

Board of Examiners for Nursing Home Administrators**Proposed Permanent Rules Relating to Nursing Home Administrators****6400.5100 DEFINITIONS.**

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Domains of practice.** "Domains of practice" means the tasks performed by nursing home administrators and the knowledge, skills, and abilities identified as necessary to perform those tasks by NAB in its job analysis of nursing home administrator. The NAB domains of practice for nursing home administrator are found in the Final Report of the Job Analysis of the Practice of Nursing Home Administrators prepared for the ~~National Association of Boards of Examiners for Nursing Home Administrators~~ (now National Association of Boards of Examiners for Long-Term Care Administrators), prepared by Patricia Muenzen, et. al., of the Department of Research and Development, Professional Examination Service, New York, NY, November 1996. This document is incorporated by reference. It is available at the State Law Library and on the board's Web site and is subject to change every five years.

[For text of subps 9a to 17, see M.R.]

6400.6100 APPLYING FOR LICENSURE.

Subpart 1. **Application contents.** An individual applying for licensure shall do so on forms provided by the board. The information requested shall include personal identifying and locating data including name, home and work addresses and telephone numbers, and social security number; education and degree information; employment and practice history; licensure and disciplinary history; and information relating to criminal convictions, use of alcohol and drugs, and other issues which may reflect on ability and fitness to practice. The application shall also include a recent full-face two-inch by three-inch photograph affixed to the application as indicated and notarized as a true

likeness. The notary seal shall be placed next to the picture and shall fall partly upon the photograph and partly upon the application.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Examination attempts and score expiration.**

A. If an applicant does not pass the NAB or state examination on the second attempt, the applicant must submit to the board a study plan and wait six months from the date of the examination attempt to sit for the examination a third time. If an applicant does not pass the NAB or state examination on the third attempt, the applicant must submit a revised study plan and wait one year from the date of the third examination attempt to sit for the examination a fourth time. The applicant may also be required to reapply in order to comply with subpart 3.

B. Examination scores expire two years after the date the examination was taken if the applicant has not become fully licensed within that two years.

[For text of subps 5 and 6, see M.R.]

6400.6500 SPECIFIC COURSE REQUIREMENTS FOR APPLICANTS WHO APPLY BEFORE SEPTEMBER 1, 2017.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **Effective date.** An applicant who applies before September 1, 2017, must follow the requirements in this part.

6400.6550 SPECIFIC COURSE REQUIREMENTS FOR APPLICANTS WHO APPLY ON OR AFTER SEPTEMBER 1, 2017.

Subpart 1. **Organizational management.** An applicant must complete a course in organizational management covering the basic management functions of:

A. planning and objective setting;

B. organizing and delegating; and

C. observing, monitoring, and evaluating outcomes, including customer satisfaction.

Subp. 2. **Managerial accounting.** An applicant must complete a course in managerial accounting, beyond introductory accounting, covering:

- A. budgeting and fiscal resource allocation; and
- B. interpreting financial information to monitor financial performance and position and to make managerial decisions.

Subp. 3. **Gerontology.** An applicant must complete a course in gerontology covering:

- A. the physical, social, and psychological aspects of the aging process; and
- B. programs and services designed to meet the needs of the aged population.

Subp. 4. **Health care and medical needs.** An applicant must complete a course in health care and medical needs of nursing facility residents covering:

- A. the anatomic and physiologic changes that are associated with the aging process;
- B. the impact and management of common syndromes associated with aging, including vision and hearing impairment, nutrition and malnutrition, and balance and mobility impairment;
- C. basic medical and pharmacological terminology;
- D. prevention and management of conditions such as pressure ulcers and delirium;
- E. common psychiatric and neurodegenerative disorders such as dementias (including Alzheimer's), depression, anxiety, psychotic disorders, and alcohol and drug abuse;
- F. advance care planning and the role of palliative care and end-of-life care; and

G. emerging medical trends and technology used in the long-term care setting.

Subp. 5. **Long-term care supports and services.** An applicant must complete a course in the organization, operations, functions, services, and programs of long-term care supports and services covering:

- A. governing and oversight bodies and their relationship to the administrator;
- B. administrative responsibilities and structures;
- C. operations and functions of each facility department;
- D. functions and roles of professional and nonprofessional staff and consulting personnel; and
- E. issues of cultural diversity and human relationships between and among employees and residents of nursing facilities and their family members.

Subp. 6. **Human resources.** An applicant must complete a course in human resource management covering:

- A. staffing;
- B. equal employment opportunity, affirmative action, and workforce diversity;
- C. compensation and benefits;
- D. coaching and performance management;
- E. training and development;
- F. labor relations, including union contract negotiation and administration;
- G. employment law; and
- H. workplace culture, accountability and fairness, just culture and learning concepts.

Subp. 7. **Regulatory management.** An applicant must complete a course in regulatory management covering the legal, regulatory, and funding provisions and requirements governing operations of long-term care supports and services and health care programs including:

- A. resident rights, resident choice, resident risk, and protection from maltreatment;
- B. professional and biomedical ethics, including advance directives;
- C. guardianship and conservatorship;
- D. liability, negligence, and malpractice;
- E. data confidentiality, privacy, and practices;
- F. professional licensing, certification, and reporting for staff and consulting personnel;
- G. health and safety codes, including OSHA and the National Life Safety Code;
- H. Medicare and Medicaid, standards for managed care and subacute care, and third-party payer requirements and reimbursement;
- I. federal and state nursing home survey and compliance regulations and processes;
- J. requirements affecting the quality of care and life of residents, including measurement of outcomes from clinical and resident-satisfaction perspectives;
- K. resident acuity and assessment methodology;
- L. quality assessment and assurance; and
- M. customer choice.

Subp. 8. **Quality measurement and performance improvement.** An applicant must complete a course in the accumulation and analysis of data to inform management decision making including:

- A. strategic uses of data and information;
- B. data accumulation, storage, integration from multiple sources, manipulation, and presentation;
- C. needs assessment and analysis methodologies;
- D. measures, analysis, and assessment of outcomes, including customer satisfaction and quality improvement;
- E. utilizing quality measurement and performance improvement tools and methodologies; and
- F. problem-solving skills.

Subp. 9. **Practicum.** An applicant must complete or have waived, based upon prior experience under part 6400.6650, subpart 1, item A, a practicum course as described in part 6400.6600.

Subp. 10. **Effective date.** An applicant who applies on or after September 1, 2017, must follow the requirements in this part.

6400.6650 PRACTICUM DURATION FOR APPLICANTS WHO APPLY BEFORE SEPTEMBER 1, 2017.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Effective date.** An applicant who applies before September 1, 2017, must follow the requirements in this part.

6400.6655 PRACTICUM DURATION FOR APPLICANTS WHO APPLY ON OR AFTER SEPTEMBER 1, 2017.

Subpart 1. **Duration of individual student practicums.** An applicant must complete a 1,000-hour practicum unless the applicant presents evidence to the board that the applicant has experience as described in subpart 2 for a reduction in the number of practicum hours. The board shall determine the minimum number of hours of practicum to be completed by an applicant by comparing the applicant's expertise to the requirements in subpart 2 and shall notify the applicant of the board's decision.

Subp. 2. **Waiver and minimum number of hours.** An individual may qualify for a reduction in hours or waiver of the 1,000-hour practicum by providing evidence of the following documented health care experience and satisfying the board-approved assessment tool:

A. 750 hours for an individual with two or more years of managerial or administrative employment experience, including supervision of at least 25 employees and responsibility for an annual budget of at least \$1,000,000;

B. 750 hours for an individual who has two or more years of employment in a hospital or nursing facility in any professional capacity or in any direct patient care capacity;

C. 500 hours for an individual who has served two or more years as a department manager with supervisory and budgetary responsibility and meets one or more of the following criteria:

(1) the individual does not meet the requirements for assistant administrator under item D or the definition in part 6400.5100, but has otherwise held that title in a nursing facility or hospital and has performed under the title for two or more years;

(2) the individual has served, for two or more years, as director of nurses in a hospital or registered housing with services establishment that has an arranged comprehensive home care license; or

(3) the individual has served as a housing manager in a registered housing with services establishment that has an arranged comprehensive home care license;

D. 200 hours for an individual who has served one or more years as a full-time hospital administrator or hospital assistant administrator with responsibility for both resident care and administrative functions, or who has served two or more years as a full-time director of nurses in a nursing facility; or

E. the documented experience requirement is waived for an individual who has one year of continuous full-time employment as the assistant administrator, chief executive officer, or equivalent role with responsibility for both resident care and administrative functions. Time working as an acting administrator under an acting license or permit in the same nursing facility where the individual also served as the assistant administrator, chief executive officer, or equivalent role meets this requirement if the individual's employment under both titles combined was one continuous year.

Subp. 3. **Method of measuring experience.** The amount of experience required to qualify for a practicum reduction under subpart 2, items C, D, and E, shall be measured in full-time equivalency at the rate of 35 hours per week.

Subp. 4. **Effective date.** An applicant who applies on or after September 1, 2017, must follow the requirements in this part.

6400.6660 ACADEMIC PROGRAM REVIEW.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Five-year program review.**

[For text of items A and B, see M.R.]

C. In addition to the five-year program review, if the board receives information that the success rates fall below the national average for candidates from the program who, during any January 1 through December 31 period, wrote for the first time the national examination for nursing home administrators developed by NAB, the board must take one of the actions described in subitems (1) to (3).

(1) If success rates are below the national average for one period, the board shall require the director to identify factors that are potentially affecting the low success rate on the licensure examination. The director shall submit a plan of corrective action by a specified date. The plan of action must be on a board-supplied form and include the signature of the director and another institutional administrative academic representative. If the following year the success rate is above the national average, no action by the board is required.

(2) If success rates are below the national average for any two consecutive periods, the board shall notify the director of a survey to identify additional factors affecting the low success rate and review progress on the plan for corrective action submitted the previous year. The survey must include the director, faculty, students, and an institutional administrative academic representative. The director shall submit a revised plan of corrective action by a specified date. The plan of corrective action must be on a board-supplied form and include the signature of the director and another institutional administrative academic representative. If the following year the success rate is above the national average, no action is required by the board.

(3) If success rates are below the national average for any three consecutive periods, the board shall require the director and another institutional administrative academic representative to meet with a committee of board members and board staff for a survey for compliance with all applicable rules and for the implementation of the plan for

corrective action submitted the previous year. Upon completion of the survey, the board shall take action in compliance with subpart 3.

Subp. 6. [See repealer.]

6400.6710 LICENSEE RESPONSIBILITIES.

Each licensee shall:

[For text of item A, see M.R.]

B. provide notice to the board within ~~ten~~ five working days of any change in mailing address or telephone number pursuant to Minnesota Statutes, section 13.41, subdivision 2, paragraph (b);

C. provide notice to the board within ~~ten~~ five working days of any change in employment as a nursing home administrator for a nursing facility;

D. provide notice to the board within ~~ten~~ five working days of the occurrence of any reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action or the bringing of charges against any license the licensee holds as a nursing home administrator or other health care professional in Minnesota or any other jurisdiction; and

[For text of item E, see M.R.]

6400.6720 DISPLAYING LICENSES.

~~All licensees~~ A licensee actively practicing as ~~a nursing home administrators~~ administrator shall display ~~their~~ the board-issued license, not a photocopy, in a conspicuous place in the facility which the licensee administers, visible to residents and visitors.

6400.6740 RENEWING LICENSES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Exemption from renewal.** Pursuant to Minnesota Statutes, section 326.56, a licensee who is in active military service, as defined in Minnesota Statutes, section 190.05, for the armed forces of the United States or is employed outside the United States in employment that is essential to the prosecution of any war or the national defense, as defined in Minnesota Statutes, section 326.56, and whose license was in effect at the time of entry into the armed forces or engagement in employment outside the United States, is not obligated to renew licensure. The board must be notified in writing by the licensee regarding the qualifications for this exemption. The exemption ceases six months after discharge from active service or termination of the aforementioned employment. A license renewal notice shall be sent to the licensee at the time that a license renewal notice would normally be sent to the licensee. The licensee may be requested to reconfirm exempt status. If the licensee no longer qualifies for the exemption, the requirements for license renewal must be met.

6400.6770 ACTING ADMINISTRATOR PERMITS.

Subpart 1. **Board to issue permits.** When the controlling persons of a nursing home designate an acting nursing home administrator under Minnesota Statutes, section 144A.27, the designee must secure an acting administrator's permit within 30 days of the termination of the previous licensed administrator. The board shall issue a permit to serve a facility as an acting administrator for up to six months from the termination of the facility's previous licensed administrator to an individual who meets the qualifications specified in subpart 2. A permit to serve a facility as an acting administrator is valid only for the holder's work with that facility and shall not be transferable to another facility. A permit to serve as acting administrator is not renewable beyond the six months for which it was issued. The board may issue a second permit to serve a facility as an acting administrator for up to six months from the expiration of the original acting administrator permit when the board finds the second permit to be in the best interests of the public. In no event shall the board issue successive permits for a total duration of longer than one year.

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

6400.6850 NUMBER OF CE CREDITS FOR ACTIVITIES.

Acceptable activities to meet continuing education requirements for license renewal and the number of CE credits that licensees may obtain for each are described in items A to K.

A. A licensee who attends board-approved seminars, webinars, institutes, or workshops shall receive CE credit on a clock-hour basis for the actual amount of time spent in the seminar rounded to the nearest lower one-quarter hour. To verify clock hours of attendance at seminars, institutes, or workshops, a licensee must maintain an attendance certificate provided by the sponsoring organization.

[For text of item B, see M.R.]

C. A licensee who attends seminars, webinars, institutes, or workshops, or completes home study courses approved by the NAB/National Continuing Education Review Service (NCERS), shall receive CE credit on the basis of clock hours assigned by NAB/NCERS. To verify clock hours of attendance at NAB approved seminars, institutes, or workshops, or completion of NAB approved home study courses, the licensee must maintain a certificate provided by the NAB approved sponsor.

D. A licensee who attends, in another state, seminars, webinars, institutes, or workshops approved by the nursing home administrator licensing authority of the other state shall receive CE credit on the basis of the number of clock hours attended. To verify clock hours of attendance at seminars, institutes, or workshops approved by another state licensing authority, the licensee must maintain a certificate of attendance from the sponsor including verification of the approval from the state licensing authority.

E. A licensee who completes academic courses applicable to the domains of practice taken at an accredited postsecondary institution shall receive nine CE credits per quarter credit and 12 CE credits per semester credit. To verify completion of academic

courses the licensee must maintain a copy of an academic transcript showing the course grade and date it was awarded.

[For text of items F to H, see M.R.]

I. A licensee who serves as a member of a board, committee, council, or work group which includes members from several nursing facilities or organizations and deals primarily with issues in nursing facility operation or long-term care shall receive one clock hour per membership position provided the group meets at least quarterly or for at least four hours of work in a year to a maximum of six CE credits per year for all membership positions combined. Where the licensee verifies that the licensee's participation on a single board, committee, council, or work group exceeded the minimum specified for a single CE credit by double the amount of hours of attendance, the licensee shall receive two CE credits per membership position to a maximum of six CE credits per year for all membership positions combined. To verify board, committee, council, or work group participation the licensee must maintain written verification of membership and attendance from an officer of the group and must provide the learning objectives of the meeting.

[For text of items J and K, see M.R.]

REPEALER. Minnesota Rules, part 6400.6660, subpart 6, is repealed.