

PROPOSED CHANGES TO ADMINISTRATIVE RULES

North Dakota Board of Examiners for Nursing Home Administrators

ARTICLE 55-02 NURSING HOME ADMINISTRATOR LICENSURE

CHAPTER 55-02-01 GENERAL PROVISIONS

55-02-01-05. Duties of board of officers.

1. The chairperson shall preside at all meetings of the board, ~~and shall sign all official documents of the board.~~
2. In the absence of the chairperson, the vice chairperson shall preside at meetings, and perform all duties usually performed by the chairperson.
3. The secretary-treasurer shall keep a full and complete record of the minutes of the meetings, maintain records pertaining to licensees and registrants, maintain financial records approved by the board and the fiscal authorities of the state, and make payments with the approval of the board. Any functions of the secretary-treasurer may be delegated by the board to the executive director.

History: Amended effective February 1, 1993; June 1, 1996; December 1, 2002; July 1, 2010.

General Authority: NDCC 43-34-07, 43-34-09

Law Implemented: NDCC 43-34-07, 43-34-09

55-02-01-07. Requirements for initial licensure.

A person applying for initial licensure must meet the following requirements:

1. The person is at least eighteen years of age and of good moral character.
2. The person has a baccalaureate degree from an accredited college or university, or has an associate degree from an accredited college or university and has practiced as a licensed nursing home administrator in any jurisdiction for at least five of the last six years.
3. The person has completed a board-approved administrator-in-training program, practiced as a licensed nursing home administrator in any jurisdiction for at least two years preceding the application, ~~or is certified by the American college of health care administrators as a nursing home administrator, or has met the qualifications for the health services~~

executive license as established by the national association of long term care administrator boards.

4. Thelf the person has not been licensed in another state and has not been practicing as an administrator of record in another state for five of the last six years, the person passed~~must pass~~ the examinations required by section 55-02-01-10 within 24 months before or after the date the person applies for initial licensure.

History: Amended effective July 1, 1979; February 1, 1993; June 1, 1996; December 1, 1998; December 1, 2002; July 1, 2010.

General Authority: NDCC 43-34-03, 43-34-04, 43-34-08, 43-34-09

Law Implemented: NDCC 43-34-03, 43-34-09, 43-34-12

55-02-01-08. Application for initial licensure.

An applicant for initial licensure as a nursing home administrator must make application in writing on forms provided by the board, furnish evidence satisfactory to the board that the applicant meets the licensure requirements as provided for in section 55-02-01-07, pay a fee of two hundred fifty dollars, pay the cost charged by the national association of long term care administrator boards for the examination if the applicant must take the examination under section 55-02-01-07, and submit to a statewide and nationwide criminal history record check. All costs associated with the criminal history record check are the responsibility of the applicant. An applicant for initial licensure must submit two references from individuals engaged in business, or professional, or religious work.

History: Amended effective February 1, 1993; June 1, 1996; December 1, 1998; December 1, 2002; July 1, 2010.

General Authority: NDCC 43-34-03, 43-34-04, 43-34-05, 43-34-09

Law Implemented: NDCC 43-34-03, 43-34-03.2, 43-34-05, 43-34-09

55-02-01-09. Denial of initial application for licensure.

1. An applicant for ~~initial~~ licensure who has been denied shall be given written notification by the board of the denial, the reasons for denial, and of the applicant's right to a hearing.
2. An applicant for ~~initial~~ licensure who has been denied may petition the board in writing within thirty days of notification of the denial for a hearing and a review of the applicant's application in accordance with North Dakota Century Code chapter 28-32.

History: Amended effective February 1, 1993; December 1, 2002.

General Authority: NDCC 43-34-04, 43-34-09

Law Implemented: NDCC 43-34-03, 43-34-09

55-02-01-10. Examinations.

1. Each person applying for licensure as a nursing home administrator, except a person applying for emergency licensure or licensure by endorsement, is required to pass an examination provided by the national association of long term care administrator boards of examiners of long-term care administrators within twenty-four months before or after the date the person applies for licensure, unless the applicant has been licensed in another state and has been practicing as an administrator of record in another state for five of the last six years.
2. Each person applying for licensure as a nursing home administrator, except a person applying for emergency licensure, is required to pass a state laws and rules examination administered by the board.

History: Amended effective February 1, 1993; June 1, 1996; December 1, 1998; December 1, 2002; July 1, 2010.

General Authority: NDCC 43-34-03, 43-34-04, 43-34-09

Law Implemented: NDCC 43-34-03, 43-34-09

55-02-01-11. Grading examinations.

1. A passing score for the examination required by subsection 1 of section 55-02-01-10 shall be the passing score established by the national association of long term care administrator boards of examiners of long-term care administrators.

History: Amended effective July 1, 1981; June 1, 1983; February 1, 1993; June 1, 1996; December 1, 2002; July 1, 2010.

General Authority: NDCC 43-34-03, 43-34-04, 43-34-09

Law Implemented: NDCC 43-34-03, 43-34-09

55-02-01-12. Continuing Education.

1. ~~Twenty~~A licensee with an active license must obtain twenty hours of continuing education ~~must be obtained each calendar year following except during the first calendar year of licensure.~~ During the first calendar year of licensure, a licensee with an active license must obtain:

- a. Twenty hours of continuing education if licensed before April first;
 - b. Fifteen hours of continuing education if licensed on or after April first but before July first; ~~or~~
 - c. Ten hours of continuing education if licensed on or after July first but before October first; or
 - d. Five hours of continuing education if licensed on or after October first.
2. Continuing education hours must be obtained from providers approved by the board.
 3. The maximum number of continuing education hours a licensee can obtain through online or internet sources to satisfy the requirements of this section is limited to 10.
 4. Documentation of continuing education must be submitted with a renewal application.

History: Amended effective February 1, 1993; December 1, 1998; December 1, 2002.

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General Authority: NDCC 43-34-04, 43-34-09

Law Implemented: NDCC 43-34-09, 43-34-10

55-02-01-15.1. Emergency license.

Upon application, the board may issue an emergency license to any person who:

1. Pays a fee of two hundred fifty dollars.
2. Meets the requirements of subsection 1 of section 55-02-01-07.
3. Submits to a statewide and nationwide criminal history record check. All costs associated with the criminal history record check are the responsibility of the applicant.
4. Will be supervised by a preceptor at the expense of the nursing home. Supervision requires communication between the preceptor and the licensee at least twice in each week and at least one visit in each month by the preceptor to the nursing home where the licensee is employed. The preceptor shall make monthly written reports to the board.

5. Meets any other requirements that the board finds necessary.
6. The emergency license is valid for a period of up to ninety consecutive days from the date the board issues the emergency license.
7. The board, at its discretion, may deny subsequent requests for emergency licensure.

History: Effective December 1, 2002; amended effective July 1, 2010.

General Authority: NDCC 43-34-04, 43-34-05, 43-34-09

Law Implemented: NDCC 43-34-03.2, 43-34-05, 43-34-09, 43-34-11

55-02-01-16. Registration and renewal of licenses.

1. Any person who holds a license issued by the board shall be registered with the board. The license expires on the thirty-first day of December in the year of its issuance and is renewable annually upon payment of the license fee. The board shall transmit renewal forms to all licensees whose licenses expire on December thirty-first.
2. The licensee shall pay an annual renewal fee of two hundred fifty dollars.
3. An applicant for renewal shall provide documentation of completion of the continuing education required by section 55-02-01-12.
4. The board shall maintain a register of all licensed nursing home administrators. The board shall maintain a complete file of such pertinent information as may be deemed necessary.
5. A licensee who does not meet the requirement for renewal by December thirty-first may renew the license by meeting the requirements and paying a late renewal fee in the amount of twenty-five dollars per month for each month following December thirty-first. If the requirements for renewal are not met within six months of expiration, the license shall not be renewed. If the license is not renewed, the individual must apply for and meet the requirements for initial licensure, including passing the examinations required by section 55-02-01-10 within one year of making the application.

History: Amended effective February 1, 1993; June 1, 1996; December 1, 1998; December 1, 2002; November 1, 2005; July 1, 2010.

General Authority: NDCC 43-34-04, 43-34-05, 43-34-09

Law Implemented: NDCC 43-34-05, 43-34-09, 43-34-10

55-02-01-17. Denial, suspension, and revocation of licenses and denial of applications for licensure.

The board, in its discretion, may deny an application for licensure if the applicant has violated any of the provisions of this section. The board shall provide notice of denial of an application for licensure and inform the applicant of the opportunity for a hearing. The board, after notice and opportunity for hearing, may ~~deny an application for license,~~ suspend, or revoke a license for a nursing home administrator, or may reprimand or otherwise discipline a licensee, if the licensee ~~or applicant for license~~:

1. Has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules and regulations of the board pertaining thereto;
2. Has violated any of the provisions of the law, rules, or regulations of the licensing authority having jurisdiction over the operation and licensing of nursing homes;
3. Has practiced fraud, deceit, or misrepresentation or provided misleading omission or material misstatement of fact in securing, procuring, renewing, or maintaining a nursing home administrator license;
4. Has engaged in fraudulent, deceptive, or dishonest conduct in the licensee's capacity as a nursing home administrator;
5. Has committed acts of professional misconduct or professional negligence;
6. Has practiced without a license;
7. Has transferred or surrendered possession of the licensee's license to any other person;
8. Has engaged in fraudulent, misleading, or deceptive advertising with respect to the facility;
9. Has impersonated another licensee;
10. Has failed to exercise true regard for the safety, health, and life of the resident;
11. Has permitted unauthorized or illegal disclosure of information relating to a resident or the resident's records;

12. Has discriminated in respect to residents or staff with regard to race, religion, color, age, sex, creed, marital status, disability, status with regard to public assistance, or national origin;
13. Has been convicted of an offense having a direct bearing on the applicant or licensee's ability to serve the public as a nursing home administrator or, following conviction of any offense, has been determined by the board to be insufficiently rehabilitated under North Dakota Century Code section 12.1-33-02.1;
14. Has engaged in sexual harassment, made sexual advances toward, or engaged in sexual contact with any nursing home resident, or engaged in sexual harassment of any nursing home employee, student, trainee, volunteer, consultant, or visitor;
15. 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, visitor, employee, or any person served by or doing business with a nursing home;
16. Has made a false statement or provided false or misleading information to the board, failed to submit reports as required by the board, failed to cooperate with an investigation of the board, or violated an order of the board;
17. 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 in another jurisdiction, has failed to report the existence of a complaint or other charges against the person's nursing home administrator license in another jurisdiction, or has been denied a license as a nursing home administrator by any other jurisdiction;
18. Has abused or is dependent on alcohol, legend drugs, or controlled substances, and the abuse or dependency affects the performance of the licensee's duties;
19. Has forged prescriptions or made drugs available to self, friends, or family members; or
20. Has failed to complete continuing education requirements.

History: Amended effective February 1, 1993; December 1, 1998; December 1, 2002; November 1, 2005.

General Authority: NDCC 43-34-03, 43-34-04, 43-34-09

Law Implemented: NDCC 43-34-03, 43-34-03.1, 43-34-09, 43-34-10, 43-34-11, 43-34-12

55-02-01-18. Complaint procedures.

1. Upon filing of a written and signed complaint alleging a licensee engaged in conduct identified as grounds for disciplinary action under section 55-02-01-17, the board shall notify the licensee of the complaint and require a written response from the licensee. The board may initiate a complaint on its own motion upon learning of conduct identified by the board as grounds for disciplinary action under section 55-02-01-17, and shall notify the licensee of the complaint and require a written response from the licensee.
2. ~~The~~After notifying the licensee of the complaint and considering the licensee's response or lack of response, the board shall determine if there is a reasonable basis to believe the licensee engaged in conduct identified as grounds for disciplinary action under section 55-02-01-17. If the board determines there is not a reasonable basis to believe, the board will notify the complainant and the licensee. If the board determines there is a reasonable basis to believe, the board will proceed with a disciplinary action in accordance with North Dakota Century Code chapter 28-32.
3. The board, at any time, may offer or accept a proposal for informal resolution of the complaint or disciplinary action.

History: Amended effective February 1, 1993; December 1, 1998; December 1, 2002.

General Authority: NDCC 43-34-04, 43-34-09

Law Implemented: NDCC 43-34-03, 43-34-03.1, 43-34-04, 43-34-09, 43-34-10, 43-34-11, 43-34-12

55-02-01-21. Inactive license status.

A nursing home administrator whose license has not expired or been revoked or suspended may request inactive license status for no more than ~~five~~three consecutive years. While in inactive license status, the administrator must submit a renewal form and a license fee annually but the continuing education requirement as set forth in section 55-02-01-12 need not be met. ~~A license may not be issued during the inactive license status period.~~ A nursing home administrator must obtain twenty hours of continuing education hours prior to reactivating his or her license.

History: Amended effective February 1, 1993; June 1, 1996; December 1, 1998; December 1, 2002.

General Authority: NDCC 43-34-03, 43-34-04, 43-34-09

Law Implemented: NDCC 43-34-03, 43-34-05, 43-34-09, 43-34-10