

CHAPTER 6400
BOARD OF EXAMINERS FOR NURSING HOME
ADMINISTRATORS
LICENSING OF NURSING HOME
ADMINISTRATORS

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6400.0100 DEFINITIONS.

Subpart 1. **Scope.** Whenever used in this chapter, unless expressly otherwise stated, the following terms have the meanings given them.

Subp. 1a. **Acting license.** "Acting license" means a license issued by the board to an individual who meets the statutory qualifications of Minnesota Statutes, section 144A.20.

[For text of subp 2, see M.R. 1983]

Subp. 3. **Examination.** "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.

Subp. 4. **License.** "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.

Subp. 5. **Nursing home.** "Nursing home" means an institution or facility licensed as such under Minnesota Statutes, sections 144.50 to 144.56 by the Minnesota State Board of Health.

[For text of subp 6, see M.R. 1983]

Subp. 7. [Repealed by amendment, 8 SR 1480]

Subp. 8. **Person.** "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.

Subp. 9. [Renumbered subp 1a]

Subp. 10. [Repealed by amendment, 8 SR 1480]

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0200 STATUTORY AUTHORITY.

This chapter constitutes, comprises, and shall be known as the rules of the Board of Examiners for Nursing Home Administrators of the state of Minnesota and are promulgated under the authority granted to the board under Minnesota Statutes, sections 144A.19 to 144A.29 and in accordance with the Administrative Procedure Act in Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0300 MEETINGS.

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

Special meetings. The chair or other officer of the board may call special meetings when circumstances or functioning of the board require.

Roberts' Rules of Order, revised, shall govern all meetings of the board

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0400 OFFICERS.

Subpart 1. **Election.** The board shall elect annually at its first meeting in its calendar year from among its membership, a chair, vice-chair, and secretary-treasurer. Vacancies in the officer positions of the board shall be filled in like manner at any meeting.

Subp. 2. **Presiding officer.** The chair shall preside at all meetings of the board and shall sign all official documents of the board. In the absence of the chair, the vice-chair shall preside at meetings and perform the duties of the chair.

Subp. 3. **Secretary-treasurer.** 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. 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.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0450 COMMITTEES; APPOINTMENTS.

The board may establish any committees it deems appropriate. All standing committee appointments shall be made annually at the first meeting in the calendar year by the chair with the advice and consent of the board.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0500 RECORDS.

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.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0600 LICENSE REQUIREMENTS.

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

[For text of items A to D, see M.R. 1983]

E. has paid the following licensure and examination fees as established by the board:

- (1) an original application fee, not to exceed \$75;
- (2) a state examination fee, not to exceed \$50; and
- (3) a national examination fee, not to exceed \$80.

[For text of item F, see M.R. 1983]

G. has a baccalaureate or higher degree from an accredited institution and has satisfactorily completed an approved academic course in each of the following areas:

(1) a course in the principles of organizational management and administration which delineates the role, functions, and process of management including planning, staffing, organizing, controlling, delegating, and evaluating outcomes;

(2) an accounting course which provides an introduction to basic financial concepts, financial statements, definition of accounting terminology, and the recording and reporting of financial events including budgeting;

(3) a course in social gerontology which includes the study of the social aspects of aging in our society as they relate to services and programs for the infirm or aged, or both;

(4) a course on issues in health care in which there is a study of at least three of the major social, economic, and ethical issues confronting long-term health care which include nontraditional approaches to health care, relationships of life style to health, patients' rights, right-to-die issues, and dilemmas of health care professionals in terms of morals, ethics, and professional commitments;

(5) a course in health care law which studies common case law and types of legal entities that affect or govern long-term health care organizations including its board and staff and the laws that affect guardianship or conservatorship;

(6) a course in the administration of long-term care services and programs which is a study of the function and role of professional and nonprofessional personnel, their services, and organizational programs which are needed to provide therapeutic-geriatric services for those requiring long-term health care;

(7) a human resource or personnel management course which is a study of recruitment, screening and selection processes, job descriptions, job evaluations, personnel policies affecting management and human resources, including orientation and development of employees, personnel records, wage and salary administration, labor laws, affirmative action planning, and equal employment opportunity legislation;

(8) a course in medical terminology, including a study of commonly accepted medical terms used in long-term care; and

(9) a board-preapproved practicum course which relates knowledge courses to the practice of administration in long-term health care organizations. The course, which must be of a minimum of 300 clock hours, must be under the direction of a faculty person of the educational institution coordinating the course and carried out by a licensed nursing home administrator-preceptor. Upon mutual agreement of the educational facility and nursing home preceptor, a licensed nursing home may serve as the practicum site for an applicant who is employed by that nursing home.

H. Applicants with a degree in health care administration rather than long-term health care administration need only satisfy the practicum requirement of item G, subitem (9), and satisfactorily complete the courses described in item G; subitems (3) and (6).

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0700 WAIVER PROVISIONS.

Subpart 1. **Waiver of degree.** The board shall waive part 6400.0600, items G and H if the applicant submits satisfactory evidence of having actively served full time as a licensed nursing home administrator in another state for a minimum period of two continuous years within the immediate past five licensure years and meets all other licensure requirements.

Subp. 2. **Waiver of practicum course.** The board shall waive part 6400.0600, item G, subitem (9) if the applicant submits evidence of having completed satisfactorily one year continuous, full time as an administrator or in a position as an assistant administrator in an acute care, skilled care, or intermediate care facility, or as a director of nursing services or a director of social services in a skilled or intermediate care facility.

: [For text of subps 3 to 5, see M.R. 1983]

Statutory Authority: MS s 144A.21 subd 2; 144A.24; 144A.29

History: 8 SR 1480

6400.0800 APPLICATION.

[For text of subpart 1, see M.R. 1983]

Subp. 2. **Grounds for rejection.** The board, in its discretion, may reject any application where the applicant has not shown by the application compliance with the requirements of parts 6400.0600 and 6400.0700.

Subp. 3. **Notice of rejection.** Any applicant for licensure whose application has been rejected by the board shall be given written notice of the disqualification, and the reasons therefor, and of a right to a hearing.

Subp. 4. [Repealed by amendment, 8 SR 1480]

Subp. 5. **Discrimination prohibited.** There shall be no discrimination with regard to applicants or license holders on the ground of age, race, color, sex, creed, or national origin.

Subp. 6. **Fees not refunded.** Any license or examination fees paid to the board cannot be refunded.

Statutory Authority: MS s 144A.21 subd 2; 144A.24; 144A.29

History: 8 SR 1480

6400.1100 [Repealed by amendment, 8 SR 1480]**6400.1200 USE OF TITLE RESTRICTED.**

Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license pursuant to this chapter 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 or her name.

Statutory Authority: MS s 144A.21 subd 2; 144A.24; 144A.29

History: 8 SR 1480

6400.1300 ACTING ADMINISTRATOR.

If 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 for no more than 180 days. The owner, governing body, or other appropriate authority of the nursing home suffering such removal shall notify the licensure board in writing within 15 days of the termination of service of the administrator as well as the appointment of the new administrator. Upon receipt of notification of a vacancy, the board shall provide, if the designated new administrator is not fully licensed, the appropriate forms for securing an acting license. The board shall expediently

process all qualified applicants for acting license. If an application is received after a vacancy occurs, the acting license shall be retroactive to the date the applicant assumed administrative responsibility of the facility.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.1400 RECIPROCITY.

Subpart 1. **General requirements.** 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 provided:

A. 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;

B. 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;

C. 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 or she has ever received a nursing home administrator license or reciprocal endorsement; and

D. that an applicant who seeks licensure by reciprocity shall pay a service fee, as established by the board not to exceed \$50.

[For text of subp 2, see M.R. 1983]

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.1600 DUPLICATE LICENSES.

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 fee established by the board, not to exceed \$25.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.1700 RENEWAL.

Subpart 1. **Forms from board.** 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 the license and report any information deemed pertinent and requested by the board on forms provided for that purpose

Subp. 2. **Fees; time for renewal.** Upon making an application for a renewal of his license such licensee shall pay the annual fee as established by the board, not to exceed \$125. Renewal applications received after July 1 shall pay the late filing fees as established by the board not to exceed \$30 for the first six months and \$50 for the second six months. The applicant shall submit evidence satisfactory to the board that during the annual period immediately preceding such application he has complied with the rules of this board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for relicensure. Nonacademic continuing education requirements of relicensure 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

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.1800 CONTINUING EDUCATION REQUIREMENTS.

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

A. annual attendance at licensure board-approved seminars, institutes, or workshops totalling at least 20 clock hours; and

B. satisfactory completion during each three-year license renewal period of at least six quarter-credit hours or four semester hours in health care courses related to long-term health care administration from an educational institution accredited by the appropriate regional accrediting agency or attendance during the same time period at an additional 30 clock hours of board-approved seminars, institutes, or workshops

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.2200 REVOCATION, SUSPENSION, REFUSAL.

[For text of subpart 1, see M.R. 1983]

Subp. 2. **Criteria for disciplinary action.** In determining whether a person is incompetent to serve in the profession of nursing home administration as provided in subpart 1, the noninclusive items listed in items A to K may be considered. No person shall be licensed or continue to be licensed as a nursing home administrator if he or she:

A. has practiced fraud, deceit, or misrepresentation in his or her capacity as a nursing home administrator;

B. has committed acts of misconduct in the operation of a nursing home under his or her jurisdiction;

C. has practiced without annual registration;

D. has wrongfully transmitted or surrendered possession of his or her license or certificate to any other person, either temporarily or permanently;

E. 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;

F. has practiced fraudulent, misleading, or deceptive advertising with respect to the institution of which he or she is an administrator, to any person;

G. has falsely impersonated another licensee of a like or different name;

H. has failed to exercise true regard for the safety, health, and life of a patient;

I. has wilfully permitted unauthorized disclosure of information relating to a patient or the patient's record;

J. has discriminated with respect to patients, employees, or staff on account of age, race, sex, religion, color, or national origin; or

K. is habitually overindulgent or addicted to the use of habitforming drugs, including alcohol; a legend drug as defined in Minnesota Statutes, chapter 151; a chemical as defined in Minnesota Statutes, chapter 151; or a controlled substance as defined in Minnesota Statutes, chapter 152 and this overindulgence or addiction has affected the person's performance of his or her duties. In reviewing this disciplinary matter, the board shall consider any attempt the

person has made toward rehabilitation.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.2300 RESTORATION AND REINSTATEMENT.

Subpart 1 Restoration. Upon revocation by the board, a license may be restored within a period of two years, but no sooner than six 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 part 6400.0800.

Subp 2. Hearing on request. If the board refuses to grant an application for restoration of a license, then, upon written request of the applicant, a formal hearing shall be held on the application for restoration.

Subp 3. Lapsed licenses. If the application for renewal has not been received by July 31 of each year, the license will be lapsed and the holder of a lapsed license will be subject to reinstatement procedure. Holders of a license that has been lapsed for five years or longer shall be regarded as having forfeited all rights and privileges for restoration of the lapsed license

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.2400 PROGRAM APPROVAL.

Subpart 1. Approval of programs for licensure. A program of study offered by an accredited educational institution must have prior approval of the board in order to be acceptable for meeting nursing home administrator licensure requirements. The board shall approve programs of study which include courses in the areas described in part 6400.0600, item G, subitems (1) to (7) and (9), upon payment of a service fee as established by the board, not to exceed \$40 per program.

Subp. 2. Approval of programs for relicensure. Any program of study offered by an educational institution, association, professional society, individual, or organization must be approved by the board before it will qualify as sufficient to meet the education and training requirements necessary for relicensure of applicants as nursing home administrators. A program of study designed to train and qualify for relicensure as a nursing home administrator offered by any accredited university or college, individual, association, or organization shall be deemed acceptable and approved for such purposes if the information required under part 6400.1900 is provided to the board by the program sponsor.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.2500 APPLICANT RESPONSIBILITY.

The applicant shall furnish the board evidence of satisfactory completion of an approved program of study.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.2600 [Repealed, 8 SR 1480]