

Board of Executives for Long Term Services and Supports
Proposed Permanent Rules Relating to Health Services Executives

6400.5000 SCOPE.

This chapter applies to:

A. individuals who:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) are applicants or prospective applicants for licensure as health services executives under Minnesota Statutes, section 144A.26;

~~(3)~~ (4) are licensees of the board; and

~~(4)~~ (5) hold permits issued by the board to serve as acting administrators under Minnesota Statutes, section 144A.27;

[For text of items B and C, see Minnesota Rules]

6400.5100 DEFINITIONS.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 3a. **Administrator in residence or AIR.** "Administrator in residence" or "AIR" means an individual who works, as part of a formal AIR program, under the guidance and supervision of a preceptor who is a licensed administrator or a health services executive meeting the qualifications established for preceptors by their respective states.

Subp. 3b. **Administrator in residence program or AIR program.** "Administrator in residence program" or "AIR program" means a supervised internship during which the AIR works under the guidance and supervision of a preceptor who is a licensed administrator or health services executive meeting the qualifications established for preceptors by their respective states.

[For text of subparts 4 to 9a, see Minnesota Rules]

Subp. 9b. **Health services executive or HSE.** "Health services executive" or "HSE" means an individual who has been validated by NAB as a health services executive and has met the education and practice requirements for the minimum qualifications of a nursing home administrator, assisted living director, and home and community-based services provider. The HSE meets the Minnesota requirement for the administrator of record, required for the Centers for Medicare and Medicaid Services (CMS) minimum requirements of participation.

Subp. 10. **License.** "License" means a written document issued by the board to indicate that the bearer has been found by the board to meet all requirements for practice as a licensed nursing home administrator or a health services executive in Minnesota. It includes an original license issued for meeting the requirements of part 6400.6000, a renewal license issued for meeting the requirements of part 6400.6700, and a reinstated license issued under part 6400.6750. It does not include a permit to serve as an acting administrator.

Subp. 11. **Licensee.** "Licensee" means an individual who holds a valid license to practice as a nursing home administrator or health services executive granted by the board under this chapter.

[For text of subparts 12 to 15, see Minnesota Rules]

Subp. 16. **Preceptor.** "Preceptor" means a nursing home administrator or health services executive who meets the standards in part 6400.6600, subpart 3, and supervises an applicant for licensure during the practicum course.

Subp. 16a. **Quality assurance performance improvement or QAPI.** "Quality assurance performance improvement" or "QAPI" means a procedure that seeks to ensure continuous quality improvement. QAPI is not a standardized procedure but challenged by unique environmental factors and leadership skills to encourage and support people.

[For text of subpart 17, see Minnesota Rules]

Subp. 18. **Root cause analysis or RCA.** "Root cause analysis" or "RCA" means a method of problem-solving used for identifying the root causes of faults or problems.

6400.5150 APPLICABILITY.

Parts 6400.5200 to 6400.6900 apply to nursing home administrators and health services executives.

6400.5200 USE OF TITLE.

Subpart 1. **Licensed nursing home administrator.** Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license under this chapter for the current licensure period may use the title "Licensed Nursing Home Administrator" and the abbreviation "L.N.H.A." after the individual's name.

Subp. 2. **Licensed health services executive.** Only an individual who is qualified as a licensed health services executive and who holds a valid license under this chapter for the current licensure period may use the title "Licensed Health Services Executive" and the abbreviation "L.H.S.E." after the individual's name.

6400.6000 LICENSURE REQUIREMENTS.

Subpart 1. **License; nursing home administrator.** The board shall issue an individual a license to practice as a nursing home administrator in Minnesota upon determining that the individual:

[For text of items A to F, see Minnesota Rules]

G. ~~has successfully completed a criminal background check;~~

~~G. H.~~ has not had an application rejected by the board under part 6400.6100, subpart 5; and

H. I. has paid the required fees ~~required under part 6400.6970.~~

Subp. 2. **License; health services executive.** The board shall issue an individual a license to practice as a health services executive in Minnesota upon determining that the individual:

- A. has filed a completed application for licensure under part 6400.6100;
- B. meets the requirements in Minnesota Statutes, section 144A.26, subdivision 2;
- C. has passed the state examination given by the board to test knowledge of Minnesota laws governing nursing facility operations in Minnesota;
- D. has successfully completed a criminal background check;
- E. has not had an application rejected by the board under part 6400.6100, subpart 5; and
- F. has paid the required fees.

6400.6100 APPLYING FOR LICENSURE.

Subpart 1. **Application contents.** An individual applying for licensure shall do so electronically or 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, active e-mail addresses, 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 subparts 2 to 6, see Minnesota Rules]

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

[For text of subpart 1, see Minnesota Rules]

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

[For text of items A and B, see Minnesota Rules]

[For text of subparts 3 and 4, see Minnesota Rules]

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

[For text of items A to E, see Minnesota Rules]

[For text of subparts 6 to 8, see Minnesota Rules]

Subp. 9. **Practicum.** An applicant must complete or have waived, based upon prior experience under part ~~6400.6650, subpart 1, item A~~ 6400.6655, subpart 2, a practicum course as described in part 6400.6600.

[For text of subpart 10, see Minnesota Rules]

6400.6560 WAIVER OF ALL COURSE REQUIREMENTS.

Subpart 1. **Waiver of all course requirements.** The board shall waive part ~~6400.6500~~ 6400.6550 if the applicant meets all other licensure requirements and submits satisfactory evidence of having actively and effectively served full time for a minimum of two continuous years within the immediate past five years as the licensed nursing home administrator and chief executive officer of one or more nursing facilities in a single jurisdiction regulated by the licensing board of that jurisdiction. Time working as an acting administrator under an acting license or permit or as an ~~administrator-in-training~~ administrator in residence does

not count to meet this requirement. To determine the effectiveness of the applicant's service, the board shall review the results of the two most recent regulatory inspections of the nursing facilities administered by the applicant.

Subp. 2. [Repealed, 24 SR 1780]

6400.6570 EVIDENCE OF COURSE COMPLETION.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Supplementing evidence older than seven years.** Evidence presented under subpart 1 for completion of academic programs, including the practicum course, or academic courses taken more than seven years prior to the submittal of the information to the board must be supplemented by either:

[For text of items A and B, see Minnesota Rules]

[For text of subpart 3, see Minnesota Rules]

6400.6600 PRACTICUM COURSE.

Subpart 1. **Requirements and content.** The practicum course must be the NAB administrator in residence program with a completed assessment or a course approved by the board and taken for academic credit at an accredited postsecondary institution. It must provide practical learning experiences to complement the student's academic training and work or volunteer experience in long-term care, general health care, and management. Except as provided in ~~this~~ subpart 1a, the practicum must include, but need not be limited to, the following:

[For text of items A to D, see Minnesota Rules]

E. participation in an in-service education session; ~~and~~

F. completion of a major project, study, or research effort designed to improve operations at the facility or provide information upon which a major decision facing the facility and its management can be made; and

G. after assessment, the completion of a QAPI or RCA on identified areas of need.

Subp. 1a. **Exception to requirements and content.** Subpart 1, items B and E, need not be included in the practicum of a student taking a practicum of 200 hours or less if the student has participated in the specified activities during prior health care work experience.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Preceptor requirements.** The practicum must be supervised by a preceptor who is a currently licensed nursing home administrator or health services executive who has been licensed and practicing as a nursing home administrator or health services executive for at least two years. A preceptor may not supervise a student who is a related individual or who resides in the immediate household of the preceptor.

[For text of subpart 4, see Minnesota Rules]

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

[For text of subpart 1, see Minnesota Rules]

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:

[For text of items A and B, see Minnesota Rules]

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

[For text of subitems (1) and (2), see Minnesota Rules]

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

[For text of item D, see Minnesota Rules]

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, senior leadership person with a nursing home administrator or health services executive reporting directly to them, or an 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.

[For text of subparts 3 and 4, see Minnesota Rules]

6400.6660 ACADEMIC PROGRAM REVIEW.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Requesting course review.** In submitting a program of study offered by an academic institution to meet all or some of the course requirements, the institution shall provide the following information in an application package for review by the board:

[For text of items A to G, see Minnesota Rules]

H. identification of one or more qualified faculty members to:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) provide instruction, or evidence of the use of the NAB preceptor training materials and self-assessment, to any administrator becoming a preceptor for the first time after September 1, 1997, regarding objectives for the practicum and procedures to follow to structure and supervise a successful practicum experience for a student; and

[For text of subitem (4), see Minnesota Rules]

[For text of subparts 3 to 6, see Minnesota Rules]

6400.6700 RECIPROCITY ENDORSEMENT.

Subpart 1. License; nursing home administrator. The board shall issue a license to a nursing home administrator who has been issued and currently holds a license as a nursing home administrator in another jurisdiction provided that:

[For text of items A to C, see Minnesota Rules]

D. the applicant has ~~made application~~ applied for licensure ~~under part 6400.6100~~ and paid the applicable fees ~~under part 6400.6970~~.

Subp. 2. License; health services executive. The board shall issue a license to a health services executive who has been issued and currently holds a license as a health services executive in another jurisdiction provided that the applicant:

A. meets the requirements in Minnesota Statutes, section 144A.26, subdivision 2;

B. is in good standing as a health services executive in each jurisdiction from which the applicant has ever received a health services executive license; and

C. has applied for licensure and paid the applicable fees.

6400.6710 LICENSEE RESPONSIBILITIES.

Each licensee shall:

A. comply with the laws of Minnesota and the rules of the board and other Minnesota state agencies regarding licensure as a nursing home administrator or health services executive and operation of a nursing facility in Minnesota;

[For text of item B, see Minnesota Rules]

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

D. provide notice to the board within 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, health services executive, or other health care professional in Minnesota or any other jurisdiction; and

[For text of item E, see Minnesota Rules]

6400.6720 DISPLAYING LICENSES.

A licensee actively practicing ~~as a nursing home administrator~~ shall display 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.

Subpart 1. **Forms, time for renewal.** Every individual who holds a valid license as ~~a nursing home administrator~~ issued by the board shall annually apply to the board on or before June 1 for renewal of the individual's license and shall report any information pertinent to continued licensure requested by the board on forms provided for that purpose. The

applicant shall submit evidence satisfactory to the board and subject to audit under part 6400.6800, subpart 3, that during the annual period immediately preceding the renewal application the licensee has complied with the rules of the board and completed continuing education requirements for license renewal.

Subp. 2. **Fees.** Upon making an application for license renewal, the licensee shall pay the annual fee ~~as specified under part 6400.6970~~. If submitting CE credits which include clock hours for workshops, seminars, institutes, or home study courses which have not been preapproved by the board, the licensee shall also pay a fee for review of clock hours based upon the total number of nonpreapproved clock hours being submitted for CE credit to meet renewal requirements. If the application for renewal has not been received by June 30 of each year, the license shall lapse and the holder of a lapsed license shall be subject to the reinstatement procedure and late renewal fees.

[For text of subpart 3, see Minnesota Rules]

6400.6750 LICENSE REINSTATEMENT.

A nursing home administrator or health services executive previously licensed in this state whose license has lapsed may apply under items A to C for reinstatement of a license within five years of the date the individual was last licensed. If an individual's license has been revoked or if the individual has not been licensed for five years or more, the license cannot be reinstated but the former licensee may apply for relicensure under the requirements in part 6400.6000.

[For text of item A, see Minnesota Rules]

B. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has been continuously licensed as a nursing home administrator or health services executive in one or more other jurisdictions since the date the license lapsed in Minnesota, the board

must reinstate the license if the former licensee has not had disciplinary action against a license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

[For text of subitems (1) to (4), see Minnesota Rules]

[For text of item C, see Minnesota Rules]

6400.6800 CONTINUING EDUCATION REQUIREMENTS.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Acceptable content for CE activities.** Unless otherwise specified in part 6400.6850, the content of continuing education activities must relate to one or more of the following:

[For text of items A to C, see Minnesota Rules]

D. responsibilities, tasks, knowledges, skills, and abilities required to perform nursing home administrator or health services executive functions as outlined in the NAB domains of practice.

Subp. 5. **Unacceptable content for CE activities.** Subjects for continuing education which will not be accepted to meet license renewal requirements include, but are not limited to, general personal development including stress management, facility or company orientation, facility or company policies or procedural issues, organizational functions such as business meetings and election of officers, and medical treatment at a clinical level beyond that required for licensure as a nursing home administrator or health services executive.

Subp. 6. **Requirements; subject areas.** When compelled by an advancement in scope of practice or emerging long-term services and supports issues, the board shall require all licensees to attend continuing education programs in specified subject areas after giving public written notice to each licensee on or before May 1.

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.

[For text of items A to C, see Minnesota Rules]

D. A licensee who attends, in another state, seminars, webinars, institutes, or workshops approved by the nursing home administrator or health services executive 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.

[For text of items E and F, see Minnesota Rules]

G. A licensee who presents a paper or lecture on a topic related to long-term services and supports of at least one hour at a national or statewide meeting shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating ~~earlier~~ previously presented material to a maximum of ten CE credits per year. To verify the presentation, the licensee must maintain a copy of the text of the information delivered and a copy of the program for the conference or workshop at which the paper or lecture was delivered.

H. A licensee who delivers a lecture on a topic related to long-term services and supports of at least one hour at an academic institution or through a course provider shall receive two CE credits per one hour of initially presented ~~lecture~~ lectures and one CE credit per hour of ~~lecture~~ lectures repeating ~~earlier~~ previously developed material to a maximum of ten CE credits per year. To verify lecture delivery, the licensee shall maintain corroboration from the participating academic institution.

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~~ CE credit per membership position held 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 Minnesota Rules]

6400.6870 SPONSORING CONTINUING EDUCATION.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Licensee sponsored programs and courses.** A ~~licensed administrator~~ licensee who attends a seminar, institute, or workshop, or participates in a home study course which has not been reviewed and approved by the board for a sponsor, may serve as the sponsor of a program and obtain review of the program and assignment of clock hours by submitting to the board office:

[For text of items A and B, see Minnesota Rules]

[For text of subparts 3 to 5, see Minnesota Rules]

Subp. 6. **Course program provider waiver.** A course program provider approved by the board is exempt from the annual fee by validating attendance and recording and

merging the verified attendance records with the board's online continuing education attendance system.

6400.6900 GROUNDS FOR DISCIPLINE.

Subpart 1. **Criteria.** The board may impose disciplinary action as described in subpart 2 against an applicant, the holder of a permit to serve as an acting administrator, or a licensee, when the board determines, by a preponderance of the evidence and after due notice and an opportunity to be heard at a contested case hearing, that the applicant, permit holder, or licensee:

[For text of items A and B, see Minnesota Rules]

C. is not eligible to be employed as a nursing home administrator or health services executive under Minnesota Statutes, section 144A.04, subdivision 6;

[For text of item D, see Minnesota Rules]

E. has violated a statute, rule, or order that the board issued or is empowered to enforce or that pertains to administration of a nursing facility or to the responsibilities of a nursing home administrator or health services executive;

[For text of item F, see Minnesota Rules]

G. has committed acts of misconduct substantially related to the qualifications, function, or duties of a nursing home administrator or health services executive and evidenced unfitness to perform as a nursing home administrator or health services executive in a manner consistent with protecting resident health, safety, and welfare;

H. has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of nursing home administration, that adversely affects the individual's ability or fitness to practice as a nursing home administrator or health services executive;

[For text of items I to L, see Minnesota Rules]

M. has practiced fraud, deceit, cheating, or misrepresentation, or provided misleading omission or material misstatement of fact, in securing, procuring, renewing, or maintaining a ~~nursing home administrator~~ license;

N. has used the licensee's professional status, title, position, or relationship as a ~~nursing home administrator~~ or licensee to coerce, improperly influence, or obtain money, property, or services from a resident, resident's family member or visitor, employee, or any person served by or doing business with the nursing facility that the licensee administers or is employed by;

[For text of items O and P, see Minnesota Rules]

Q. has practiced fraudulent, misleading, or deceptive advertising with respect to the facility of which the licensee is administrator or health services executive;

[For text of items R to U, see Minnesota Rules]

V. has been the subject of a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's nursing home administrator or health services executive license in another jurisdiction;

W. has failed to report a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's license as a nursing home administrator or health services executive in another jurisdiction or failed to report the existence of a complaint or other charges against the person's nursing home administrator or health services executive license in this or another jurisdiction or has been refused a license as a nursing home administrator or health services executive by any other jurisdiction for reasons not related strictly to a difference in academic or experience requirements among jurisdictions; ~~or~~

X. has abused or is dependent on 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 abuse or dependency has affected the performance of the licensee's duties; or

Y. has failed to meet minimum standards of acceptable and prevailing practice when supervising an administrator in residence during the practicum.

[For text of subparts 2 and 3, see Minnesota Rules]

REFERENCE CHANGE. The reference to part 6400.6500 is changed to part 6400.6550 wherever it appears in Minnesota Rules, chapter 6400.

REPEALER. Minnesota Rules, parts 6400.6500 and 6400.6650, are repealed.