

**Minnesota Board of Examiners for Nursing Home Administrators
Biennial Report
July 1, 2000 to June 30, 2002**

I. General Information

A. Board Mission and Major Functions

BENHA Mission

The mission of the Board of Examiners for Nursing Home Administrators is to promote the public's interest in quality care and effective services for residents of nursing facilities by ensuring that licensed administrators are qualified to perform their administrative duties.

BENHA functions

Setting and administering educational and examination standards for initial and continuing licensure

- Reviewing administrator functions and required knowledge, skills and abilities to aid in determining what requirements to set for initial and continuing licensure
- Setting licensure requirements through the rules process
- Reviewing academic programs to determine if they meet requirements
- Reviewing individually completed academic courses or experiences to determine if they meet licensure requirements
- Developing and administering the state examination to determine candidate knowledge of Minnesota statutes and rules governing nursing facility operation
- Reviewing continuing education programs submitted by sponsors or individuals to determine if they meet requirements
- Reviewing individual applicant/licensee documentation of completion of requirements for initial and continuing licensure

Responding to inquiries, complaints and reports from the public and other health care regulators regarding licensure and conduct of applicants, permit holders, licensees and unlicensed practitioners

- Accepting complaints and reports from the public and health care providers and regulators
- Deciding whether a complaint or inquiry is jurisdictional and if so whether and what type of action to pursue to resolve the matter
- Referring inquiries and complaints to other investigative, regulatory or assisting agencies
- Responding to complainants and agency reports by informing the complainants/agencies of action taken to resolve their complaints while observing provisions of the data practices act regarding the legal status of data obtained during the course of an investigation and disciplinary proceeding

Pursuing educational or disciplinary action with licensees as deemed necessary based upon results of investigations conducted in response to complaints/reports.

- Setting standards of conduct and a basis for disciplinary action through the rules process
- Seeking information directly from the licensee and securing investigation and fact finding information from other agencies in response to complaints or inquiries

- Holding conferences with licensees to identify their role and responsibility in a matter under investigation
- Providing applicants and licensees education to improve practice and prevent recurrence of problems
- Obtaining voluntary agreement to disciplinary action or pursuing disciplinary action through a due process, contested case hearing and potential court action

Providing information and education about licensure requirements and procedures and standards of practice to the public and other interested audiences.

- Providing information to the long-term care community concerning requirements for administrator licensure and information about licensees available to fill vacancies in Minnesota facilities
- Providing information about careers in nursing home administration and licensure requirements to prospective applicants for licensure
- Providing information to licensees to prevent inappropriate practice and to improve practice toward the end of better administered facilities and improved care for nursing home residents, e.g. direct educational mailings, providing educational/informational articles and appearances to organizations serving administrators in the long-term care community
- Providing the public information about where they can find answers to concerns related to care of residents in nursing homes including information about whether persons are licensed with the board and whether they have had disciplinary action taken against their licenses

B. Major activities during the biennium

The following major activities were accomplished by the board during the biennium:

- Minnesota Statutes 144A.20 were modified to allow Minnesota licensed skilled facilities the opportunity to share a licensed administrator. The board responded to the downsizing of facilities and declining number of experienced administrators and proposed legislation that allows an administrator ultimate responsibility for more than one facility. The previous individual variances, such as distance between facilities, size of facilities and Director of Nursing in lieu of a licensed administrator were deleted in statute.
- Significant progress took place on improving computer software resulting in streamlining board daily operations and improving licensee access to their public data. Board staff prepared a Board Information Technology Strategic Plan allowing implementation of self directed licensee data base information changes and planned on-line renewal.
- Modification of the consumer and facility owner handbooks. The handbooks direct consumers toward effective complaint resolution and guides owner of facilities with information necessary when administrator changes occur.
- In an effort to garner increased interest amongst college students to enter long term care administration, the Executive Director annually presented information to five board approved undergraduate programs and one post graduate program.
- Given the Executive Directors extensive tenure in long term care administration, additional consumer information is provided to inquiring elders and their families on proven mediation steps towards effective complaint resolution.
- The Executive Director participated with the national board on developing a national registration database.
- Randy Snyder, LNHA was hired as the Executive Director during this biennium.
- The Board of Examiners serves as a conduit for Minnesota residents seeking voluntary national recognition by passing a nationally developed examination for

Residential Care/Assisted Living Administrators. Previously, Minnesota residents were required to register with a neighboring state to test their administrative abilities.

C. Emerging issues regarding regulation of nursing home administrators

At the national level, state boards are reporting a reduction in new applications and national examination participants. Minnesota has experienced a licensed administrator decline of 53 LNHA's or six percent during the past biennium. Through written survey and follow up interview, the board reviews the motivation as to why individuals choose not to renew their license. The most significant issues relate to retirement and mid-life career change. The top two issues non-renewing licensees state as being impediments in their success related to excessive federal regulations and the inability to adequately fund quality customer expectations, primarily related to adequate staffing. Specific board controlled issues relate primarily to initial licensure standards, deemed difficult for new licensees, but reasonable in the boards' perspective. New applications for licensure have declined, especially in the college graduate age group of 20-30. The average age of current administrators is 43, typical of many health care professionals, which is also a concern for the board.

Nationally, four states require a Residential Care/Assisted Living Administrators License and five other states, including Minnesota, allow individuals to voluntarily write a national examination testing their competency. RCAL licensure has come to the national attention of regulators. In this biennium, mandated licensure increased from one to four states requiring licensure and approximately 10 other states that are studying the balance of regulation versus public protection. The board does not advocate additional regulation for the Assisted Living community. The board stands ready to assist the long-term care community if so directed.

Work continues to assist any BENHA approved undergraduate academic program to become nationally accredited. Reciprocity is a multifaceted barrier for many licensees who relocate to other states. Minnesota's standard for licensure is more stringent than many states, with nine states requiring as a minimum, a high school diploma. National accreditation would allow a program graduate to become licensed in any of the 50 states.

II. Board's Members, Staff, and Budget

A. Board composition

Statute requires the board to have 11 members. The names of persons holding the seats as of June 30, 2002 are as indicated below.

The following are appointed by the Governor for staggered four year terms:

2 members engaged in management, operation, or ownership of proprietary nursing homes

- June Schelde, St. Paul
- Robert Letich, Plymouth

2 members engaged in management or operation of nonprofit nursing homes

- Michael Gibson, Wadena,
- Thomas Goeritz, White Bear Lake

1 member engaged in the practice of medicine

- Dr. Jane Pederson, Woodbury

1 member engaged in the practice of professional nursing

- Catherine Lloyd, Plymouth

3 public members

- Richard Sizer, St. James
- Ann Tagtmeyer, Mendota Heights
- Glen Woker, Roseville

The following are appointed by the commissioners of Health and of Human Services and serve as non-voting designees of those commissioners

- Linda Sutherland, Minnesota Department of Health
- Robert Held, Department of Human Services

B. Employees

The board has two full-time equivalent positions. They are the executive director and office manager.

C. Receipts and disbursements and major fees assessed by the board

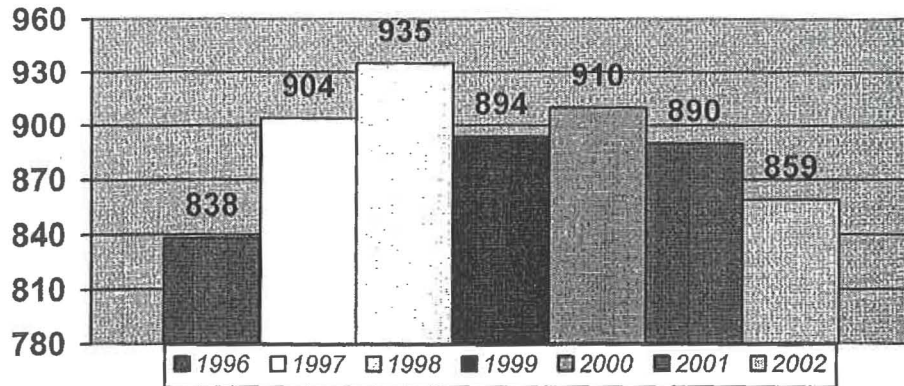
Item	FY 2001	FY 2002
Receipts	\$200,901	\$196,135
Disbursements	\$165,139	\$168,906

Fee	Amount
Application	\$150
Original License	\$200
Annual Renewal	\$200
Acting Administrator Permit	\$250

III. Licensing and Registration

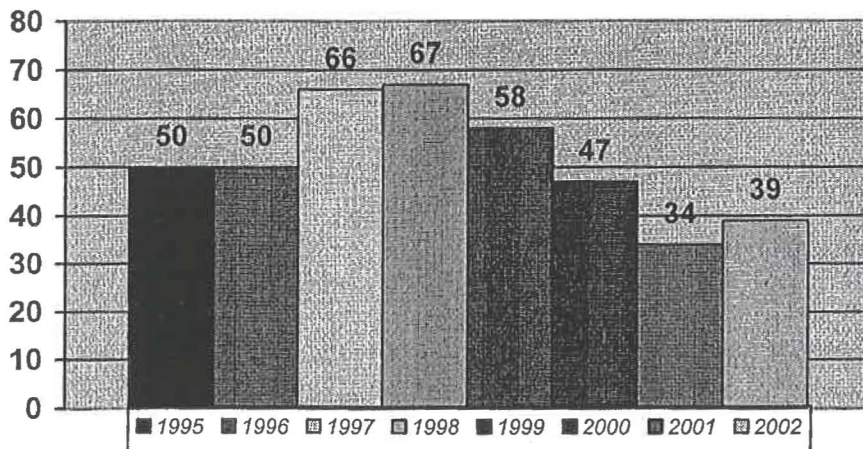
A. Persons licensed as nursing home administrators as of June 30:

FY	LNHA's
2002	859
2001	890
2000	910
1999	894
1998	935
1997	904
1996	838



B. New licenses issued as of June 30:

FY	By Exam	By Reciprocity
2002	39	(Exam Required)
2001	34	(Exam Required)
2000	47	(Exam Required)
1999	58	(Exam Required)
1998	67	(Exam Required)
1997	66	(Exam Required)
1996	50	(Exam Required)
1995	50	(Exam Required)



IV. Complaints

A. Complaints Received

(Note: BENHA regulates only one occupation—Nursing Home Administrators. The following numbers all pertain to licensed nursing home administrators. Statutory modification of the definition of neglect resulted in fewer OHFC complaints during 2002. Those reports, previously reviewed, were typically not administrator related.)

Item	FY 2001	FY 2002
1. Complaints Received	150	100
2. Complaints Per 1,000 Regulated Persons	168	117
3. Complaints By Type of Complaint		
A. Felony conviction		
B. Crime against minors		
C. Ineligible under Minnesota Department of Health fines		
D. Failure to comply with Vulnerable Adult Act	143	86
E. Violated statute or rule relating to operation of nursing facility	5	8
F. Discrimination		
G. Acts of misconduct/unfit to perform as a NHA		
H. Fraud, deception, fitness to perform as a NHA		
I. Unprofessional Conduct	1	3
J. Failed to exercise true regard to safety health or life of a resident		1
K. Illegal disclosure of information		
L. Sexual harassment		
M. misrepresentation of fact in securing, procuring, renewing license		1
N. Used licensee's professional status for improper personal "gain".		
O. Commission for soliciting for nursing home patronage		
P. Aided or allowed unlicensed person to engage in nursing home administration		1
Q. Misrepresentation through false advertising		
R. Transferred license or surrenders license improperly		
S. Falsely impersonated another licensee		
T. Practiced without current license		
U. Made False statement to board		
V. Subject to reprimand in another jurisdiction		
W. failed to report a reprimand from another jurisdiction or has been refused a license in another jurisdiction		
X. abuse of and acknowledged chemical dependency	1	

B. Open Complaints on June 30

Item	FY 2001	FY 2002
1. Complaints Open	6	4
2. Open Less Than 3 Months	5	
3. Open 3 to 6 Months	1	
4. Open 6 to 12 Months		1
5. Open More Than 1 Year (explain)		

C. Closed Complaints on June 30

Item	FY 2001	FY 2002
1. Number Closed	150	97
2. Disposition by Type		
A. Revocation		
B. Voluntary Surrender	1	
C. Suspension		
D. Restricted, Limited, Or Conditional License		
E. Civil Penalties		
F. Reprimand		
G. Agreement for Corrective Action	1	
H. Referral to HPSP	2	1
I. Dismissal or closure	145	
3. Cases Closed That Were Open For More Than One Year (<i>Licensee appealed various actions prior to signing corrective action agreement.</i>)	1	

V. Trend Data as of June 30

Year	A. Persons Licensed	B. Complaints	C. Complaints Per 1,000 Licensees	D. Open Cases
2002	859	100 ²	117	5
2001	890	150	168	1
2000	910	135	148	14
1999	894	127	142	32
1998	935	40 ¹	43	NA
1997	904	34	38	NA
1996	838	150	178	NA
1995	NA	98	NA	NA
1994	NA	NA	NA	NA
1993	NA	NA	NA	NA
1992	NA	122	NA	NA
1991	NA	115	NA	NA

¹ The significant decrease in complaints during 1998 and 1997 is accounted for by a revision in definitions and procedures for forwarding complaints from the Minnesota Department of Health. At the request of BENHA, the department returned to use of its previous standards for referring reports to BENHA in 1999.

² The significant decrease in complaints from 2001 to 2002 is a result of statutory changes in the definition of the neglect of care. Routine incidents without negative outcomes are no longer a reportable case.