifies the Board.

(b) The Board, in its discretion, may reject any application where the applicant has not shown by his application to have complied with the requirements set forth in NHA 10, paragraphs 1-5.

(c) Any applicant for licensure whose application has been rejected by the Board shall be given written notice of his disqualification, and the reasons therefor, and of his right to a hearing.

(d) In the event the Board is unable to conduct a hearing as provided for in NHA 11 (c) prior to the date of the examination, the Board may permit the disqualified applicant to take the examination, conditioned upon the applicant's showing, at the hearing or otherwise, that he is qualified for licensure.

(e) There shall be no discrimination with regard to applicants or license holders on the ground of race, color, sex, creed or national origin.

(f) Any license and/or examination fees paid to the Board cannot be refunded.

NHA 12 Examination

(a) Each examination shall consist of one or more written and/or oral tests and may include such other evaluative techniques as the Board may employ. Each examination shall include, but shall not be limited to, the following subjects:

- (1) Applicable standards of environmental health and safety.
- (2) Local health and safety regulations.
- (3) General administration.
- (4) Psychology of patient care.
- (5) General principles of medical care.
- (6) Personal and social care.
- (7) Therapeutic and supportive care and services in long term care.

8 SR 1480
12-19-83

7 MCAR 5 6.012

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7 MCAR S 6.013 License -- Issuance.

A. An applicant for license as a nursing home administrator who has complied with the requirements of the licensing law and the standards provided herein shall be issued a license on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws, rules and regulations entitling him to serve, act and practice, and

otherwise hold himself out as a duly licensed nursing home administrator subject to any endorsements on the license. Any license issued by the board shall be under the hand and seal of the chairperson and secretary of the board.

(b) The board may issue a temporary permit to any individual applying therefor who:

(1) Begins service as a nursing home administrator after January 1, 1969; and

(2) Meets the statutory qualifications for licensing as a nursing home administrator.

(c) Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license pursuant to the provision of these rules for the current registration period shall have the right and privilege of using the title "Licensed Nursing Home Administrator" and of using the abbreviation "L.N.H.A." after his name.

(d) In the event a licensed nursing home administrator is removed from his position by death or other unexpected cause, the owner, governing body or other appropriate authority of the nursing home suffering such removal may designate an acting nursing home administrator who may serve without a license for no more than ninety (90) days unless an extension is granted by the board. The owner, governing body or other appropriate authority of the nursing home suffering such removal shall notify the licensure board in writing within fifteen (15) days of the termination of service of the administrator as well as the appointment of the new administrator.

NHA 14 Reciprocity

(a) The Board subject to the Law pertaining to the licensing of nursing home administrators prescribing the qualifications for nursing home administrator license may endorse, without examination, a nursing home administrator license issued by the proper authorities of any other state or political subdivision of the United States, and upon payment of a fee established by the Board, but not to exceed one hundred (100) dollars, provided;

(1) that such other state or subdivision of the United States, maintains a system and standard of qualification examination for nursing home administrator licensure which is substantially equivalent to those required in the State of Minnesota; and

(2) that such applicant for endorsement is familiar with Minnesota's state and local health and safety regulations related to nursing homes and has successfully passed the Board's examination on State rules and regulations; and

(3) that applicant for endorsement is in good standing as a nursing home administrator as such in each State or subdivision of the United States from which he has ever received a nursing home administrator license or reciprocal endorsement.

(b) The Board shall power and shall take the opportunity to be heard at a formal hearing pursuant to administrative procedure act M.S. 1969, cp. 15, to revoke or suspend the endorsement of a nursing home administrator license issued to any person on evidence satisfactory to the Board, that the duly constituted authorities of any State have lawfully revoked or suspended the nursing home administrator license issued to such person by such State.

NHA 15 Display of License

(a) Every person licensed as a nursing home administrator shall display such license in a conspicuous place in the office, place of business or employment of such licensee.

(b) Upon receipt of satisfactory evidence that a license has been lost, mutilated, or destroyed, the Board may issue a duplicate license upon payment of a \$10.00 fee.

NHA 16 Renewal

(a) Every person who holds a valid license as a nursing home administrator issued by the Board shall annually apply on or before June 1, to the Board for a renewal of his license and report any information deemed pertinent and requested by the Board on forms provided for such purpose.

(b) Upon making an application for a renewal of his license such licensee shall pay the annual fee of \$75.00. Renewal applications received between one month and up to six months after July 1 shall pay a late filing fee of \$10. Renewal applications received six months or longer after July 1 shall pay a late filing fee of \$20.00. He shall submit evidence satisfactory to the Board that during the annual period immediately preceding such application he has complied with the rules and regulations of this Board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for re-licensure. Non-academic continuing educa-

tion requirements of re-licensure shall be completed by May 1 of each year for the ensuing licensure year; however, upon presentation of a written petition, licensees may be granted an extension for an appropriate period of time. Extensions will only be granted in unusual circumstances. Applicants granted extensions will be required to make payment of applicable late filing fees.

Licensees, in order to be eligible for consideration for renewal of their license, shall be required to satisfy the following continuing educational requirements:

(aa) (non-academic requirement) Annual attendance at Licensure Board approved seminars, institutes or workshops totalling at least 20 clock hours, and

(bb) (Academic requirement) Satisfactory completion during each three-year license renewal period of at least 6-quarter credit hours of 4-semester hours in health care courses related to long term health care administration from an educational institution accredited by the appropriate Regional Accrediting Agency. Administrators holding at least a Baccalaureate degree shall have the following options of satisfying the academic requirement:

1. Attendance during the first 3-year license renewal period of an additional 20 clock hours of Board approved seminars, institutes or workshops.

2. Administrators Licensed after 7-1-76 shall not be granted option (l), but shall have the option of attending an additional 30 clock hours of approved seminars, institutes or workshops.

3. Attendance, during the second and succeeding 3-year license renewal period at an additional 30 clock hours of Board approved seminars, institutes or workshops.

(cc) Agencies wishing to sponsor educational seminars, institutes, or workshops shall submit in writing, a minimum of 30 days in advance of the presentation, the following information, so that the appropriate number of clock hours may be assigned.

1. Date, time and location of presentation.

2. Presentation broken down into specific time periods, topic titles and speakers.

3. Brief biography of all faculty.

4. Number of clock hours requested.

5. A statement indicating the agency's willingness to provide to the Board and shall, upon request of the Board, so provide:

- A. A method for accurately recording attendance at each presentation.

- B. A "Certificate of Attendance" or an appropriate record attesting to the number of clock hours actually attended for each attendee.

- C. A roster of attendees to the Licensure Board for which "Certificates of Attendance" forms were issued.

D. An evaluation by all participants of the program in the following areas:

- a. Relevance and appropriateness of program content.
- b. Methods and procedures, instructional techniques and material used in presentation of program content.
- c. Effectiveness of faculty in presenting program material.
- d. The extent to which the purposes and objectives of the program are achieved.

6. In the event a licensed administrator attends a seminar, institute or workshop conducted by an agency, who reasonably would not be expected to be aware of the requirements for continuing education approval, but meets the approval criteria, the Board may assign a specific number of clock hours and grant appropriate credit to participants providing participants submit a written report on each of the educational offerings attended along with their registration badge or other proof of attendance. This report shall be on a form provided by the Board. Such form may include but not be limited to provisions for the following information:

- (a) Name of seminar attended.
- (b) Sponsor of seminar.
- (c) Date and location of seminar.
- (d) Topic title of each presentation.
- (e) Name of presenter of each presentation.
- (f) Time period of presentation.
- (g) Summary of subject matter presented.

(dd) Seminars, institutes or workshops shall be evaluated for clock hour credits on the following dual-level basis:

1. Seminars, institutes or workshops shall receive full clock hour credit upon meeting the following criteria;

- (a) Subject matter specifically related to the primary administrator functions and responsibilities of long term health care.
- (b) Subject matter designed for development of administrative skills in health care administration.
- (c) Instructors have documented academic background sufficient to demonstrate competence and expertise in involved subject.

2. Seminars, institutes or workshops not meeting (dd) (1) above, but relevant in introducing new knowledge or techniques, refresh inactive or neglected skills or which serve to improve professional job performance in the general area of health care administration not primarily related to administrator functions or responsibilities, and which meet the following criteria, shall receive clock hour credit equal to one-half of the regular basis.

- (a) Subject matter related to health care administration.

(b) Subject matter designed for development of administrative skills in health care administration.

(c) Instructor's vitae with documented background sufficient to demonstrate competence and expertise in involved subject.

(c) The license of a nursing home administrator who fails to comply with the provisions of this section and who continues to act as a nursing home administrator may be suspended or revoked by the Board in the manner provided by these regulations.

(d) A nursing home administrator who has been duly licensed in this State, whose license shall not have been revoked or suspended, and whose license has expired, may apply for renewal of his license upon filing with the Board an affidavit of such fact. The Board, in its discretion, may re-issue the license or may require the applicant to meet licensure requirements as of that date.

(e) A nursing home administrator need not be actively practicing as a nursing home administrator in order to be eligible to renew his license.

CHAPTER FIVE: NHA 17

REVOCATION, SUSPENSION, REFUSAL TO RENEW

NHA 17 Revocation, Suspension, Refusal

(a) The Board may suspend or revoke a license, or refuse to renew a license of a nursing home administrator after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that such person:

(1) Has violated any of the provisions of the Law pertaining to the licensing of nursing home administrators or the rules and regulations of the Board pertaining thereto; or

(2) Has wilfully or repeatedly violated any of the provisions of the Law, code, rules, or regulations of the licensing or supervising authority or agency of the State or political subdivision thereof, having jurisdiction over the operation and licensing of nursing homes;

(3) Has practiced fraud, deceit or misrepresentation in securing or procuring a nursing home administrator license; or

(4) Is found by the Board to be incompetent to practice as a nursing home administrator.

(b) In determining whether a person is incompetent to serve in the profession of nursing home administration as provided in NHA 17 (a), (1-4), the following non-inclusive items may be considered: No person shall be licensed or continue to be licensed as a nursing home administrator if he or she;

(1) Has practiced fraud, deceit, or misrepresentation in his capacity as a nursing home administrator; or

(2) Has committed acts of misconduct in the operation of a nursing home under his jurisdiction; or

(3) Is habitually intemperate; or

(4) Is addicted or dependent upon the use of morphine, opium, cocaine or other drugs, or derivatives thereof to include synthetic drugs recognized as habit forming or addictive; or

(5) Has practiced without annual registration; or

(6) Has wrongfully transmitted or surrendered possession either temporarily or permanently, his license or certificate to any other person, or

(7) Has paid, given, has caused to be paid or given or offered to pay or give to any person, a commission or other consideration for solicitation or procurement either directly or indirectly for nursing home patronage; or

(8) Has practiced fraudulent, misleading or deceptive advertising with respect to the institution of which he is an administrator, to any person; or

(9) Has falsely impersonated another licensee of a like or different name; or

(10) Has failed to exercise true regard for the safety, health and life of a patient; or

(11) Has wilfully permitted unauthorized disclosure of information relating to a patient or his record; or

(12) Has discriminated in respect to patients, employees or staff on account of race, sex, religion, color or national origin.

CHAPTER SIX: NHA 18

RESTORATION AND REINSTATEMENT

NHA 18 Restoration and Reinstatement

(a) Upon revocation by the Board, a license may be restored within a period of two (2) years, but no sooner than six (6) months, when the Board, in its discretion, and upon submission of satisfactory evidence, finds that the applicant for such restoration of license has removed the disability by complying to the requirements of Chapter 4, NHA 11.

(b) Upon application for restoration of a license, the Board in its discretion, may grant the applicant a formal hearing.

(c) If the application for renewal has not been received by July thirty (30) of each year, the license will be lapsed and the holder of a lapsed license will be subject to reinstatement procedure.

CHAPTER SEVEN: NHA 19-21

APPROVAL OF INSTITUTION AND COURSES OF STUDY

NHA 19 Any course of study offered by an educational institution, association, professional society, individual or any organization sufficient to meet the education and training requirements for the purpose of qualifying applicants for licensing or re-licensing as nursing home administrators shall be approved by the Board.

A program of study designed to train and qualify for licensing or re-licensing as a nursing home administrator as required by these rules and regulations offered by any accredited university or college, individual or

association, shall be deemed acceptable and approved for such purposes, provided, however, that:

(a) Such program shall have been approved as above required of these rules and regulations:

(b) Such programs may include the following general subject areas or their equivalents:

- (1) Applicable standards of environmental health and safety.
- (2) Local health and safety regulations.
- (3) General Administration.
- (4) Psychology of patient care.
- (5) General principles of medical care.
- (6) Personal and social care.
- (7) Therapeutic and supportive services in long-term care.
- (8) Departmental organization and management.
- (9) Community inter-relationships.

NHA 20 The applicant shall furnish the Board evidence of satisfactory completion of an approved program of study.

Repealed 8 5R 1480 12-19-83
NHA 21 Nothing contained in these rules (NHA 19-20) shall preclude the Board from providing for a program of study which excludes subjects which shall be in conflict with teachings and practice of a recognized religious faith; provided however, any applicant seeking to be entitled to be admitted to such program of study hereunder shall submit evidence satisfactory to the Board that he is, in fact, an adherent of such recognized religious faith.

8 5R 1480 12-19-83
CHAPTER EIGHT: NHA 22-23

COMPLAINTS AND HEARING PROCEDURES

9 7 MCAR 5 6.022
~~NHA 22~~ Complaints procedure. All complaints made to the Board or its employees or representatives shall be processed in accordance with Minn. Stat. ch. 214 (1976), as it shall from time to time be amended, and any other statutory provisions applicable to the processing of complaints.

9 7 MCAR 5 6.023
~~NHA 23~~ Conduct of hearing. Any hearing initiated pursuant to the statutory authority of the Board and/or pursuant to these rules shall be conducted pursuant to the requirements of Minn. Stat. ch. 15 (1976) as it may from time to time be amended.

CHAPTER NINE: NHA 24

APPLICABILITY, LEGAL EFFECT, SEPARABILITY

9 7 MCAR 5 6.024
~~NHA 24~~ Filing—Legality

(a) The rules and regulations of the Board are intended to be consistent with applicable Federal and State Law and shall be construed, whenever necessary, to achieve such consistency.

(b) In the event that any provision of these Rules and Regulations is declared unconstitutional or invalid, or the application thereof to any person or circumstance is held unconstitutional or invalid, the applicability or validity of every other provision of these rules and regulations shall not be affected thereby.

(c) These rules and regulations shall not affect pending actions or proceedings, Civil or Criminal, but the same may be prosecuted or defended in the same manner and with the same effect as though these rules and regulations had not been promulgated.

(d) Amendments to these rules and regulations shall be made according to the applicable provisions of the Administrative Procedure Act.