

1 Board of Examiners for Nursing Home Administrators

2

3 Adopted Rules Governing Licensure and Relicensure of Nursing
4 Home Administrators

5

6 Rules as Adopted

7 ~~NHA-~~ 7 MCAR S 6.001 Statutory authority.

8 The Rules and-Regulations-herein-contained 7 MCAR SS
9 6.001-6.024 constitute, comprise, and shall be known as the
10 rules and-Regulations of the Board of Examiners for Nursing Home
11 Administrators of the state of Minnesota and are promulgated
12 pursuant-to under the authority granted to the said board under
13 and-pursuant-to-Minnesota-Statutes-1969-Section-144.954-and
14 Minnesota-Statutes-1969-Section-144.959, Minnesota Statutes,
15 sections 144A.19-144A.29 and in accordance with the
16 Administrative Procedure Act Minnesota-Statutes-1969-ep.-15 in
17 Minnesota Statutes, chapter 14.

18 7 MCAR S 6.003 Definitions.

19 A. Scope. Whenever used in 7 MCAR SS 6.003-6.024, unless
20 expressly otherwise stated, the following terms have the
21 meanings given them.

22 (a)-(b) [Reletter as B.-C.]

23 (d)-(g) [Reletter as D.-G.]

24 H. Acting license. "Acting license" means a license issued
25 by the board to an individual who meets the statutory
26 qualifications of Minnesota Statutes, section 144A.20.

27 7 MCAR S 6.006 Meetings of the board.

28 (a) [Reletter as A.]

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

32 (c) [Reletter as C.]

33 7 MCAR S 6.007 Organization.

34 A. Officers. The board shall elect annually at its first

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1 meeting in its calendar year from among its membership, a chair,
 2 vice-chair, and secretary/treasurer. Vacancies in the officer
 3 positions of the board shall be filled in like manner at any
 4 meeting.

5 B. Presiding officer. The chair shall preside at all
 6 meetings of the board and shall sign all official documents of
 7 the board. In the absence of the chair, the vice-chair shall
 8 preside at meetings and perform the duties of the chair.

9 (c)-(d) [Reletter as C.-D.]

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

15 F. Records. The board shall maintain a register of all
 16 applications for licensing of nursing home administrators which
 17 register shall show: name, address, education and experience
 18 qualifications of each applicant; name and address of current
 19 employer or business connection; date of application; date and
 20 serial number of the license issued to the applicant; the date
 21 on which action was taken by the board; and such other
 22 information as may be pertinent in the opinion of the board.

23 7 MCAR S 6.010 License requirements.

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

26 1.-6- 4. [Unchanged.]

27 5. has paid ~~all license~~ the following licensure and
 28 examination fees as established by the board:

29 a. an original application fee, not to exceed \$75;

30 b. a state examination fee, not to exceed \$50; and

31 c. a national examination fee, not to exceed \$80.

32 6. [Unchanged.]

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

36 a. A course in the principles of organizational

1 management and administration which delineates the role,
2 functions, and process of management including planning,
3 staffing, organizing, controlling, delegating, and evaluating
4 outcomes;_.

5 b. An accounting course which provides an introduction
6 to basic financial concepts, financial statements, definition of
7 accounting terminology, and the recording and reporting of
8 financial events including budgeting;_.

9 c. A course in social gerontology which includes the
10 study of the social aspects of aging in our society as they
11 relate to services and programs for the infirm or aged, or both;_.

12 d. A course on issues in health care in which there is
13 a study of at least three of the major social, economic, and
14 ethical issues confronting long-term health care which include
15 nontraditional approaches to health care, relationships of life
16 style to health, patients' rights, right-to-die issues, and
17 dilemmas of health care professionals in terms of morals, ethics
18 and professional commitments;_.

19 e. A course in health care law which studies common
20 case law and types of legal entities that affect or govern
21 long-term health care organizations including its board and
22 staff and the laws that affect guardianship or conservatorship;_.

23 f. A course in the administration of long-term care
24 services and programs which is a study of the function and role
25 of professional and nonprofessional personnel, their services,
26 and organizational programs which are needed to provide
27 therapeutic-geriatric services for those requiring long-term
28 health care; ~~including a study of commonly accepted medical~~
29 ~~terms in long-term health care;_.~~

30 g. A human resource or personnel management course
31 which is a study of recruitment, screening and selection
32 processes, job descriptions, job evaluations, personnel policies
33 affecting management and human resources, including orientation
34 and development of employees, personnel records, wage and salary
35 administration, labor laws, affirmative action planning, and
36 equal employment opportunity legislation;_.

1 h. A board pre-approved practicum course which relates
2 knowledge courses to the practice of administration in long-term
3 health care organizations. The course, which must be of a
4 minimum of 300 clock hours, must be under the direction of a
5 faculty person of the educational institution coordinating the
6 course and carried out by a licensed nursing home administrator
7 preceptor. Upon mutual agreement of the educational facility
8 and nursing home preceptor, a licensed nursing home may serve as
9 the practicum site for an applicant who is employed by that
10 nursing home.

11 i. A course in medical terminology, including a study
12 of commonly accepted medical terms used in long-term care.

13 8. Applicants with a degree in health care administration
14 rather than long-term health care administration need only
15 satisfy the practicum requirement of 7.h. and satisfactorily
16 complete the courses described in 7.c. and 7.f.

17 B. Waiver provisions.

18 1. The board shall waive 7 MCAR S 6.010 A.7 and A.8 if
19 the applicant submits satisfactory evidence of having actively
20 served full-time as a licensed nursing home administrator in
21 another state for a minimum period of two continuous years
22 within the immediate past five licensure years and meets all
23 other licensure requirements.

24 2. The board shall waive 7 MCAR S 6.010 A.7 h. if the
25 applicant submits evidence of having completed satisfactorily
26 one year continuous, full time as an administrator or in a
27 position as an assistant administrator position in an acute
28 care, skilled care, or intermediate care facility, or as a
29 director of nursing services or a director of social services in
30 a skilled or intermediate care facility.

31 3.-6. [Unchanged.]

32 7 MCAR S 6.011 Application.

33 (a) [Reletter as A.]

34 B. Grounds for rejection. The board, in its discretion, may
35 reject any application where the applicant has not shown by the
36 application compliance with the requirements of 7 MCAR S 6.010.

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

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

8 (f) [Reletter as E.]

9 7 MCAR S 6.013 License; issuance.

10 A. [Unchanged.]

11 B. Use of title restricted. Only an individual who is
12 qualified as a licensed nursing home administrator and who holds
13 a valid license pursuant to 7 MCAR SS 6.003-6.024 for the
14 current registration period shall have the right and privilege
15 of using the title "Licensed Nursing Home Administrator" and of
16 using the abbreviation "L.N.H.A." after his or her name.

17 C. Acting administrator. If a licensed nursing home
18 administrator is removed from his position by death or other
19 unexpected cause, the owner, governing body, or other
20 appropriate authority of the nursing home suffering such removal
21 may designate an acting nursing home administrator who may serve
22 only after getting an acting license and for no more than 180
23 days. The owner, governing body or other appropriate authority
24 of the nursing home suffering such removal shall notify the
25 licensure board in writing within 15 days of the termination of
26 service of the administrator as well as the appointment of the
27 new administrator. Upon receipt of notification of a vacancy,
28 the board shall provide, if the designated new administrator is
29 not fully licensed, the appropriate forms for securing an acting
30 license. The board shall expediently process all qualified
31 applicants for acting license. If an application is received
32 after a vacancy occurs, the acting license shall be retroactive
33 to the date the applicant assumed administrative responsibility
34 of the facility.

35 7 MCAR S 6.014 Reciprocity.

1 A. General requirements. The board, subject to the law
2 pertaining to the licensing of nursing home administrators
3 prescribing the qualifications for nursing home administrator
4 license, may endorse, without examination, a nursing home
5 administrator license issued by the proper authorities of any
6 other state or political subdivision of the United States, ~~and~~
7 ~~upon payment of a fee established by the board,~~ provided:

8 (1)-(2) [Renumber as 1.-2.]

9 3. that applicant for endorsement is in good standing as
10 a nursing home administrator as such in each state or
11 subdivision of the United States from which he or she has ever
12 received a nursing home administrator license or reciprocal
13 endorsement.

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

17 (b) [Reletter as B.]

18 7 MCAR S 6.015 Display of license.

19 (a) [Reletter as A.]

20 B. Duplicate licenses. Upon receipt of satisfactory
21 evidence that a license has been lost, mutilated, or destroyed,
22 the board may issue a duplicate license upon payment of a fee
23 established by the board, not to exceed \$25.

24 7 MCAR S 6.016 Renewal.

25 A. Forms from board. Every person who holds a valid license
26 as a nursing home administrator issued by the board shall
27 annually apply on or before June 1, to the board for a renewal
28 of the license and report any information deemed pertinent and
29 requested by the board on forms provided for that purpose.

30 B. Fees; time for renewal. Upon making an application for a
31 renewal of his license such licensee shall pay the annual fee as
32 established by the board, not to exceed \$125. Renewal
33 applications received after July 1 shall pay the late filing
34 fees as established by the board not to exceed \$30 for the first
35 six months and \$50 for the second six months. The applicant

1 shall submit evidence satisfactory to the board that during the
2 annual period immediately preceding such application he has
3 complied with the rules of this board and continues to meet the
4 requirements as established, including, but not limited to,
5 continuing educational requirements for relicensure.

6 Nonacademic continuing education requirements of relicensure
7 shall be completed by May 1 of each year for the ensuing
8 licensure year; however, upon presentation of a written
9 petition, licensees may be granted an extension for an
10 appropriate period of time. Extensions will only be granted in
11 unusual circumstances. Applicants granted extensions will be
12 required to make payment of applicable late filing fees.

13 C. Continuing education requirements. Licensees, in order
14 to be eligible for consideration for renewal of their license,
15 shall be required to satisfy the following continuing
16 educational requirements:

17 1. annual attendance at licensure board approved
18 seminars, institutes, or workshops totalling at least 20 clock
19 hours; and

20 2. satisfactory completion during each three-year license
21 renewal period of at least 6-quarter credit hours or 4-semester
22 hours in health care courses related to long-term health care
23 administration from an educational institution accredited by the
24 appropriate regional accrediting agency or attendance during the
25 same time period at an additional 30 clock hours of
26 board-approved seminars, institutes, or workshops.

27 (cc) [Reletter as D.]

28 1.-5. [Unchanged.]

29 A.-D. [Reletter as a.-d.]

30 6. [Unchanged.]

31 (a)-(g) [Reletter as a.-g.]

32 (dd) [Reletter as E.]

33 1. [Unchanged.]

34 (a)-(c) [Reletter as a.-c.]

35 2. [Unchanged.]

36 (a)-(c) [Reletter as a.-c.]

1 (c)-(e) [Reletter as F.-H.]

2 7 MCAR S 6.017 Revocation, suspension, refusal.

3 (a) [Reletter as A.]

4 (1)-(4) [Renumber as 1.-4.]

5 B. Criteria for disciplinary action. In determining whether
6 a person is incompetent to serve in the profession of nursing
7 home administration as provided in A., the non-inclusive items
8 listed in 1.-11. may be considered. No person shall be licensed
9 or continue to be licensed as a nursing home administrator if he
10 or she:

11 1. Has practiced fraud, deceit, or misrepresentation in
12 his or her capacity as a nursing home administrator~~;-er.~~

13 2. Has committed acts of misconduct in the operation of a
14 nursing home under his or her jurisdiction~~;-er.~~

15 3. Is habitually overindulgent or addicted to the use of
16 habitforming drugs, including alcohol~~;~~i; a legend drug as defined
17 in Minnesota Statutes, chapter 151~~;~~i; a chemical as defined in
18 Minnesota Statutes, chapter 151~~;~~i; or a controlled substance as
19 defined in Minnesota Statutes, chapter 152~~;~~ and this
20 overindulgence or addiction has affected the person's
21 performance of his or her duties. In reviewing this
22 disciplinary matter, the board shall consider any attempt the
23 person has made toward rehabilitation.

24 4. Has practiced without annual registration~~;-er.~~

25 5. Has wrongfully transmitted or surrendered possession
26 of his or her license or certificate to any other person, either
27 temporarily or permanently~~;-er.~~

28 6. Has paid, given, has caused to be paid or given or
29 offered to pay or give to any person, a commission or other
30 consideration for solicitation or procurement either directly or
31 indirectly for nursing home patronage~~;-er.~~

32 7. Has practiced fraudulent, misleading, or deceptive
33 advertising with respect to the institution of which he or she
34 is an administrator, to any person~~;-er.~~

35 8. Has falsely impersonated another licensee of a like or
36 different name~~;-er.~~

1 9. Has failed to exercise true regard for the safety,
2 health, and life of a patient~~,-er~~.

3 10. Has wilfully permitted unauthorized disclosure of
4 information relating to a patient or the patient's record~~,-er~~.

5 11. Has discriminated with respect to patients,
6 employees, or staff on account of age, race, sex, religion,
7 color, or national origin.

8 7 MCAR S 6.018 Restoration and reinstatement.

9 (a) [Reletter as A.]

10 B. Hearing on request. If the board refuses to grant an
11 application for restoration of a license, then, upon written
12 request of the applicant, a formal hearing shall be held on the
13 application for restoration.

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

21 7 MCAR S 6.019 Program approval.

22 A. Approval of programs for licensure. A program of study
23 offered by an accredited educational institution must have prior
24 approval of the board in order to be acceptable for meeting
25 nursing home administrator licensure requirements. The board
26 shall approve programs of study which include courses in the
27 areas described in 7 MCAR S 6.010 A.7.a.-h. upon payment of a
28 service fee as established by the board, not to exceed \$40 per
29 program.

30 B. Approval of programs for relicensure. Any program of
31 study offered by an educational institution, association,
32 professional society, individual, or organization must be
33 approved by the board before it will qualify as sufficient to
34 meet the education and training requirements necessary for
35 relicensure of applicants as nursing home administrators. A

1 program of study designed to train and qualify for relicensure
2 as a nursing home administrator offered by any accredited
3 university or college, individual, association, or organization
4 shall be deemed acceptable and approved for such purposes if the
5 information required under 7 MCAR S 6.016 D. is provided to the
6 board by the program sponsor.

7 7 MCAR S 6.020 Applicant responsibility.

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

10
11 Renumbering. ~~Renumber NHA 1 as 7 MCAR S 6.001.~~ Renumber NHA 12
12 as 7 MCAR S 6.012. Renumber NHA 22 to 24 as 7 MCAR SS 6.022 to
13 6.024.

14
15 Repealer. Rule NHA 21 is repealed.