

**ND Board of Examiners For Nursing Home Administrators**  
**Presentation to the Administrative Rules Committee**  
**June 10, 2010**

Chairman Klein and members of the Administrative Rules Committee, I am Pam Cook, administrative assistant to Bev Herman, Executive Secretary for the ND Board of Examiners for Nursing Home Administrators. Bev Herman is unable to be here today as she is out of state attending a National Association Board of Examiners for Long Term Care Administrators meeting. I am here today on Bev's behalf to describe the procedures followed by the Board in adopting amendments to ND Administrative Code 55-02-01 "Nursing Home Administrator Licensure".

The board provides the following statements relating to the amendments to N.D.A.C. 55-02-01.

1. The rule changes made in N.D.A.C. 55-02-01-08, 55-02-01-15 and 55-02-01-15.1 are a result from statutory changes made by the Legislative Assembly to require criminal history record checks be added to the requirements for licensure as a nursing home administrator.
2. The rule changes were not required or related to federal statute or regulation.
3. On November 7, 2009, the Board issued a public notice of the intent to amend N.D.A.C. 55-02-01. Legal notices were published in major newspapers. A copy of the proposed rule changes and notice of hearing was sent to all licensed nursing home administrators. A public hearing on the proposed changes was held on January 7, 2010.
4. No one attended the hearing and no written comments were received. The Board moved for final adoption of the rules at its February 4, 2010 Board

Meeting.

5. The actual cost of giving a public notice was \$1,573.00, postage and copy expense of \$100.00 and \$800.00 in legal fees.

6. Summary of Rule Changes:

**55-02-01-05. Duties of the board of officers.** Changed the executive secretary title to executive director. (Page 171)

**55-02-01-07. Requirements for initial licensure.** Deleted language stating "of good moral character". A change was made to eliminate the requirement for an applicant to have a one year time limit relating to testing and completing the licensure application. By changing this language it will not make someone who has already taken the national examination to take the examination again. (Page 172)

**55-02-01-08. Application for initial licensure.** Increases the application fee from one hundred fifty dollars to two hundred fifty dollars, the maximum fee allowed by century code. This application fee will cover both the application and the licensure fee, will eliminate the pro-rating of licensure fees and the need for two separate checks by the applicant. Also, language has been added to incorporate the requirement resulting from statutory changes from the Legislative Assembly to require criminal history record checks on applicants for licensure and that the applicant is responsible for the costs associated with criminal history record checks. (Page 172)

**55-02-01-10. Examinations.** This section added a state laws and rules examination for applicants. It was determined that it would be beneficial for applicants to have an examination that was applicable to North Dakota nursing home state laws and rules. (Page 172)

**55-02-01-11. Grading examinations.** Added two sections, one for the national exam and one for a state exam and what is accepted as a passing score for each exam. (Page 172 and 173)

**55-02-01-15. Licensure by endorsement.** Section 1 increases the application fee from one hundred dollars to two hundred fifty dollars, the maximum allowed by century code. This two hundred fifty dollars includes both the application and licensure fee. Section 2 reflects the wording in century code 43-34-12 and specifies the requirements from the transferring state must be substantially equivalent at the time of application. Section 3 adds the requirement for passing a state examination and section 4 adds the requirement of the criminal history record check. (Page 173)

**55-02-01-15.1. Emergency license.** Section 1 increases the fee from one hundred fifty dollars to two hundred fifty dollars. This includes both the application and licensure fee. Section 3 adds the requirement of the criminal history record check. (Page 173)

**55-02-01-16. Registration and renewal of licenses.** Provides for an increase of fifty dollars to the annual renewal fee due to an increase in board expenses. We are allowed by statute up to two hundred fifty dollars for licensure fees. We have been at one hundred fifty dollars since 2003 and with the increased legal fees associated with investigations and additional board meetings, the board felt it necessary to increase the licensure fees. Also we added a requirement for individuals who fail to renew their license within six months of the December 31 licensure expiration to have to reapply and meet the current requirements for licensure, which would require the passage of the state examination. (Page 174)

**55-02-01-23. Duplicate licenses.** This section was repealed. (Page 174)

7. The Board determined the impact on the community was not in excess of \$50,000 and did not prepare a regulatory analysis. No written request for a regulatory analysis has been filed by the Governor or any agency.
8. No small entity economic impact statement was required because none of the proposed rules will have an adverse economic impact on small entities.

9. The proposed rules would not limit use of private real property and therefore did not prepare a takings assessment.

10. The rules were not adopted as emergency rules.

This concludes the Board of Examiners for Nursing Home Administrators testimony.

If you have questions I will take them to Bev Herman and have her get back to you.

Thank you.

Testimony presented by: Pam Cook, Administrative Assistant

Testimony provided by: Bev Herman, Executive Secretary

ND Board of Examiners for Nursing Home Administrators

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