

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the matter of the Proposed Rules
Governing Licensure & Relicensure
of Nursing Home Administrators, as
found in 7 MCAR S 6.001 through
7 MCAR S 6.024

STATEMENT OF NEED
AND REASONABLENESS

The Minnesota Board of Examiners for Nursing Home Administrators (hereinafter "Board") pursuant to Minnesota Statute S 14.23, hereby affirmatively presents the need for and facts establishing the reasonableness of the above captioned repeal of current rules and adopting the above captioned amendments to the Board rules.

I

NEED FOR THE PROPOSED AMENDMENTS

The rules regulating nursing home administrators were originally adopted in 1971 pursuant to Minnesota Statute S 144.954 (1969) and Minnesota Statute S 144.959 (1969). Several changes in the rules have been made since that time because of changes in the nature and type of educational programs existing in the state, further developments and sophistication in education programs and the incorporation of the Board's perception of its role in protecting the public in light of these changes. These rules are now being updated and promulgated pursuant to the Board's statutory authority which has been recodified as Minnesota Statute S 144A.24 (1982). The rules are being adopted under the Administrative Procedures Act, specifically Minn. Stat. S 14.21-28 (1982), which allows the adoption of non-controversial rules under a modified rule making procedure.

Some of the proposed rule changes reflect changes in the profession and may involve substantive changes in existing rules; other changes are editorial in nature and are made to bring these rules into conformity with the recommendations of the Revisor of Statutes. Each of the proposed changes are more fully explained as follows:

The proposed rules in this statement are set forth in capitol letters to clarify for the reader the content of the proposed rules. Some of the text of those rules remain unchanged from the former rules, but is included for the sake of clarity.

7 MCAR S 6.001 SOURCE OF AUTHORITY.

THE RULES (AND-REGULATIONS) HEREIN CONTAINED CONSTITUTE, COMPRISE AND SHALL BE KNOWN AS THE RULES (AND-REGULATIONS) OF THE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS OF THE STATE OF MINNESOTA AND ARE PROMULGATED PURSUANT TO THE AUTHORITY GRANTED TO THE SAID BOARD UNDER AND PURSUANT TO MINN. STAT. S 144A.24 (1982) AND IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT MINN. STAT. CHAPTER 14 (1982)

The only change made in this section is editorial, updating the statutory citations, and removing the words "and regulations" because they are no longer necessary.

7 MCAR S 6.003 DEFINITIONS

A. SCOPE. WHENEVER USED IN THESE RULES UNLESS EXPRESSLY OTHERWISE STATED, THE FOLLOWING TERMS HAVE THE MEANINGS GIVEN THEM.

Definitions are needed to provide a clear common reference for the rules being promulgated. Only the words which are crucial to understanding these rules and which would have more than one common meaning have been defined. The meanings have been ascribed solely for the purpose of these rules. The changes made in this definition are needed to simplify the statement, making it more readable and more easily understood. It is necessary to add the letter A and the term "scope" to clearly define the meaning of the statement, and to implement an organizational system for these rules which is in conformity with the recommendations of the Revisor of Statutes.

B. "BOARD" MEANS THE MINNESOTA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS.

C. "NURSING HOME ADMINISTRATOR" MEANS A PERSON WHO ADMINISTERS, MANAGES, SUPERVISES, OR WHO IS IN GENERAL ADMINISTRATIVE CHARGE OF A NURSING HOME WHETHER OR NOT SUCH AN INDIVIDUAL HAS AN OWNERSHIP INTEREST IN SUCH HOME AND WHETHER OR NOT HIS FUNCTIONS AND DUTIES ARE SHARED WITH ONE OR MORE OTHER INDIVIDUALS.

The only change in B and C was to reletter the rules in order to bring them into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes.

Formerly NHA 3 (c) included the definition of "Nursing Home Administrator in Training". It is reasonable to delete that definition, which read "'Nursing Home Administrator in training' means an individual recorded as such with the Board under and pursuant to the Law and these rules and regulations" from the rules because the classification "nursing home administrator in training" no longer exists. It is necessary to make this change because failure to do so would lead to misinterpretation and confusion in the rules.

D. "NURSING HOME" MEANS AN INSTITUTION OR FACILITY LICENSED AS SUCH UNDER MINNESOTA STATUTES, SECTION 144.50 to 144.56 BY THE MINNESOTA STATE BOARD OF HEALTH.

E. "EXAMINATION" MEANS ANY METHOD OR METHODS USED BY THE BOARD TO EVALUATE THE ELIGIBILITY, BACKGROUND, KNOWLEDGE, COMPETENCE, EXPERIENCE, SKILLS OR ANY OTHER QUALIFICATIONS OF AN APPLICANT FOR LICENSURE.

F. "PERSON" MEANS AN INDIVIDUAL, AND DOES NOT INCLUDE THE TERM: FIRM, CORPORATION, ASSOCIATION, PARTNERSHIP, INSTITUTION, PUBLIC BODY, JOINT STOCK ASSOCIATION OR ANY OTHER GROUP OF INDIVIDUALS.

G. "LICENSE" MEANS A CERTIFICATE OR OTHER WRITTEN EVIDENCE ISSUED BY THE BOARD TO INDICATE THAT THE BEARER HAS BEEN CERTIFIED BY THAT BODY TO MEET ALL THE STANDARDS REQUIRED OF A LICENSED NURSING HOME ADMINISTRATOR.

The only changes made in D through G is to reletter the rules to bring them into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes.

H. "ACTING LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO AN INDIVIDUAL WHO MEETS THE STATUTORY QUALIFICATIONS OF MINNESOTA STATUTES SECTION 144A.20 Subd. 1 (1982).

It is necessary to change this definition from "temporary" to "acting" to bring the terminology into conformity with the language used in the federal statutes. It is also necessary to update the statutory citation from Section 144.953. It is reasonable to make this change so that the terminology in Minnesota is similar to the terminology used in other rules regulating nursing home administrators across the country.

Formerly NHA 3 (h) included the definition "Temporary Permit". It is reasonable to delete that definition, which read "'Temporary Permit' means a permit issued by the Board to an individual who meets the statutory qualification of Minn. Stat. S 144.953, section 2, but whose service as a nursing home administrator began during the period from January 1, 1969, and through June 30, 1972" because this definition is no longer used, and has been replaced by the term "acting

administrator" in 7 MCAR S 6.003 H. It is necessary to delete this term because failure to do so would lead to misinterpretation and confusion in the rules.

7 MCAR S 6.006 MEETINGS.

A. THE BOARD SHALL HAVE A MINIMUM OF FOUR (4) MEETINGS PER YEAR. A QUORUM OF FIVE (5) MEMBERS ENTITLED TO VOTE SHALL BE PRESENT AT EVERY MEETING TO CONDUCT THE BUSINESS OF THE BOARD.

B. THE CHAIR OR OTHER OFFICER OF THE BOARD MAY CALL SPECIAL MEETINGS THEREOF WHEN CIRCUMSTANCES OR FUNCTIONING OF THE BOARD REQUIRE IT.

C. ROBERTS' RULES OF ORDER (Rev.) SHALL GOVERN ALL MEETINGS OF THE BOARD.

The only changes made in A through C was to reletter the rules in order to bring them into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes and remove any discriminatory language that may exist in the present rule by changing "chairman" to "chair".

7 MCAR S 6.007 ORGANIZATION.

A. THE BOARD SHALL ELECT ANNUALLY AT ITS FIRST MEETING IN ITS CALENDAR YEAR FROM AMONG ITS MEMBERSHIP, A CHAIR, VICE CHAIR, AND SECRETARY/TREASURER. VACANCIES IN THE OFFICER POSITIONS OF THE BOARD SHALL BE FILLED IN LIKE MANNER AT ANY MEETING.

B. THE CHAIR SHALL PRESIDE AT ALL MEETINGS OF THE BOARD AND SHALL SIGN ALL OFFICIAL DOCUMENTS OF THE BOARD. IN THE ABSENCE OF THE CHAIR, THE VICE-CHAIR SHALL PRESIDE AT MEETINGS AND PERFORM THE DUTIES OF THE CHAIR.

The only changes made in A and B was to reletter the rules in order to bring them into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes and remove any discriminatory language that may exist in the present rule by changing "chairman" to "chair".

C. IN ADDITION TO THE DUTIES THAT MAY BE IMPOSED BY LAW, THE SECRETARY/TREASURER OR A DESIGNEE, SHALL ATTEND ALL MEETINGS OF THE BOARD, KEEP A FULL AND COMPLETE RECORD OF THE MINUTES OF SAID MEETINGS, NOTIFY THE MEMBERS OF THE BOARD OF THE TIME AND PLACE FIXED FOR MEETINGS OF THE BOARD, AND MAINTAIN RECORDS PERTAINING TO LICENSEES AND THESE RULES AND REGULATIONS.

D. THE SECRETARY/TREASURER OR DESIGNEE, SHALL CONDUCT ALL ROUTINE CORRESPONDENCE FOR THE BOARD AND SHALL ISSUE ALL NOTICES OF MEETINGS AND HEARINGS AND SHALL HAVE CUSTODY OF ALL BOOKS, RECORDS AND PROPERTY OF THE BOARD.

The only change made in C and D was to reletter the rule in order to bring them into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes.

E. THE BOARD MAY ESTABLISH SUCH COMMITTEES AS IT DEEMS APPROPRIATE. ALL STANDING COMMITTEE APPOINTMENTS ARE TO BE MADE ANNUALLY AT THE FIRST MEETING IN THE CALENDAR YEAR BY THE CHAIR WITH ADVICE AND CONSENT OF THE BOARD.

Section E is a completely new section. It is necessary to provide the Board with the authority to establish such committees as it deems necessary to carry out its various function. It is reasonable for the Board to use standing committees to explore various issues and make recommendations to the entire Board on how to proceed in this matter. This allows better use of the time of individual Board members, and permits the Board to make better use of its time as a whole. It is necessary to have these appointments made annually by the chair with the advice and consent of the Board to assure that the committees will be responsible to the concerns of the entire Board and will provide a balance between the chair of the Board and the full Board.

7 MCAR S 6.010 LICENSE REQUIREMENTS.

A. IN GENERAL. NO INITIAL LICENSE SHALL BE ISSUED TO A PERSON AS A NURSING HOME ADMINISTRATOR UNLESS THE INDIVIDUAL:

1. IS AT LEAST 18 YEARS OF AGE.
2. IS OF SOUND PHYSICAL AND MENTAL HEALTH.
3. IS OF GOOD MORAL CHARACTER AND OTHERWISE SUITABLE.
4. HAS FURNISHED SATISFACTORY EVIDENCE, AS REQUIRED BY THE BOARD, THAT HE/SHE POSSESSES THE GENERAL ADMINISTRATIVE ABILITIES NEEDED TO SATISFACTORILY ADMINISTER A NURSING HOME AND POSSESSES THE ABILITY TO RELATE THE ADMINISTRATION OF A NURSING HOME TO THE PHYSICAL, PSYCHOLOGICAL, SPIRITUAL, EMOTIONAL AND SOCIAL NEEDS OF PATIENTS AND TO CREATE A COMPASSIONATE AND HELPFUL ENVIRONMENT.
5. HAS PAID ALL LICENSE AND EXAMINATION FEES AS ESTABLISHED BY THE BOARD.
6. HAS ACHIEVED A PASSING SCORE, TO BE REASONABLY ESTABLISHED BY THE BOARD, ON ALL REQUIRED EXAMINATIONS, UNLESS OTHERWISE HEREAFTER PROVIDED.

The only change made is to add the term "In general" to clearly define the meaning of the statement and to implement the organizational system of these rules which is in conformity with the recommendations of the Revisor of Statutes.

7. HAS A BACCALAUREATE OR HIGHER DEGREE FROM AN ACCREDITED INSTITUTION AND HAS SATISFACTORILY COMPLETED AN APPROVED ACADEMIC COURSE IN EACH OF THE FOLLOWING AREAS:

This proposed change is only an editorial change made by the Revisor of Statutes and does not make any changes in the requirements of the rule. It replaces the language of NHA 10 (A)(8). It is reasonable to require a baccalaureate degree and completion of specific courses for licensure because of the consistently increasing demands and types of problems encountered by administrators. It is important that they have adequate and complete preparation to efficiently administer their facility and understand and implement federal and state requirements and other regulatory standards.

This section of the rule originally addressed a practicum requirement. The practicum requirement is not removed from the rule, but merely is set forth as one in a series of requirements under this section. The language which is now proposed in rule 7 MCAR S 6.010 A (7) (h) replaces the old language of NHA 10 A (7) which read "has satisfactorily completed a board approved practicum course under the guidance of a licensed nursing home administrator preceptor and the supervision of a faculty person coordinating the course at the college or university offering the course".

The language in this section has been changed to make the rules more understandable and to bring this section into a logical sequence and conformity with the other licensure requirements.

Formerly NHA 10 A (8) listed the courses necessary for licensure if the degree was not in health care administration with courses in long term care. That rule has been expanded and clarified. It is reasonable to delete NHA 10 A (8) which read "has a baccalaureate degree (or higher degree) from an accredited institution. If this degree is not in health care administration with courses in long term care, the degree must include at least one course in each of the following areas: management, long term care programs, gerontology, issues in health care, medical terminology, business or health care law, accounting or fiscal management. The requirements of this section do not apply to those individuals who are applying for renewal of their license". because the information contained in this section is being re-numbered and more extensively described in the proposed rule in this same section. It is necessary to make this change because failure to do so would lead to misinterpretation and confusion in the rules. This change is reasonable because it gives potential licensees a better description of the coursework required for licensure and therefore allows them to evaluate more easily whether certain coursework will qualify them for licensure.

It is necessary for the Board to develop specific course requirements because that duty is mandated by Minn. Stat. S 144A.24 (1982). The changes in the rule are needed to make the licensure requirements more easily understood and to help clarify, for potential licensees, the content expected to be contained in each specific course. The courses enumerated in a - h of this section are courses that recognize that nursing home administrator educational offerings have changed over the years as well as recognizing the need for the updating of requirements that will keep administrators on the "cutting edge" of the profession.

These proposed rules are reasonable in that they will aid the applicant in securing the knowledge, skills, and abilities required to safely practice as a licensed administrator as well as reducing the potential of an applicant taking inappropriate or unacceptable courses.

a. A COURSE IN THE PRINCIPLES OF ORGANIZATIONAL MANAGEMENT AND ADMINISTRATION WHICH DELINEATES THE ROLE, FUNCTIONS, AND PROCESS OF MANAGEMENT INCLUDING PLANNING, STAFFING, ORGANIZING, CONTROLLING, DELEGATING AND EVALUATING OUTCOMES:

This rule merely describes more completely the type of management course required of applicants. It is necessary to require a course in the principles of organizational management and administration to acquaint and indoctrinate applicants in the art and skills of institutional management, which comprises a major function of their job responsibility. It is reasonable to require an academic course because this provides for neutral, comprehensive instruction, as well as evaluation of the student/applicant's understanding thereof, so as to assure competent administration and that adequate services are provided residents of the facility. Courses of this type are readily available from a number of academic institutions throughout the state of Minnesota.

b. AN ACCOUNTING COURSE WHICH PROVIDES AN INTRODUCTION TO BASIC FINANCIAL CONCEPTS, FINANCIAL STATEMENTS, DEFINITION OF ACCOUNT TERMINOLOGY, AND THE RECORDING AND REPORTING OF FINANCIAL EVENTS INCLUDING BUDGETING:

An accounting or fiscal management course was required under the previous rules. This change merely describes the course more completely. It is necessary to require a course in accounting as administrators must make many important financial decisions daily having far reaching financial implications. Being responsible for the fiscal condition and operation of the facility, they must be able to interpret and utilize financial information. Licensees must be able to determine that financial reports, required to be submitted to the Dept. of Public Welfare, are correct and accurately reflect the operations and fiscal condition of the facility. It is reasonable to require this course to assure that licensees are competent in fulfilling their regulatory responsibilities.

c. A COURSE IN SOCIAL GERONTOLOGY WHICH INCLUDES THE STUDY OF THE SOCIAL ASPECTS OF AGING IN OUR SOCIETY AS THEY RELATE TO SERVICES AND PROGRAMS FOR THE INFIRM OR AGED, OR BOTH.

A general gerontology course was required under the old rules. This change merely describes the course more completely. It is necessary to require a course in social gerontology, as administrators of nursing homes have frequent contact with the residents of the facility and need to know and understand the

social, psychological and gerontological aspects of the aged and infirm. It is reasonable to require this course so as to assure that the needs of the residents are met in as complete and satisfactory a manner as possible.

d. A COURSE ON ISSUES IN HEALTH CARE IN WHICH THERE IS A STUDY OF AT LEAST THREE OF THE MAJOR SOCIAL, ECONOMIC, AND ETHICAL ISSUES CONFRONTING LONG TERM HEALTH CARE WHICH INCLUDE NONTRADITIONAL APPROACHES TO HEALTH CARE, RELATIONSHIPS OF LIFESTYLE TO HEALTH, PATIENTS' RIGHTS, RIGHT-TO-DIE ISSUES, AND DILEMMAS OF HEALTH CARE PROFESSIONALS IN TERMS OF MORALS, ETHICS AND PROFESSIONAL COMMITMENTS.

A course on issues in health care was required under the old rules. This change merely defines those issues, as well as requiring that at least three of the issues studied include issues which relate to long term health care. It is necessary to require a course in issues in long term health care because administrators routinely encounter these types of problems and are placed in a position to recommend and/or make the decision on these potentially controversial issues and need therefore competent training as provided in an academic setting. It is reasonable to require this by academic means because these issues are dealt with in courses available in many colleges and universities throughout the state of Minnesota. It is also reasonable to specify the issues which are necessary to fulfill this requirement so that potential licensees are given a better understanding of the requirement itself.

e. A COURSE IN HEALTH CARE LAW WHICH STUDIES COMMON CASE LAW AND TYPES OF LEGAL ENTITIES THAT AFFECT OR GOVERN LONG TERM HEALTH CARE ORGANIZATIONS INCLUDING ITS BOARD AND STAFF AND THE LAWS THAT AFFECT GUARDIANSHIP OR CONSERVATORSHIP:

A course in business or health care law was required under the old rules. This change merely defines that course requirement more completely. It is necessary to require a course in health care law as administrators are being increasingly confronted with problems of a legal nature in connection with both staff and residents. It is reasonable to require this academic means as instructors capable of teaching this specialty, are customarily found at an academic institution. Because legal problems are so complex, and there are so many types of business law courses being offered by academic institutions, it is reasonable to require that the legal training relate to long term health care.

f. A COURSE IN THE ADMINISTRATION OF LONG TERM CARE SERVICES AND PROGRAMS WHICH IS A STUDY OF THE FUNCTION AND ROLE OF PROFESSIONAL AND NONPROFESSIONAL PERSONNEL, THEIR SERVICES, AND ORGANIZATIONAL PROGRAMS WHICH ARE NEEDED TO PROVIDE THERAPEUTIC GERIATRIC SERVICES FOR THOSE REQUIRING LONG TERM HEALTH CARE, INCLUDING A STUDY OF COMMONLY ACCEPTED MEDICAL TERMS IN LONG TERM HEALTH CARE:

This rule combines two previous course requirements, one in medical terminology and another in long term care programs. It is reasonable to combine these requirements into one course because medical terminology is generally covered as part of another course rather than as a separate course. It is necessary that administrators be very thoroughly trained and indoctrinated in the type, needs and requirements of staff in order to render effectively to all the various services required to provide good quality patient care and to comply with all the various regulatory requirements. Administrators, as part of their job responsibility are members of certain committees where an understanding of medical terms is essential. Because of this administrative function requiring an understanding and familiarity of medical terms the requirement of this academic course is reasonable. It is reasonable to require that this preparation be by an academic course as the subject matter is of a substantially complex and detailed nature requiring trained and competent instructors.

g. A HUMAN RESOURCE OR PERSONNEL MANAGEMENT COURSE WHICH IS A STUDY OF RECRUITMENT, SCREENING AND SELECTION PROCESSES, JOB DESCRIPTIONS, JOB EVALUATIONS, PERSONNEL POLICIES AFFECTING MANAGEMENT AND HUMAN RESOURCES, INCLUDING ORIENTATION AND DEVELOPMENT OF EMPLOYEES, PERSONNEL RECORDS, WAGE AND SALARY ADMINISTRATION, LABOR LAWS, AFFIRMATIVE ACTION PLANNING, AND EQUAL EMPLOYMENT OPPORTUNITY LEGISLATION.

This course is a new academic requirement. It is necessary to require a course in human resource or personnel management as administrators constantly must work with problems related to personnel and effective personnel management so it is only reasonable to require a course of such a nature to assist administrators in this increasingly important job responsibility. It is reasonable to require that this preparation be by an academic course as the subject matter is of a specific and technical nature and must be contained within certain parameters guided by statute or regulation.

h. A BOARD PREAPPROVED PRACTICUM COURSE WHICH RELATES KNOWLEDGE COURSES TO THE PRACTICE OF ADMINISTRATION IN LONG TERM HEALTH CARE ORGANIZATIONS. THE COURSE, WHICH MUST BE OF A MINIMUM OF 300 CLOCK HOURS, MUST BE UNDER THE DIRECTION OF A FACULTY PERSON OF THE EDUCATIONAL INSTITUTION COORDINATING THE COURSE AND CARRIED OUT BY A LICENSED NURSING HOME ADMINISTRATOR PRECEPTOR.

This requirement was NHA 10 A (7) under the old rules. It has been moved to this location in the new rules to make the sequences of the rules more logical. The requirements of this rule remain essentially unchanged, although it has been reworded to make it more clear. It is necessary to require a potential administrator to have this training experience whereby the information learned in the classroom setting can be experienced and tested in a "protected" operational setting before a licensee

becomes administratively and legally responsible as a licensed administrator. It is reasonable to require that this preparation be by an academic course as the individuals responsible for implementing the practicum experience must be specifically knowledgeable of both the material presented in formal academic lecture and the type of working conditions as they exist in the field, that is the nursing home. Coordinating this training requires such competency and expertise only generally found in academia.

8. APPLICANTS WITH A DEGREE IN HEALTH CARE ADMINISTRATION RATHER THAN LONG TERM HEALTH CARE ADMINISTRATION NEED ONLY SATISFY THE PRACTICUM REQUIREMENT OF 7. h. AND SATISFACTORILY COMPLETE THE COURSES DESCRIBED IN 7.c. AND 7.f.

This rule was formerly 10 A (8). It has been expanded to address different degrees which are currently being offered by various academic institutions. This proposed rule pertains only to applicants who already possess a degree in health care administration. The rule would recognize previously acquired significantly similar academic health care administration training. It is unreasonable to require an applicant to duplicate similar academic courses. It is reasonable to require applicants to complete academic courses in those subject areas not covered in previous courses but specifically relevant and deemed necessary in order to be adequately prepared to serve as an administrator in a long term health care facility.

B. WAIVER PROVISIONS.

1. THE BOARD SHALL WAIVE 7 MCAR S 6.010 A.7 and A.8 IF THE APPLICANT SUBMITS SATISFACTORY EVIDENCE OF HAVING ACTIVELY SERVED FULL TIME AS A LICENSED NURSING HOME ADMINISTRATOR IN ANOTHER STATE FOR A MINIMUM PERIOD OF TWO CONTINUOUS YEARS WITHIN THE IMMEDIATE PAST FIVE LICENSURE YEARS AND MEETS ALL OTHER LICENSURE REQUIREMENTS.

There are two changes being proposed in this section. The first change is the deletion of the words "40 hrs. per week" and recommended by the Revisor of Statutes to conform with the organizational pattern of the rules. Because 40 hours per week is generally equivalent to "full time", it is not necessary to specify the number of hours.

The second proposed change, which limits to five years the time period within which an applicant can secure a license by reciprocity, is reasonable as it serves to assure the Board that the applicant is reasonably current, competent and up-to-date on existing regulations and health care standards, new techniques and the "state of the art" in long term health care administration. It is reasonable to assume that an administrator who has been inactive for longer than five years would not be fully competent to serve as an administrator and should be required to secure additional training before a license is issued.

2. THE BOARD SHALL WAIVE 7 MCAR S 6.010 A.7.h. IF THE APPLICANT SUBMITS EVIDENCE OF HAVING COMPLETED SATISFACTORILY ONE YEAR FULL TIME AS AN ADMINISTRATOR OR IN AN ASSISTANT ADMINISTRATOR POSITION IN AN ACUTE CARE, SKILLED CARE, OR INTERMEDIATE CARE FACILITY.

This rule replaces NHA 10 B (2) and merely changes the MCAR citation to reflect the current citation system. It is reasonable to grant a waiver of the requirement of MCAR S 6.010 A.7 h. for applicants who have served for one year or longer on a full time basis as an administrator or assistant administrator as such applicants will have secured considerably more administrative experience in their respective work capacities than would be secured in a practicum experience. It is reasonable to specify exactly the types of facilities in which such administrative experience can be secured and found as acceptable to the Board, so as to eliminate misinterpretation or the selection of any inappropriate facility in which to secure such experience.

7 MCAR S 6.011 APPLICATION.

A. APPLICATION FOR LICENSURE SHALL BE MADE ON FORMS PROVIDED BY THE BOARD AND SHALL BE ACCOMPANIED BY ALL THE REQUIRED SUPPORTIVE INFORMATION AND DOCUMENTS. COMPLETED APPLICATIONS SHALL BE RECEIVED BY THE BOARD NO LESS THAN 45 DAYS IN ADVANCE OF AN EXAMINATION DATE. APPLICATIONS SHALL BECOME VOID ONE YEAR AFTER THE APPLICATION FORM IS FILED WITH THE LICENSURE BOARD UNLESS THE APPLICANT MAINTAINS AN ACTIVE FILE BY EITHER WRITING THE EXAMINATIONS WHEN OFFERED OR IS ENROLLED IN AN APPROVED EDUCATIONAL COURSE DESIGNED TO MEET LICENSURE REQUIREMENTS AND SO NOTIFIES THE BOARD.

B. THE BOARD, IN ITS DISCRETION, MAY REJECT ANY APPLICATION WHERE THE APPLICANT HAS NOT SHOWN IN THE APPLICATION TO HAVE COMPLIED WITH THE REQUIREMENTS SET FORTH IN 7 MCAR S 6.010 SECTIONS 1-7.

C. ANY APPLICANT FOR LICENSURE WHOSE APPLICATION HAS BEEN REJECTED BY THE BOARD SHALL BE GIVEN WRITTEN NOTICE OF THE DISQUALIFICATION, AND THE REASONS THEREFOR, AND OF THE RIGHT TO A HEARING.

The only changes made in A through C was to reletter the rules in order to bring them into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes and remove any discriminatory language that may exist in the present rule by deleting the words "by his" and adding the words "in the" in B and deleting the word "his" and adding the word "the" in C.

NHA 11 (d) of the old rule has been deleted. That rule previously read "(d) In the event the board is unable to conduct a hearing as provided for in NHA 11 (c) prior to the date of the examination, the board may permit the disqualified applicant to take the examination, conditioned upon the applicant's showing,

at the hearing or otherwise, that he is qualified for licensure." It is reasonable to delete that section from the rules because it has never been utilized. No need exists for the rule because the only requirement to sit for the examination is to file an application for licensure with the board. The applicant is then automatically placed on the roster to be notified of the next examination. It is necessary to make this change because failure to do so would lead to misinterpretation and confusion in the rules.

D. THERE SHALL BE NO DISCRIMINATION WITH REGARD TO APPLICANTS OR LICENSE HOLDERS ON THE GROUND OF AGE, RACE, COLOR, SEX, CREED, OR NATIONAL ORIGIN.

The only change in this rule is the addition of the word "age". It is necessary to add the word "age" to the rule because the board desires to avoid discrimination among applicants which would be a violation of state and federal law. It is reasonable for the board to permit all applicants to secure licensure, without regard to age, if the applicant is able to successfully meet all other licensure requirements.

E. ANY LICENSE AND/OR EXAMINATION FEES PAID TO THE BOARD CANNOT BE REFUNDED.

It is necessary to reletter this section to bring it into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes. That is the only change made in this section.

7 MCAR S 6.012 EXAMINATION.

A. EACH EXAMINATION SHALL CONSIST OF ONE OR MORE WRITTEN AND/OR ORAL TESTS AND MAY INCLUDE SUCH OTHER EVALUATIVE TECHNIQUES AS THE BOARD MAY EMPLOY. EACH EXAMINATION SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING SUBJECTS:

1. APPLICABLE STANDARDS OF ENVIRONMENTAL HEALTH AND SAFETY.
2. LOCAL HEALTH AND SAFETY REGULATIONS.
3. GENERAL ADMINISTRATION.
4. PSYCHOLOGY OF PATIENT CARE.
5. GENERAL PRINCIPLES OF MEDICAL CARE.
6. PERSONAL AND SOCIAL CARE.
7. THERAPEUTIC AND SUPPORTIVE CARE AND SERVICES IN LONG TERM CARE.
8. DEPARTMENTAL ORGANIZATION AND MANAGEMENT.
9. COMMUNITY INTER-RELATIONSHIPS.

B. EVERY APPLICANT FOR LICENSURE AS A NURSING HOME ADMINISTRATOR, UNLESS OTHERWISE PROVIDED, SHALL BE REQUIRED TO PASS THE EXAMINATION FOR SUCH LICENSE WITH A SCORE TO BE ESTABLISHED BY THE BOARD OF EXAMINERS. THE EXAMINATION AND THE PASSING SCORE

SHALL BE THE SAME FOR EVERY INDIVIDUAL TAKING THE SPECIFIC ISSUANCE OF THE EXAMINATION.

C. THE BOARD SHALL NOT DISCLOSE THE PERCENTAGE RATINGS OF THE CANDIDATES BY INDIVIDUAL IDENTITY TO ANY OF ITS OFFICERS OR EMPLOYEES RESPONSIBLE FOR DETERMINING FINAL SCORE FOR AN EXAMINATION UNTIL SUCH DETERMINATION HAS BEEN MADE FOR ALL.

D. ANY APPLICANT WHO HAS NOT ACHIEVED A PASSING SCORE ON ANY REQUIRED EXAMINATION AFTER FOUR (4) ATTEMPTS SHALL NOT BE PERMITTED TO TAKE A FURTHER EXAMINATION EXCEPT UPON PETITION TO THE BOARD SETTING FORTH FACTS AND EVIDENCE OF SUCH A NATURE TO INDICATE TO THE BOARD THAT THE APPLICANT HAS ACQUIRED ADDITIONAL KNOWLEDGE AND COMPETENCE BELIEVED SUFFICIENT TO ENABLE THE APPLICANT TO PASS THE EXAMINATION. SUCH EVIDENCE MAY INCLUDE, BUT NOT BE LIMITED TO, ACADEMIC OR PRACTICAL TRAINING OR SPECIAL TUTORING.

The only changes made in this rule were editorial in nature, changing the citation from NHA 12 to 7 MCAR S 6.012, and relettering "a", "b", "c", and "d", to "A", "B", "C" and "D". These changes were necessary to bring the rules into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes.

7 MCAR S 6.013 LICENSE; ISSUANCE.

A. AN APPLICANT FOR LICENSE AS A NURSING HOME ADMINISTRATOR WHO HAS COMPLIED WITH THE REQUIREMENTS OF THE LICENSING LAW AND THE STANDARDS PROVIDED HEREIN AND HAS PASSED THE EXAMINATION, SHALL BE ISSUED A LICENSE ON A FORM PROVIDED FOR THAT PURPOSE BY THE BOARD, CERTIFYING THAT SUCH APPLICANT HAS MET THE REQUIREMENTS OF THE LAWS, RULES AND REGULATIONS ENTITLING THEM TO SERVE, ACT AND PRACTICE, AND OTHERWISE HOLD THEMSELVES OUT AS A DULY LICENSED NURSING HOME ADMINISTRATOR, SUBJECT TO ANY ENDORSEMENTS ON THE LICENSE. ANY LICENSE ISSUED BY THE BOARD SHALL BE UNDER THE HAND AND SEAL OF THE CHAIRPERSON AND SECRETARY OF THE BOARD.

NHA 13 (b) has been deleted. It previously read "The board may issue a temporary permit to any individual applying therefore who:

(1) Begins service as a nursing home administrator after January 1, 1969, and

(2) Meets the statutory qualifications for licensing as a nursing home administrator". It is reasonable to delete this section from the rules because it is no longer necessary. The term, "temporary permit" is being deleted in 7 MCAR S 6.003 i, as it is no longer in use by the board. It is necessary to delete this section because failure to do so would lead to misinterpretation and confusion in the rules.

B. ONLY AN INDIVIDUAL WHO IS QUALIFIED AS A LICENSED NURSING HOME ADMINISTRATOR AND WHO HOLDS A VALID LICENSE PURSUANT TO THE PROVISION OF THESE RULES FOR THE CURRENT REGISTRATION PERIOD SHALL HAVE THE RIGHT AND PRIVILEGE OF USING THE TITLE "LICENSED NURSING HOME ADMINISTRATOR" AND OF USING THE ABBREVIATION "L.N.H.A." AFTER HIS/HER NAME.

The only changes made in B was to reletter the rule in order to bring it into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes and remove any discriminatory language that may exist in the present rule by adding "/her" in "B".

C. IN THE EVENT A LICENSED NURSING HOME ADMINISTRATOR IS REMOVED FROM HIS POSITION BY DEATH OR OTHER UNEXPECTED CAUSE, THE OWNER, GOVERNING BODY OR OTHER APPROPRIATE AUTHORITY OF THE NURSING HOME SUFFERING SUCH REMOVAL MAY DESIGNATE AN ACTING NURSING HOME ADMINISTRATOR WHO MAY SERVE ONLY UPON SECURING AN ACTING LICENSE AND FOR NO MORE THAN 180 DAYS. THE OWNER, GOVERNING BODY OR OTHER APPROPRIATE AUTHORITY OF THE NURSING HOME SUFFERING SUCH REMOVAL SHALL NOTIFY THE LICENSURE BOARD WITHIN FIFTEEN (15) DAYS OF THE TERMINATION OF SERVICE OF THE ADMINISTRATOR AS WELL AS THE APPOINTMENT OF THE NEW ADMINISTRATOR.

This rule replaces old rule NHA 13 (d). It provides that the acting license be granted for 180 days instead of "90 days unless an extension is granted by the Board", which was the wording of the old rule. It is reasonable to change the wording of the rule to bring it into conformity with federal regulations which allow the issuance of an acting license for a maximum period of 180 days. Since an extension of an additional 90 days would be granted as a matter of course under the old rule due to federal law, it is reasonable to change the Board rule to reflect that fact. It is necessary to make this change because failure to do so would lead to misinterpretation and confusion in the rules.

7 MCAR S 6.014 RECIPROCITY.

A. GENERAL REQUIREMENTS. THE BOARD, SUBJECT TO THE LAW PERTAINING TO THE LICENSING OF NURSING HOME ADMINISTRATORS PRESCRIBING THE QUALIFICATIONS FOR NURSING HOME ADMINISTRATOR LICENSE, MAY ENDORSE, WITHOUT EXAMINATION, A NURSING HOME ADMINISTRATOR LICENSE ISSUED BY THE PROPER AUTHORITIES OF ANY OTHER STATE OR POLITICAL SUBDIVISION OF THE UNITED STATES, AND UPON PAYMENT OF A FEE ESTABLISHED BY THE BOARD, PROVIDED:

1. THAT SUCH OTHER STATE OR SUBDIVISION OF THE UNITED STATES, MAINTAINS A SYSTEM AND STANDARD OF QUALIFICATION EXAMINATION FOR NURSING HOME ADMINISTRATOR LICENSURE WHICH IS SUBSTANTIALLY EQUIVALENT TO THOSE REQUIRED IN THE STATE OF MINNESOTA; AND

2. THAT SUCH APPLICANT FOR ENDORSEMENT IS FAMILIAR WITH MINNESOTA'S STATE AND LOCAL HEALTH AND SAFETY REGULATIONS RELATED TO NURSING HOMES AND HAS SUCCESSFULLY PASSED THE BOARD'S

EXAMINATION ON STATE RULES AND REGULATIONS: AND

3. THAT APPLICANT FOR ENDORSEMENT IS IN GOOD STANDING AS A NURSING HOME ADMINISTRATOR AS SUCH IN EACH STATE OR SUB-DIVISION OF THE UNITED STATES FROM WHICH HE OR SHE HAS EVER RECEIVED A NURSING HOME ADMINISTRATOR LICENSE OR RECIPROCAL ENDORSEMENT.

There are three changes being purposed to this section. One of the changes is an editorial change made by the Revisor of Statutes which is the addition of two words "general requirements". The second change is the deletion of the words, "but not to exceed one hundred (100)dollars" at the end of Section A. The third change is the addition of the words "or she". The first and third changes are merely editorial to make the rule more clear and to remove possible discriminatory language. The second change permits the Board to meet its statutory requirement by adjusting its fees to meet the expenditures over each biennium. Minn. Stat. S 214.06 allows the Commissioner of Finance to approve the adjustment of fees without the necessity of a public hearing so long as the amount of fee requested will as closely as possible, equal anticipated expenditures. It is reasonable to permit the Board to do this without imposing the \$100.00 maximum because the costs of administrating the program may exceed \$100.00 at some point. It is necessary to make the change because failure to do so may leave the Board without adequate funds to administer its duties if the \$100.00 fee does not meet the costs of administration.

B. THE BOARD SHALL HAVE THE POWER AND SHALL TAKE THE OPPORTUNITY TO BE HEARD AT A FORMAL HEARING PURSUANT TO ADMINISTRATIVE PROCEDURE ACT Ch. 14 (1982) TO REVOKE OR SUSPEND THE ENDORSEMENT OF A NURSING HOME ADMINISTRATOR LICENSE ISSUED TO ANY PERSON ON EVIDENCE SATISFACTORY TO THE BOARD, THAT THE DULY CONSTITUTED AUTHORITIES OF ANY STATE HAVE LAWFULLY REVOKED OR SUSPENDED THE NURSING HOME ADMINISTRATOR LICENSE ISSUED TO SUCH PERSON BY SUCH STATE.

It is necessary to reletter this definition to bring it into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes. The only other change in this section is to update the statutory citation of the Administrative Procedures Act.

7 MCAR S 6.015 DISPLAY OF LICENSE.

A. EVERY PERSON LICENSED AS A NURSING HOME ADMINISTRATOR SHALL DISPLAY SUCH LICENSE IN A CONSPICUOUS PLACE IN THE OFFICE, PLACE OF BUSINESS OR EMPLOYMENT OF SUCH LICENSEE.

It is necessary to reletter this definition to bring it into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes.

B. DUPLICATE LICENSE. UPON RECEIPT OF SATISFACTORY

EVIDENCE THAT A LICENSE HAS BEEN LOST, MUTILATED, OR DESTROYED, THE BOARD MAY ISSUE A DUPLICATE LICENSE UPON PAYMENT OF A FEE ESTABLISHED BY THE BOARD.

There are three changes being purposed in this section. One of the changes is an editorial change made by adding the words "duplicate license" by the Revisor of Statutes. The second change is the deletion of the figure \$10.00 and the third change is the addition of the words, "established by the board". It is necessary to delete the figure "\$10.00" in order to bring the rule into conformity with Minn. Stat. S 214.06 which allows the Board to set such fees based upon its costs of administering the program. It is also necessary to add the words "established by the board" to clarify the authority granted to the Board by statute to establish such fee charges. It is necessary to make these changes because failure to do so would lead to misinterpretation and confusion in the rule.

7 MCAR S 6.016 RENEWAL.

A. EVERY PERSON WHO HOLDS A VALID LICENSE AS A NURSING HOME ADMINISTRATOR ISSUED BY THE BOARD SHALL ANNUALLY APPLY ON OR BEFORE JUNE 1, TO THE BOARD FOR RENEWAL OF THE LICENSE AND REPORT ANY INFORMATION DEEMED PERTINENT AND REQUESTED BY THE BOARD ON FORMS PROVIDED FOR SUCH PURPOSE.

The only changes made in this section is to reletter the rule in order to bring it into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes and remove any discriminatory language that may exist in the present rule by deleting the word "his" and adding the word "the".

B. FEES: TIME FOR RENEWAL. UPON MAKING AN APPLICATION FOR RENEWAL OF HIS LICENSE SUCH LICENSEE SHALL PAY THE ANNUAL FEE AS ESTABLISHED BY THE BOARD. RENEWAL APPLICATIONS RECEIVED AFTER JULY 1 SHALL PAY THE LATE FILING FEES AS ESTABLISHED BY THE BOARD. THE APPLICANT SHALL SUBMIT EVIDENCE SATISFACTORY TO THE BOARD THAT DURING THE ANNUAL PERIOD IMMEDIATELY PRECEDING SUCH APPLICATION HE/SHE HAS COMPLIED WITH THE RULES OF THIS BOARD AND CONTINUES TO MEET THE REQUIREMENTS AS ESTABLISHED, INCLUDING, BUT NOT LIMITED TO, CONTINUING EDUCATIONAL REQUIREMENTS FOR RELICENSURE. NONACADEMIC CONTINUING EDUCATION REQUIREMENTS OF RELICENSURE SHALL BE COMPLETED BY MAY 1 OF EACH YEAR FOR THE ENSUING LICENSURE YEAR: HOWEVER, UPON PRESENTATION OF WRITTEN PETITION, LICENSEES MAY BE GRANTED AN EXTENSION FOR AN APPROPRIATE PERIOD OF TIME. EXTENSIONS WILL ONLY BE GRANTED IN UNUSUAL CIRCUMSTANCES. APPLICANTS GRANTED EXTENSIONS WILL BE REQUIRED TO MAKE PAYMENT OF APPLICABLE LATE FILING FEES.

This rule contains changes made by the Revisor of Statutes for the purpose of clarity, conformity and implementation of the organizational system established for these rules. It is necessary to delete NHA 16 b, which mentions a specific dollar figure, in order to bring the rule into conformity with Minn.

Stat. S 214.06 as previously explained. It is also necessary to add the words, "established by the board" in order to provide for and clarify the authority given the board by statute to establish the various fee charges. It is necessary to make these changes because failure to do so would lead to misinterpretation and confusion in the rule.

C. CONTINUING EDUCATION REQUIREMENTS. LICENSEES, IN ORDER TO BE ELIGIBLE FOR CONSIDERATION FOR RENEWAL OF THEIR LICENSE, SHALL BE REQUIRED TO SATISFY THE FOLLOWING CONTINUING EDUCATIONAL REQUIREMENTS:

1. ANNUAL ATTENDANCE AT LICENSURE BOARD APPROVED SEMINARS, INSTITUTES, OR WORKSHOPS TOTALING AT LEAST 20 CLOCK HOURS: AND

2. SATISFACTORY COMPLETION DURING EACH THREE-YEAR LICENSE RENEWAL PERIOD OF AT LEAST 6-QUARTER CREDIT HOURS OR 4-SEMESTER HOURS IN HEALTH CARE COURSES RELATED TO LONG TERM HEALTH CARE ADMINISTRATION FROM AN EDUCATIONAL INSTITUTION ACCREDITED BY THE APPROPRIATE REGIONAL ACCREDITING AGENCY OR ATTENDANCE DURING THE SAME TIME PERIOD AT AN ADDITIONAL 30 CLOCK HOURS OF BOARD APPROVED SEMINARS, INSTITUTES, OR WORKSHOPS.

There are two changes being proposed in this section. One change, which reletters this section, is an editorial change by the Revisor of Statutes for clarification purposes and to bring this rule into the organizational pattern established for these rules. The second change is necessary in order to carry out the intent of the Board to make the educational requirements for relicensure uniform for all applicants. It is necessary to require continuing education for relicensure in order to assure continued administrator competency. The changes in the phraseology and format accomplished this intent.

It is reasonable to make the continuing education relicensure requirements uniform for all licensees because they all have met the established requirements for original licensure, thus being deemed eligible and competent to practice. It is reasonable that the educational relicensure requirements should be uniform for all licensees to insure that all licensees take a minimum number and type of courses to maintain that level of competency.

It is necessary to delete the following language from old rule NHA 16 "Administrators holding at least a baccalaureate degree shall have the following options of satisfying the academic requirement:

1. Attendance during the first 3-year license renewal period of an additional 20 clock hours of board approved seminars, institutes or workshops.

2. Administrators licensed after 7-1-76 shall not be granted option (1), but shall have the option of attending an additional 30 clock hours of approved seminars, institutes or workshops.

3. Attendance, during the second and succeeding 3-year license renewal period at an additional 30 clock hours of board approved seminars, institutes or workshop" because failure to do so would lead to misinterpretation and confusion in the rules. Under the proposed rule the renewal requirements are uniform and do not vary depending on educational background of licensee.

D. APPLICANTS WISHING TO SPONSOR EDUCATIONAL SEMINARS, INSTITUTES, OR WORKSHOPS SHALL SUBMIT IN WRITING, A MINIMUM OF 30 DAYS IN ADVANCE OF THE PRESENTATION, THE FOLLOWING INFORMATION, SO THAT THE APPROPRIATE NUMBER OF CLOCK HOURS MAY BE ASSIGNED.

1. DATE, TIME AND LOCATION OF PRESENTATION.
2. PRESENTATION BROKEN DOWN INTO SPECIFIC TIME PERIODS, TOPIC TITLES AND SPEAKERS.
3. BRIEF BIOGRAPHY OF ALL FACULTY.
4. NUMBER OF CLOCK HOURS REQUESTED.
5. A STATEMENT INDICATING THE APPLICANT'S WILLINGNESS TO PROVIDE THE BOARD AND SHALL, UPON REQUEST OF THE BOARD, SO PROVIDE:
 - a. A METHOD FOR ACCURATELY RECORDING ATTENDANCE AT EACH PRESENTATION.
 - b. A "CERTIFICATE OF ATTENDANCE" OR AN APPROPRIATE RECORD ATTESTING TO THE NUMBER OF CLOCK HOURS ACTUALLY ATTENDED FOR EACH ATTENDEE.
 - c. A ROSTER OF ATTENDEES TO THE LICENSURE BOARD FOR WHICH "CERTIFICATE OF ATTENDANCE" FORMS WERE ISSUED.
 - d. AN EVALUATION BY ALL PARTICIPANTS OF THE PROGRAM IN THE FOLLOWING AREAS:
 - a. RELEVANCE AND APPROPRIATENESS OF PROGRAM CONTENT.
 - b. METHODS AND PROCEDURES, INSTRUCTIONAL TECHNIQUES AND MATERIAL USED IN PRESENTATION OF PROGRAM CONTENT.
 - c. EFFECTIVENESS OF FACULTY IN PRESENTING PROGRAM MATERIAL.
 - d. THE EXTENT TO WHICH THE PURPOSE AND OBJECTIVES OF THE PROGRAM ARE ACHIEVED.
6. IN THE EVENT A LICENSED ADMINISTRATOR ATTENDS A SEMINAR, INSTITUTE OR WORKSHOP CONDUCTED BY ANY AGENCY, WHO REASONABLY WOULD NOT BE EXPECTED TO BE AWARE OF THE REQUIREMENTS FOR CONTINUING EDUCATION APPROVAL, BUT MEETS THE APPROVAL CRITERIA, THE BOARD MAY ASSIGN A SPECIFIC NUMBER OF CLOCK HOURS AND GRANT APPROPRIATE CREDIT TO PARTICIPANTS PROVIDING THEY

(PARTICIPANTS) SUBMIT A WRITTEN REPORT ON EACH OF THE EDUCATIONAL OFFERINGS ATTENDED ALONG WITH THEIR REGISTRATION BADGE OR OTHER PROOF OF ATTENDANCE. THIS REPORT SHALL BE ON A FORM PROVIDED BY THE BOARD. SUCH FORM MAY INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS FOR THE FOLLOWING INFORMATION:

- a. NAME OF SEMINAR ATTENDED.
- b. SPONSOR OF SEMINAR.
- c. DATE AND LOCATION OF SEMINAR.
- d. TOPIC TITLE OF EACH PRESENTATION.
- e. NAME OF PRESENTOR OF EACH PRESENTATION.
- f. TIME PERIOD OF PRESENTATION.
- g. SUMMARY OF SUBJECT MATTER PRESENTED.

The only changes made in the above section was to reletter and renumber the rules. It is necessary to make these editorial changes to bring the rule into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes.

- E. SEMINARS, INSTITUTES OR WORKSHOPS SHALL BE EVALUATED FOR CLOCK HOUR CREDITS ON THE FOLLOWING DUAL-LEVEL BASIS:

1. SEMINARS, INSTITUTES OR WORKSHOPS SHALL RECEIVE FULL CLOCK HOUR CREDIT UPON MEETING THE FOLLOWING CRITERIA;

- a. SUBJECT MATTER SPECIFICALLY RELATED TO THE PRIMARY ADMINISTRATOR FUNCTIONS AND RESPONSIBILITIES OF LONG TERM HEALTH CARE.
- b. SUBJECT MATTER DESIGNED FOR DEVELOPMENT OF ADMINISTRATIVE SKILLS IN HEALTH CARE ADMINISTRATION.
- c. INSTRUCTORS HAVE DOCUMENTED ACADEMIC BACKGROUND SUFFICIENT TO DEMONSTRATE COMPETENCE AND EXPERTISE IN INVOLVED SUBJECT.

2. SEMINARS, INSTITUTES OR WORKSHOPS NOT MEETING E.1. ABOVE, BUT RELEVANT IN INTRODUCING NEW KNOWLEDGE OR TECHNIQUES, REFRESH INACTIVE OR NEGLECTED SKILLS OR WHICH SERVE TO IMPROVE PROFESSIONAL JOB PERFORMANCE IN THE GENERAL AREA OF HEALTH CARE ADMINISTRATION NOT PRIMARILY RELATED TO ADMINISTRATOR FUNCTIONS OR RESPONSIBILITIES, AND WHICH MEET THE FOLLOWING CRITERIA, SHALL RECEIVE CLOCK HOUR CREDIT EQUAL TO ONE-HALF OF THE REGULAR BASIS.

- a. SUBJECT MATTER RELATED TO HEALTH CARE ADMINISTRATION.
- b. SUBJECT MATTER DESIGNED FOR DEVELOPMENT OF ADMINISTRATIVE SKILLS IN HEALTH CARE ADMINISTRATION.

c. INSTRUCTOR'S VITAE WITH DOCUMENTED BACKGROUND SUFFICIENT TO DEMONSTRATE COMPETENCE AND EXPERTISE IN INVOLVED SUBJECT.

F. THE LICENSE OF A NURSING HOME ADMINISTRATOR WHO FAILS TO COMPLY WITH THE PROVISIONS OF THIS SECTION AND WHO CONTINUES TO ACT AS A NURSING HOME ADMINISTRATOR MAY BE SUSPENDED OR REVOKED BY THE BOARD IN THE MANNER PROVIDED BY THESE REGULATIONS.

G. A NURSING HOME ADMINISTRATOR WHO HAS BEEN DULY LICENSED IN THIS STATE, WHOSE LICENSE SHALL NOT HAVE BEEN REVOKED OR SUSPENDED, AND WHOSE LICENSE HAS EXPIRED, MAY APPLY FOR RENEWAL OF HIS LICENSE UPON FILING WITH THE BOARD AN AFFIDAVIT OF SUCH FACT. THE BOARD, IN ITS DISCRETION, MAY REISSUE THE LICENSE OR MAY REQUIRE THE APPLICANT TO MEET LICENSURE REQUIREMENTS AS OF THAT DATE.

H. A NURSING HOME ADMINISTRATOR NEED NOT BE ACTIVELY PRACTICING AS A NURSING HOME ADMINISTRATOR IN ORDER TO BE ELIGIBLE TO RENEW HIS LICENSE.

Again the only changes made in the above section was to reletter and renumber the rule. It was necessary to make these editorial changes to bring the rule into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes.

7 MCAR S 6.017 REVOCATION, SUSPENSION, REFUSAL.

A. THE BOARD MAY SUSPEND OR REVOKE A LICENSE, OR REFUSE TO RENEW A LICENSE OF A NURSING HOME ADMINISTRATOR AFTER DUE NOTICE AND AN OPPORTUNITY TO BE HEARD AT A FORMAL HEARING, UPON SUBSTANTIAL EVIDENCE THAT SUCH PERSON:

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: OR

2. HAS WILFULLY OR REPEATEDLY VIOLATED ANY OF THE PROVISIONS OF THE LAW, CODE, RULES, OR REGULATIONS OF THE LICENSING OR SUPERVISING AUTHORITY OR AGENCY OF THE STATE OR POLITICAL SUBDIVISION THEREOF, HAVING JURISDICTION OVER THE OPERATION AND LICENSING OF NURSING HOMES;

3. HAS PRACTICED FRAUD, DECEIT OR MISREPRESENTATION IN SECURING OR PROCURING A NURSING HOME ADMINISTRATOR LICENSE; OR

4. IS FOUND BY THE BOARD TO BE INCOMPETENT TO PRACTICE AS A NURSING HOME ADMINISTRATOR.

B. IN DETERMINING WHETHER A PERSON IS INCOMPETENT TO SERVE IN THE PROFESSION OF NURSING HOME ADMINISTRATION AS PROVIDED IN 7 MCAR S 6.017 A. (1-4), THE FOLLOWING NON-INCLUSIVE ITEMS MAY

BE CONSIDERED: NO PERSON SHALL BE LICENSED OR CONTINUE TO BE LICENSED AS A NURSING HOME ADMINISTRATOR IF HE OR SHE;

1. HAS PRACTICED FRAUD, DECEIT, OR MISREPRESENTATION IN HIS/HER CAPACITY AS A NURSING HOME ADMINISTRATOR; OR

2. HAS COMMITTED ACTS OF MISCONDUCT IN THE OPERATION OF A NURSING HOME UNDER HIS/HER JURISDICTION; OR

The only changes made in A and B was to reletter the rules in order to bring them into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes and remove any discriminatory language that may exist in the present rule by adding "/her?" in the specific location in both 1 and 2.

3. IS HABITUALLY OVERINDULGENT OR ADDICTED TO THE USE OF HABIT FORMING DRUGS, INCLUDING 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;

This language replaces NHA 17 (b)(3) and (4) which formerly read:

"Is habitually intemperate, or

Is addicted or dependent upon the use of morphine, opium, cocaine or other drugs, or derivatives thereof to include synthetic drugs recognized as habit forming or addictive".

While no substantive change is being made, it is necessary to delete a section of this rule which is now outdated in terminology and usage and to recognize a better and more exact description of the topic as specifically described in state statute. It is reasonable that the board would specify this type of inappropriate activity as a basis for possible license revocation or suspension because it can interfere with the functioning of a licensee and thus affect the residents at a nursing home in an adverse manner.

5. HAS PRACTICED WITHOUT ANNUAL REGISTRATION; OR

6. HAS WRONGFULLY TRANSMITTED OR SURRENDERED POSSESSION EITHER TEMPORARILY OR PERMANENTLY, HIS/HER LICENSE OR CERTIFICATE TO ANY OTHER PERSON, OR

7. HAS PAID, GIVEN, HAS CAUSED TO BE PAID OR GIVEN OR OFFERED TO PAY OR GIVE TO ANY PERSON, A COMMISSION OR OTHER CONSIDERATION FOR SOLICITATION OR PROCUREMENT EITHER DIRECTLY OR INDIRECTLY FOR NURSING HOME PATRONAGE; OR

8. HAS PRACTICED FRAUDULENT, MISLEADING OR DECEPTIVE ADVERTISING WITH RESPECT TO THE INSTITUTION OF WHICH HE/SHE IS AN ADMINISTRATOR, TO ANY PERSON; OR

9. HAS FALSELY IMPERSONATED ANOTHER LICENSEE OF A LIKE OR DIFFERENT NAME; OR

10. HAS FAILED TO EXERCISE TRUE REGARD FOR THE SAFETY, HEALTH AND LIFE OF A PATIENT; OR

11. HAS WILFULLY PERMITTED UNAUTHORIZED DISCLOSURE OF INFORMATION RELATING TO A PATIENT OR HIS/HER RECORD; OR

12. HAS DISCRIMINATED IN RESPECT TO PATIENTS, EMPLOYEES OR STAFF ON ACCOUNT OF AGE, RACE, SEX, RELIGION, COLOR OR NATIONAL ORIGIN.

It is necessary to renumber these sections to bring them into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes. It is necessary to add the word "her" in 6 and 11 and the word "she" in 8, in order to remove any discriminatory language that may exist in the present rule.

It is also necessary to add the word "age" to this rule as the board is cognizant of legislation prohibiting discrimination because of age against patients or staff and wishes to bring this rule into conformity with national and state policies. It is reasonable to make this addition so that the board policy is consistent with other regulated nursing home administrators across the country.

7 MCAR S 6.018 RESTORATION AND REINSTATEMENT

A. UPON REVOCATION BY THE BOARD, A LICENSE MAY BE RESTORED WITHIN A PERIOD OF TWO (2) YEARS, BUT NO SOONER THAN SIX (6) MONTHS, WHEN THE BOARD, IN ITS DISCRETION, AND UPON SUBMISSION OF SATISFACTORY EVIDENCE, FINDS THAT THE APPLICANT FOR SUCH RESTORATION OF LICENSE HAS REMOVED THE DISABILITY BY COMPLYING TO THE REQUIREMENTS OF 7 MCAR S 6.011.

The only change made in this section was to reletter the rule and update the citation to the rules. It is necessary to reletter this definition to bring it into conformity with the organizational pattern of the rules and recommendations of the Revisor of Statutes, and update the citation to the rules to reflect the organizational pattern.

B. HEARING ON REQUEST. IF THE BOARD REFUSES TO GRANT AN APPLICATION FOR RESTORATION OF A LICENSE, THEN, UPON WRITTEN REQUEST OF THE APPLICANT, A FORMAL HEARING SHALL BE HELD ON THE APPLICATION FOR RESTORATION.

This proposed rule replaces NHA 18 (b) of the old rules. The proposed rule specifies when the applicant has the right to a formal hearing and how the applicant initiates that hearing process. This rule is necessary to clearly inform applicants of their right and how to exercise that right. The rule states that such a right exists only if the Board refuses to grant the restoration of the license. Because there is no need for a hearing if the application is granted, the only time that a

hearing is necessary is when the applicant wishes to challenge Board action in refusing to grant a license. It is reasonable for the applicants to have the option to exercise this due process right by means of a hearing so that the applicant can present evidence on his/her behalf. It is also reasonable that the request to the hearing be in writing so there is no question about whether a request was made and the nature of the request.

It is necessary to delete the old language of NHA 18 (b), which read "Upon application for restoration of a license, the Board in its discretion, may grant the applicant a formal hearing," because failure to do so would lead to misinterpretation and confusion in the rules.

C. LAPSED LICENSES. IF THE APPLICATION FOR RENEWAL HAS NOT BEEN RECEIVED BY JULY 31 OF EACH YEAR, THE LICENSE WILL BE LAPSED AND THE HOLDER OF A LAPSED LICENSE WILL BE SUBJECT TO REINSTATEMENT PROCEDURE. HOLDERS OF A LICENSE THAT HAS BEEN LAPSED FOR FIVE YEARS OR LONGER SHALL BE REGARDED AS HAVING FORFEITED ALL RIGHTS AND PRIVILEGES FOR RESTORATION OF THE LAPSED LICENSE.

The changes made in this section are to change July 30 to July 31 and add the last sentence dealing with a lapsed license. It is necessary to change the date to July 31 instead of July 30 so that the concept of an August 1 cutoff date will be firmly established and more clearly understood by by licensees. This change fulfills the original Board intent. It is reasonable that a cutoff date should be on the last day of a month for clarity and ease of understanding.

Board rules provide holders of licenses that have lapsed certain rights and privileges for the restoration of the lapsed license. It is necessary that a time limit of 5 years be placed on the exercising of this right because it is felt that individuals who have not kept current with the profession by meeting continuing education requirements would not be competent to serve as an administrator after this period of time. It is reasonable to adopt a 5 year time limit because in 5 years many changes in regulations, procedures and policies would occur of which the applicant for reinstatement would have no knowledge.

7 MCAR S 6.019 PROGRAM APPROVAL.

A. APPROVAL OF PROGRAMS FOR LICENSURE. A PROGRAM OF STUDY OFFERED BY AN ACCREDITED EDUCATIONAL INSTITUTION MUST HAVE PRIOR APPROVAL OF THE BOARD IN ORDER TO BE ACCEPTABLE FOR MEETING NURSING HOME ADMINISTRATOR LICENSURE REQUIREMENTS. THE BOARD SHALL APPROVE PROGRAMS OF STUDY WHICH INCLUDE COURSES IN THE AREAS DESCRIBED IN 7 MCAR S 6.010 A.7.a.-h.

This section contains certain editorial changes made by the Revisor of Statutes to bring the rule into conformity with the organizational pattern established for these rules.

The changing of the wording from "shall" to "must" is necessary in order to emphasize that programs will be approved by the Board when the criteria for approval has been met. It is reasonable to make this change in fairness to all affected parties. It is further reasonable to be as specific as possible in describing the licensure requirement so applicants have a clear an understanding as possible and to avoid any unnecessary misunderstanding or misinterpretation.

The current rule provides for the approval of both programs of study for original licensure and relicensure in one section. It is necessary to divide these two specific functions into two separate sections for clarity of purpose and for better ease of understanding of the standards and requirements for licensure and relicensure.

It is necessary to delete from the rule, formerly NHA 19, the following language: Approval of "A program of study designed to train and qualify for licensing or relicensing as a nursing home administrator as required by these rules and regulations offered by any accredited university or college, individual or association, shall be deemed acceptable and approved for such purposes, provided, however, that:

- a. Such program shall have been approved as above required of these rules and regulations:
- b. Such programs may include the following general subject areas or their equivalent:
 1. Applicable standards of environmental health and safety.
 2. Local health and safety regulations.
 3. General Administration.
 4. Psychology of patient care.
 5. General principles of medical care.
 6. Personal and social care.
 7. Therapeutic and supportive services in long term care.
 8. Departmental organization and management.
 9. Community inter-relationships." because the

wording is vague and non-specific as to what is expected or

acceptable in any given course and failure to do so would lead to misinterpretation and confusion in the rules.

B. APPROVAL OF PROGRAMS FOR RELICENSURE. ANY PROGRAM OF STUDY OFFERED BY AN EDUCATIONAL INSTITUTION, ASSOCIATION, PROFESSIONAL SOCIETY, INDIVIDUAL, OR ORGANIZATION MUST BE APPROVED BY THE BOARD BEFORE IT WILL QUALIFY AS SUFFICIENT TO MEET THE EDUCATION AND TRAINING REQUIREMENTS NECESSARY FOR RELICENSURE OR APPLICANTS AS NURSING HOME ADMINISTRATORS. A PROGRAM OF STUDY DESIGNED TO TRAIN AND QUALIFY FOR RELICENSURE AS A NURSING HOME ADMINISTRATOR OFFERED BY ANY ACCREDITED UNIVERSITY OR COLLEGE, INDIVIDUAL, ASSOCIATION, OR ORGANIZATION SHALL BE DEEMED ACCEPTABLE AND APPROVED FOR SUCH PURPOSES IF THE INFORMATION REQUIRED UNDER 7 MCAR S 6.016 D. IS PROVIDED TO THE BOARD BY THE PROGRAM SPONSOR.

Having separated the educational requirements for original licensure and relicensure into two separate sections, it is necessary to provide and describe in this section the educational requirements specific to relicensure. It is necessary for the Board to approve relicensure educational offerings so as to determine that such offerings are in fact appropriate for and beneficial to administrators in maintaining and improving their competency in nursing home administration. It is reasonable that a variety of sponsors be permitted to sponsor programs of study so as to provide as broad a range of topics as possible and also to make available to administrators the expertise found in the educational arena of nursing home administration.

7 MCAR S 6.020 APPLICANT RESPONSIBILITY.

THE APPLICANT SHALL FURNISH THE BOARD EVIDENCE OF SATISFACTORY COMPLETION OF AN APPROVED PROGRAM OF STUDY.

It is necessary to state clearly and exactly what the responsibilities of applicants are in the provision of required information to the Board so the applicants will retain the evidence needed to fulfill this requirement. It is reasonable that this be the responsibility of the applicant, since they will have the data needed to show they have completed an approved program of study.

RENUMBERING. RENUMBER NHA 1 as 7 MCAR S 6.001. RENUMBER NHA 12 AS 7 MCAR S 6.012. RENUMBER NHA 22 to 24 AS 7 MCAR SS 6.022 TO 6.024.

REPEALER. RULE NHA 21 IS REPEALED.

It is reasonable to delete this rule as the information contained in this rule is now found in 7 MCAR S 6.010. B-5. It is necessary to delete this rule because failure to do so would lead to misinterpretation and confusion in the rules.

7 MCAR S 6.022 COMPLAINTS PROCEDURE

ALL COMPLAINTS MADE TO THE BOARD OR ITS EMPLOYEES OR REPRESENTATIVES SHALL BE PROCESSED IN ACCORDANCE WITH MINN. STAT. Ch. 214 (1976), AS IT SHALL FROM TIME TO TIME BE AMENDED, AND ANY OTHER STATUTORY PROVISIONS APPLICABLE TO THE PROCESSING OF COMPLAINTS.

The only change made in 7 MCAR S 6.022 is to update the citation to bring it into the current organizational pattern used by the Revisor of Statutes.

7 MCAR S 6.023 CONDUCT OF HEARING

ANY HEARING INITIATED PURSUANT TO THE STATUTORY AUTHORITY OF THE BOARD AND/OR PURSUANT TO THESE RULES SHALL BE CONDUCTED PURSUANT TO THE REQUIREMENTS OF MINN. Stat. Ch. 15 (1976) AS IT MAY FROM TIME TO TIME BE AMENDED.

The only change made in 7 MCAR S 6.023 is to update the citation to bring it into the current organizational pattern used by the Revisor of Statutes.

7 MCAR S 6.024 FILING--LEGALITY

(a) THE RULES AND REGULATIONS OF THE BOARD ARE INTENDED TO BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAW AND SHALL BE CONSTRUED, WHENEVER NECESSARY, TO ACHIEVE SUCH CONSISTENCY.

(b) IN THE EVENT THAT ANY PROVISION OF THESE RULES AND REGULATIONS IS DECLARED UNCONSTITUTIONAL OR INVALID, OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD UNCONSTITUTIONAL OR INVALID, THE APPLICABILITY OR VALIDITY OF EVERY OTHER PROVISION OF THESE RULES AND REGULATIONS SHALL NOT BE AFFECTED THEREBY.

(c) THESE RULES AND REGULATIONS SHALL NOT AFFECT PENDING ACTIONS OR PROCEEDINGS, CIVIL OR CRIMINAL, BUT THE SAME MAY BE PROSECUTED OR DEFENDED IN THE SAME MANNER AND WITH THE SAME EFFECT AS THOUGH THESE RULES AND REGULATIONS HAD NOT BEEN PROMULGATED.

(d) AMENDMENTS TO THESE RULES AND REGULATIONS SHALL BE MADE ACCORDING TO THE APPLICABLE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT.

The only change made in 7 MCAR S 6.024 is to update the citation to bring it into the current organizational pattern used by the Revisor of Statutes.