

1 Nursing Home Administrator Licensure Board

2

3 Adopted Permanent Rules Relating to Licensing of Nursing Home

4 Administrators

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6 Rules as Adopted

7 6400.0600 LICENSE REQUIREMENTS.

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

10 A. Is at least 18 years of age.

11 B. Is of sound mental health. For the purposes of
12 this part, mental health means ~~an individual's emotional or~~
13 ~~intellectual ability to adapt to a changing environment~~ the
14 absence of any mental impairment that would be likely to
15 interfere with the performance of the duties of a nursing home
16 administrator.

17 C. Is of good moral character and otherwise
18 suitable. For the purposes of this part, moral character means
19 the individual's ability to distinguish between right and wrong
20 and act accordingly.

21 D. Has furnished satisfactory evidence, as required
22 by the board, that the individual possesses the general
23 administrative abilities needed to satisfactorily administer a
24 nursing home and possesses the ability to relate the
25 administration of a nursing home to the physical, psychological,
26 spiritual, emotional, and social needs of patients and to create
27 a compassionate and helpful environment.

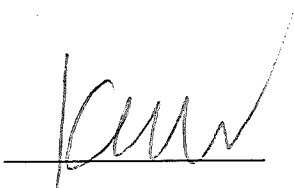
28 E. Has paid the following licensure and examination
29 fees as established by the board:

30 (1) an original application fee, not to exceed
31 \$100;

32 (2) a state examination fee, not to exceed \$75;

33 and

34 (3) a national examination fee, not to exceed
35 \$125.



1 Board adjustments to fees within the ranges noted in the
2 rules will be subject to review and approval by the commissioner
3 of finance each time the fees are adjusted. Information about
4 the exact fees is available from the board office.

5 F. Has achieved a passing score of at least 75
6 percent, on all required examinations.

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

10 (1) A course in the principles of health care
11 management that delineates the role, function, and process of
12 top level management. This course shall include:

13 (a) the management process of planning,
14 staffing, organizing, controlling, delegating, and evaluating
15 outcomes;

16 (b) business technology and theory of
17 application;

18 (c) executive role of administrator;

19 (d) the art versus the science of
20 administration; and

21 (e) board-administrator relationships,
22 functions, and authority.

23 (2) Both an introductory accounting course and an
24 advanced managerial accounting course that includes accounting
25 analysis and reports for managerial decisions, planning, and
26 controlling of operations.

27 (3) A course in gerontology identifying the aging
28 process in terms of biological, social, and psychological
29 aspects. This course shall include the following objectives:

30 (a) knowledge of the physical, social,
31 spiritual, economic, and emotional needs of long-term care
32 residents; and

33 (b) programs and services necessary to meet
34 the needs of the elderly as a population, and those necessary
35 for specific subpopulations.

36 (4) A course providing a study of issues and

1 trends in long-term health care. This course shall include the
2 following topics:

3 (a) history of and current trends in
4 long-term health care;

5 (b) alternative modes for delivery of
6 long-term care services;

7 (c) consumer issues such as patient rights
8 and the right to die;

9 (d) corporation relationships; and

10 (e) health care policy issues such as
11 government and society.

12 (5) A course in health care law that examines
13 case law and legislation affecting long-term health care
14 facilities. This course shall include the following topics:

15 (a) guardianship and conservatorship;

16 (b) professional negligence;

17 (c) duty to provide appropriate patient
18 care;

19 (d) biomedical ethics;

20 (e) concern for confidentiality of
21 information;

22 (f) corporate responsibility;

23 (g) patient bill of rights; and

24 (h) law on the protection of residents from
25 abuse or neglect.

26 (6) A course studying delivery of all services
27 required by residents of long-term health care facilities. This
28 course shall include the following topics:

29 (a) function and role of professional and
30 nonprofessional staff and nonemployee staff;

31 (b) departmental operations and functions;

32 (c) ethics;

33 (d) policy development; and

34 (e) programs necessary for residents'
35 health and safety.

36 (7) A human resource or personnel management

1 course. This course shall include the following topics:

2 (a) recruitment, screening, and selection
3 process;

4 (b) job descriptions and job evaluations;

5 (c) personnel policies and development of
6 policies;

7 (d) wage and salary administration;

8 (e) federal and state regulations on
9 employment and employment opportunities;

10 (f) group dynamics;

11 (g) labor relations and negotiations; and

12 (h) administration of disciplinary policy
13 and procedure.

14 (8) A course in medical terminology, including a
15 study of commonly accepted medical terms used in long-term care.

16 (9) A course in the development and application
17 of management information systems. This course shall include
18 the following areas of study:

19 (a) management of data bases;

20 (b) computerization of patient records and
21 care plans;

22 (c) budgeting and spread sheet analysis;

23 (d) survey of currently available systems;

24 (e) applications such as integrated
25 software, spreadsheet construction, data structuring, local area
26 network design, networks and installation linkages and options;

27 (f) security risks; and

28 (g) data management and automated systems.

29 This subitem is waived for all applicants who apply for
30 licensure before July 1, 1989. All applicants for whom this
31 subitem is waived between the effective date of this rule and
32 July 1, 1989, must submit evidence of satisfactory completion of
33 the course required by that rule as a condition for relicensure
34 in 1990 pursuant to part 6400.1700. Evidence of satisfactory
35 completion is written verification from the academic institution
36 offering the course. The written verification must state that

1 the course was completed with a passing grade and must give the
2 date of completion of the course.

3 (10) A course in the funding mechanisms and
4 regulatory compliance aspects currently in force for the
5 long-term care industry. This course shall include the
6 following topics:

7 (a) systems of payment by:

8 (i) Medicare;

9 (ii) Medicaid;

10 (iii) third party payors; and

11 (iv) private health care coverage;

12 (b) utilization review;

13 (c) survey and compliance;

14 (d) quality assurance and review;

15 (e) sanitation and food service regulations;

16 (f) life safety code;

17 (g) Occupational Safety and Health

18 Administration (OSHA);

19 (h) Joint Commission on Accreditation of

20 Health Care Organizations;

21 (i) peer review;

22 (j) roles of professional and trade

23 organizations; and

24 (k) regulatory compliance.

25 (11) A board preapproved practicum course that
26 applies knowledge from required courses to the practice of
27 long-term health care administration. The course shall be a
28 minimum of 400 clock hours and shall be jointly supervised by a
29 licensed nursing home administrator and a faculty member of the
30 approved educational institution. Upon mutual agreement of the
31 educational facility and nursing home preceptor, a licensed
32 nursing home may serve as the practicum site for an applicant
33 who is employed by the nursing home. This course shall include
34 the following topics:

35 (a) the opportunity to observe the

36 integrative and administrative role of an administrator;

1 (b) the study of and involvement in each
2 operating department of the facility;

3 (c) relationships between the facility and
4 community and other health care providers and organizations;

5 (d) opportunity to participate in or review
6 the findings and results of past regulatory inspections of a
7 facility; and

8 (e) a major project study, research paper,
9 or similar report on a topic relevant to the operations of the
10 nursing home.

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

16 6400.0700 WAIVER PROVISIONS.

17 Subpart 1. **Waiver of degree.** The board shall waive part
18 6400.0600, items G and H if the applicant submits satisfactory
19 evidence of having actively served full time as the licensed
20 nursing home administrator and chief executive officer of a
21 nursing home in another state for a minimum of two continuous
22 years within the immediate past five licensure years and meets
23 all other licensure requirements.

24 Subp. 2. **Waiver of practicum course.** The board shall
25 waive part 6400.0600, item G, subitem (11) if the applicant
26 submits evidence of having completed satisfactorily one year
27 continuous, full-time employment in the role of administrator or
28 in a position as an assistant administrator in an acute care,
29 skilled care, or nursing home intermediate care facility, or two
30 years as a director of nursing services in a skilled or nursing
31 home intermediate care facility.

32 Subp. 3. to 5. [Unchanged.]

33 6400.0800 APPLICATION.

34 Subpart 1. **Content; time of submission and validity.**

35 Application for licensure shall be made on forms provided by the

1 board and shall be accompanied by all the required supportive
 2 information and documents. Completed applications shall be
 3 received by the board no less than 45 days in advance of an
 4 examination date. Applications become void one year after the
 5 application form is filed with the licensure board.

6 Subp. 2. and 3. [Unchanged.]

7 Subp. 5. [Unchanged.]

8 Subp. 6. **Fees not refunded.** A fee paid to the board
 9 cannot be refunded.

10 6400.0900 EXAMINATION.

11 Subpart 1. **Examination content.** Each examination shall
 12 consist of one or more written and/or oral tests and may include
 13 such other evaluative techniques as the board may employ. Each
 14 examination shall include, but shall not be limited to, the
 15 following subjects:

16 A. applicable standards of environmental health and
 17 safety;

18 B. local health and safety regulations;

19 C. general administration;

20 D. psychology of patient care;

21 E. general principles of medical care;

22 F. personal and social care; and

23 G. therapeutic and supportive care and services in
 24 long-term care.

25 Subp. 2. **Applicant examination void.** Examination results
 26 are considered void ~~one-year~~ two years after the date the
 27 examination is taken if the applicant has not become fully
 28 licensed.

29 Subp. 3. **Examination void.** For holders of a lapsed
 30 license, all previous examination results are considered void if
 31 the license has been lapsed for ~~one-year~~ two years or longer.

32 6400.1300 ACTING ADMINISTRATOR.

33 An applicant for an acting nursing home administrator's
 34 license must furnish satisfactory evidence that the applicant:

35 A. has graduated from high school or holds a general

1 education development (GED) certificate of equivalent
2 competency;

3 B. is at least 18 years of age;

4 C. is of good moral character and otherwise
5 suitable. For the purposes of this part, moral character means
6 the individual's ability to distinguish between right and wrong
7 and act accordingly; and

8 D. is suitable and fit to be licensed as an acting
9 nursing home administrator as evidenced by:

10 (1) absence of any mental impairment that would
11 be likely to interfere with the performance of the duties of a
12 temporary nursing home administrator;

13 (2) the ability to understand and communicate
14 general and technical information necessary to the temporary
15 administration and operation of a nursing home;

16 (3) the ability to assume responsibilities for
17 the temporary administration of a nursing home as evidenced by
18 prior activities and prior service in the management of a
19 nursing home;

20 (4) the ability to relate the physical,
21 psychological, spiritual, emotional, and social needs of the
22 patients to the temporary administration of a nursing home, and
23 to create a climate necessary to meet the needs of the patients;
24 and

25 (5) the ability to demonstrate adequate knowledge
26 about Minnesota's state health and safety rules by passing the
27 board's state examination based on the Department of Health
28 Nursing and Boarding Care rules and the applicable Life Safety
29 Code regulations with a passing score of at least 75 percent.

30 6400.1400 RECIPROCITY.

31 Subpart 1. General requirements. The board, subject to
32 the law pertaining to the licensing of nursing home
33 administrators prescribing the qualifications for nursing home
34 administrator license, may endorse, without examination, a
35 nursing home administrator license issued by the proper

1 authorities of any other state or political subdivision of the
2 United States provided:

3 A. that the other state or subdivision of the United
4 States maintains a system and standard of qualification
5 examination for nursing home administrator licensure which is
6 substantially equivalent to those required in Minnesota under
7 parts 6400.0600 and 6400.0700;

8 B. that the applicant for endorsement is familiar
9 with Minnesota's state and local health and safety regulations
10 related to nursing homes and has successfully passed the board's
11 examination on state rules;

12 C. that the applicant for endorsement is in good
13 standing as a nursing home administrator in each state or
14 subdivision of the United States from which the applicant has
15 ever received a nursing home administrator license or reciprocal
16 endorsement; and

17 D. that an applicant who seeks licensure by
18 reciprocity shall pay a service fee, as established by the board
19 not to exceed \$75.

20 Subp. 2. **Reciprocity of revocation.** The board shall have
21 power and after due notice an opportunity to be heard at a
22 formal hearing pursuant to the Administrative Procedure Act,
23 Minnesota Statutes, chapter 14, to revoke or suspend the
24 endorsement of a nursing home administrator license issued to
25 any person on evidence satisfactory to the board that the duly
26 constituted authorities of any state have lawfully revoked or
27 suspended the nursing home administrator license issued to that
28 person by the state.

29 6400.1700 RENEWAL OF LICENSE.

30 Subpart 1. **Forms from board.** Every person who holds a
31 valid license as a nursing home administrator issued by the
32 board shall annually apply to the board on or before June 1, for
33 relicensure and report any information considered pertinent and
34 requested by the board on forms provided for that purpose.

35 If the application for relicensure has not been received by

1 June 30 of each year, the license will lapse and the holder of a
2 lapsed license will be subject to the reinstatement procedure.

3 A nursing home administrator need not be actively
4 practicing as a nursing home administrator in order to renew a
5 license.

6 Subp. 1a. **Reinstatement.** A nursing home administrator
7 duly licensed in this state, whose license has not been revoked
8 or suspended, and whose license has lapsed, may apply for
9 reinstatement of a license upon filing with the board an
10 affidavit stating that the license has lapsed. The board may
11 reissue the license if the applicant satisfies all past
12 continuing education relicensure requirements and pays all
13 required fees. A holder of a license that has been lapsed for
14 five years or longer shall be regarded as having forfeited all
15 rights and privileges for reinstatement of the lapsed license.

16 Subp. 2. **Fees; time for renewal.** Upon making an
17 application for relicensure the licensee shall pay the annual
18 fee as established by the board, not to exceed \$150.
19 Relicensure applications received after July 1 shall pay the
20 late filing fees as established by the board not to exceed \$50
21 for the first six months and \$75 for the second six months. The
22 applicant shall submit evidence satisfactory to the board that
23 during the annual period immediately preceding the application
24 the applicant has complied with the rules of this board and
25 continues to meet the requirements as established, including,
26 but not limited to, continuing educational requirements for
27 relicensure. Nonacademic continuing education requirements for
28 relicensure shall be completed by May 1 of each year for the
29 ensuing licensure year; however, upon presentation of a written
30 petition, licensees may be granted an extension for an
31 appropriate period of time. Extensions will only be granted in
32 unusual circumstances. Applicants granted extensions are
33 required to make payment of applicable late filing fees.

34 Subp. 3. **Waiting period.** An applicant whose nursing home
35 administrator license has been revoked is not eligible for
36 licensure again for at least six months.

1 6400.1800 CONTINUING EDUCATION REQUIREMENTS.

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

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

8 B. satisfactory completion during each three-year
9 license renewal period of an additional 30 clock hours of
10 board-approved seminars, institutes, or workshops.

11 6400.1900 SPONSORS FOR CONTINUING EDUCATION.

12 Subpart 1. [Unchanged.]

13 Subp. 1a. **In-house educational courses.** An in-house
14 educational course is one sponsored by a single health care
15 facility or corporation or a single federal, state, or local
16 government agency for licensed nursing home administrators who
17 are members or employees of the facility, corporation, or
18 agency. An approved in-house course must meet the following
19 requirements:

20 A. It must comply with subpart 1 and other applicable
21 board rules.

22 B. At least 25 percent of the hours of approved
23 instruction must be taught by instructors not employed with the
24 sponsoring facility, corporation, or agency.

25 C. It must be made available to enough outside
26 licensed nursing home administrators so that the audience may be
27 composed of at least 25 percent participants who are not
28 administrators working in or for the facility, corporation, or
29 agency.

30 D. Information concerning the course must be
31 adequately communicated to outside administrators so they will
32 have reasonable opportunity to attend.

33 Subp. 2. [Unchanged.]

34 6400.2000 DETERMINATION OF CREDIT HOURS FOR CONTINUING EDUCATION.

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

3 A. Seminars, institutes, or workshops shall receive
4 full clock hour credit upon meeting the following criteria:

5 (1) subject matter specifically related to the
6 primary administrator functions and responsibilities of
7 long-term health care;

8 (2) the seminar is designed specifically for
9 administrators and the development of their administrative
10 skills in long-term health care administration; and

11 (3) instructors have documented academic
12 background sufficient to demonstrate competence and expertise in
13 involved subject.

14 B. [Unchanged.]

15 6400.2200 REVOCATION, SUSPENSION, REFUSAL.

16 Subpart 1. Criteria. The board may suspend or revoke a
17 license or refuse to renew a license of a nursing home
18 administrator after due notice and an opportunity to be heard at
19 a formal hearing, upon substantial evidence that the person:

20 A. has violated any of the provisions of the law
21 pertaining to the licensing of nursing home administrators or
22 the rules of the board pertaining to the licensing of nursing
23 home administrators; or

24 ~~B. has-been-the-administrator-of-a-facility-during~~
25 ~~the-time-when-there-have-been-four-or-more-uncorrected~~
26 ~~violations-of-Minnesota-Department-of-Health-rules,-for-which~~
27 ~~finest-are-in-the-four-highest-fine-categories-prescribed-in-rule~~
28 ~~and-a-final-determination-has-been-made-that-the-fines-were~~
29 ~~properly-assessed~~ is not eligible to be employed as a nursing
30 home administrator under Minnesota Statutes, section 144A.04,
31 subdivision 6;

32 C. has practiced fraud, deceit, or misrepresentation
33 in securing or procuring a nursing home administrator license;
34 or

35 D. is found by the board to be incompetent to

1 practice as a nursing home administrator. For purposes of this
2 part, incompetence means that the licensee:

3 (1) has practiced fraud, deceit, or

4 misrepresentation as a nursing home administrator; or

5 (2) has committed acts of misconduct in the

6 operation of a nursing home under the licensee's

7 jurisdiction; or

8 (3) has practiced without annual licensure; or

9 (4) has wrongfully transmitted or surrendered

10 possession of the licensee's license to any other person, either

11 temporarily or permanently; or

12 (5) has paid, given, has caused to be paid or

13 given, or offered to pay or give to any person, a commission or

14 other consideration for solicitation or procurement either

15 directly or indirectly for nursing home patronage. Nothing

16 herein shall be construed to limit or restrict commercial

17 advertisement; or

18 (6) has practiced fraudulent, misleading, or

19 deceptive advertising with respect to the institution of which

20 the licensee has charge; or

21 (7) has falsely impersonated another licensee of

22 a like or different name; or

23 (8) has failed to exercise true regard for the

24 safety, health, or life of a patient; or

25 (9) has wilfully permitted unauthorized

26 disclosure of information relating to a patient or the patient's

27 record; or

28 (10) has discriminated with respect to patients,

29 employees, or staff on account of age, race, sex, religion,

30 color, national origin, marital status, status with regard to

31 public assistance, or disability; or

32 (11) has abused or is dependent on habit-forming

33 drugs, including alcohol, a legend drug as defined in Minnesota

34 Statutes, chapter 151, a chemical as defined in Minnesota

35 Statutes, chapter 151, or a controlled substance as defined in

36 Minnesota Statutes, chapter 152, and this abuse or dependency

1 has affected the performance of the licensee's duties. In
2 reviewing this disciplinary matter, the board shall consider any
3 attempts the licensee has made toward rehabilitation; or

4 (12) has failed to comply with Minnesota
5 Statutes, section 626.557.

6 Subp. 2. [See Repealer.]

7 6400.2400 PROGRAM APPROVAL.

8 Subpart 1. **Approval of programs for licensure.** A program
9 of study offered by an accredited educational institution must
10 have prior approval of the board in order to be acceptable for
11 meeting nursing home administrator licensure requirements. The
12 board shall approve programs of study that include courses in
13 the areas described in part 6400.0600, item G, subitems (1) to
14 (7) and (9), upon payment of a service fee as established by the
15 board, not to exceed \$50 per program.

16 Subp. 2. [Unchanged.]

17 6400.2500 APPLICANT RESPONSIBILITY.

18 The applicant is responsible for providing to the board all
19 data, reports, or information required by the board for
20 licensure or relicensure.

21

22 **REPEALER.** Minnesota Rules, parts 6400.2100; 6400.2200,
23 subpart 2; 6400.2300; 6400.2700; and 6400.2800 are repealed.