

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Board of Nursing Home Administrators
(Agency or Board)

Regulation No. NHA 10 (amended)

Subject: Applicant for Licensure

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JAN 23 1975 10:20 am
BY Eda Staudenmaier
AUTH. SIGNATURE EJ.

Stamped and filed with the Secretary of State 1-23-75

Rev. 9-72

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Michael B. Miller
Special Assistant
Attorney General
Room G19, Administration Bldg.

DATE: Jan. 3, 1975

FROM : Leonard A. Nelson
Special Assistant
Attorney General

SUBJECT: Amendments to Regulations,
Board of Examiners Nursing Home Administrators

Enclosed are the three required sets of regulations for your approval. The regulations concern new education and experience requirements to obtain licensure as a nursing home administrator. The regulations in the past have been silent as to these specific requirements and the purpose of these amendments is to provide better nursing home administration.

There were no problems in the procedure or adoption of these rules as noted by counsel.

Thank you.

LAN:aj

Enclosure

REGULATIONS AS ADOPTED

NHA 10 (b) is amended in the following manner:

(b) ~~After July 1, 1973, no initial license shall be issued unless the applicant has submitted evidence, satisfactory to the Board, that he has met the minimum educational entrance requirements as established by the Board:~~

Any applicant for licensure as a nursing home administrator shall submit evidence, satisfactory to the Board, that he has met the following minimum educational requirements.

(1) Satisfactory completion of a Board approved practicum course in long term care administration of a minimum of 300 clock hours 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, and

(2) Satisfactory completion of a minimum of one college level course of at least six qtr. credit hours or four semester hours in long term care in the area of the applicant's greatest need as determined by the Board.

(3) The Board may waive NHA 10 (b) (1) and/or NHA 10 (b) (2) if the applicant holds either a Baccalaureate or Master's degree in Health Care Administration from an accredited institution if the degree includes courses of a minimum of six qtr. credit hours or four semester hours in long term care.

(4) The Board may waive NHA 10 (b) (1) if the applicant submits evidence of having completed satisfactorily one year full time as an administrator or in an assistant administrator position in a health care facility.

(c) After July 1, 1975, no initial license shall be issued unless the applicant has completed at least two years of college from an accredited institution or has an Associate of Arts degree from an accredited institution. If this does not include or the applicant does not have a minimum of six qtr. credit hours or four semester hours in long term health care and a practicum experience of a minimum of 300 clock hours in a long term care facility, he or she must complete such courses in addition to the above educational requirements.

(d) After July 1, 1978, no initial license shall be issued unless tha applicant has a Baccalaureate degree from an accredited institution. If this degree (or a higher 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, and a practicum experience of a minimum of 300 clock hours in a long term care facility.

APPROVED AS TO FORM AND LEGALITY
JAN 22 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED - 9:15 am
JAN 23 1975
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JAN 23 1975 10:20 a.m.
BY Ida Staudenmaier
AUTH. SIGNATURE

REGULATIONS AS PROPOSED

NHA 10 Requirements

NHA 10 (a) is amended by adding the following:

(a)(7) He has fulfilled the educational requirements of NHA 10 (b).

NHA 10 (b) is amended in the following manner:

(b) ~~After July 1, 1973, no initial license shall be issued unless the applicant has submitted evidence, satisfactory to the Board, that he has met the minimum educational entrance requirements as established by the Board.~~

Any applicant for licensure as a nursing home administrator shall submit evidence, satisfactory to the Board, that he has met the following minimum educational requirements:

(1) Satisfactory completion of a Board approved practicum course in long term care administration of a minimum of 300 clock hours 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.

(2) Satisfactory completion of one college level course in long term care in the area of the applicant's greatest need as determined by the Board.

(3) The Board may waiver NHA 10 (b)(1) and/or NHA 10 (b)(2) if the applicant holds either a Baccalaureate or Master's degree in Health Care Administration from an accredited institution if the degree includes courses in long term care and the applicant submits proof of such a degree.

(4) The Board may waiver NHA 10 (b)(1) if the applicant submits satisfactory evidence of having completed one year full time in an assistant administrator position in a health care facility.

NHA 10 is amended by adding the following:

(c) After July 1, 1975, no initial license shall be issued unless the applicant has at least an Associate of Arts degree. If this degree does not include or the applicant does not have a minimum of two courses in long term health care, one of which is a practicum experience of a minimum of 300 clock hours in a long term care facility, he or she must complete such courses in addition to the Associate of Arts degree.

NHA 10 is amended by alding the following:

(d) After July 1, 1978, no initial license shall be issued unless the applicant has a Baccalaureate degree. If this degree (or a higher degree) is not in health care administration with courses in long term care, the degree must include courses in the following areas: Management, long term care programs, gerontology, issues in health care, medical terminology, business or health care law, accounting or fiscal management, and a practicum experience of a minimum of 300 clock hours in a long term care facility.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the Matter of Proposed
Amendments Relating to Rules
of the State Board of Examiners
for Nursing Home Administrators

ORDER FOR HEARING

To effectively implement Minn. Stat. § 144.954 (1971), the Minnesota State Board of Examiners for Nursing Home Administrators deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in it by the above-referenced statute.

NOW, THEREFORE, IT IS ORDERED this 20th day of March, 1974, that a public hearing on the proposed rules captioned above be held in Room 116A, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, on May 2, 1974, commencing at 1:00 P.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the Matter of Proposed
Amendments Relating to Rules
of the State Board of Examiners
for Nursing Home Administrators

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1971) in the above-entitled matter in Room 116A, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, on Thursday, May 2, 1974, commencing at 1:00 P.M., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

A copy of the proposed rules is attached and made a part hereof. Additional copies of the proposed rules may be obtained by writing to the Minnesota State Board of Examiners for Nursing Home Administrators, 277 West University Avenue, St. Paul, Minnesota 55103. Copies will also be available at the door on the date of the hearing.

A copy of the procedural rules for the hearing is attached and made a part hereof.

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to the Executive Director of the Board at 277 West University Avenue, St. Paul, Minnesota 55103. If the person submitting a statement cannot be present to read his statement at the time of the hearing, the statement will be entered into the record. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies of such statement, exhibit or summary be furnished at the hearing. The record will remain open for receipt of briefs or other written material relative to the proposed rules for twenty (20) days subsequent to the hearing.

It is suggested that to save time and avoid duplication, those organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Dated: 3-28, 1974. STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

MINNESOTA STATE BOARD OF HEALTH

PROCEDURAL RULES FOR HEARING

The purpose of the hearing is to allow interested parties to express their views and present facts bearing upon the proposed regulations. So as to provide for an orderly presentation of evidence, the following rules will be in effect during the hearing specified in the attached Notice of Hearing:

1. Anyone wishing to be heard should indicate by signing the speaking sheet, listing his name, address, and the group which he represents. The speaking sheet will be available at the main entrance to the hearing room. It is requested that each group select one speaker only to present its views.

2. The first time the witness makes a statement he should spell his name and identify the group he is representing. Prior to making any subsequent statements he should state his name and the group which he represents. He may be sworn upon his request but it is not required. If he elects not to be sworn, that may be considered in determining the weight to be given to his testimony.

3. By giving testimony, a witness, including one who may also be a member of the panel, subjects himself to questioning by the panel. However, he is subject to cross-examination by non-members of the panel only if he affirmatively consents to being so examined. A refusal to be cross-examined may be considered in determining the weight to be given to his testimony.

4. All parties interested in introducing any written matter may do so by having it marked as an exhibit and then introduced for the record. Unsworn written matter may be received, but the fact that it is unsworn may be considered in determining the weight to be given it.

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Phillip C. Newberg, do hereby certify that I am the Executive Director of the Minnesota State Board of Examiners of Nursing Home Administrators, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the said Board of Examiners of Nursing Home Administrators duly and properly called and held on the 22 day of October, 1974; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the amendments to the rules relating to the State Board of Examiners for Nursing Home Administrators, identified as NHA 10 are found to be reasonable, necessary and supported by the evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in us by Minn. Stat. § 144.953 (1971) and that Phillip C. Newberg, Executive Director of the Minnesota State Board of Examiners for Nursing Home Administrators, be and is hereby authorized to sign an order adopting those rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 30 day of December, 1974.

STATE OF MINNESOTA
BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendments Relating to Rules of the State Board of Examiners for Nursing Home Administrators

AFFIDAVIT OF MAILING

Phillip C Newberg, being first duly sworn, deposes and says:

That on the 29th day of March, 1974, at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all members of the Minnesota Legislature.

Phillip C Newberg

Subscribed and sworn to before me this 29th day of MARCH, 1974.

David J. Holmberg

DAVID J. HOLMBERG
Notary Public, Ramsey County, Minn.
My Commission Expires Nov. 1, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Amendments Relating to Rules
of the State Board of Examiners
of Nursing Home Administrators

CERTIFICATE

I hereby certify that the attached 340 general labels (~~and Board of Examiners for Nursing Home Administrators list~~) constitute the complete list of persons, associations, and other interested groups who as of 10:15 O'clock A.M., this 29th day of March, 1974, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (1971), that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Arlen I. Erdahl

SECRETARY OF STATE

ARLEN I. ERDAHL

By Cecil Dixon

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS
FOR NURSING HOME
ADMINISTRATORS

In the Matter of Proposed
Amendments Relating to Rules
of the State Board of Examiners
for Nursing Home Administrators

STATEMENT OF NEED

The above-captioned rules are amendments to existing rules of the State Board of Health. The above-captioned rules have not been amended since October 1, 1971.

The need to adopt these rules arises because of the need for highly qualified administrators. The Board has, under Minn. Stat. § 144.951 et seq., the duty to set standards for the licensure of nursing home administrators. It is believed that these amendments to the Board's rules will assure that those who become licensed administrators will be sufficiently educated and experienced to competently perform the functions of an administrator.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the Matter of Proposed
Amendments Relating to Rules
of the State Board of Examiners
for Nursing Home Administrators

APPOINTMENT

Phillip C. Newberg is hereby appointed to serve as hearing officer on behalf of the State Board of Examiners for Nursing Home Administrators in the above-captioned matter, said hearing to be held on May 2, 1974, and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

This appointment is made pursuant to the following authority: resolution of the State Board of Examiners for Nursing Home Administrators dated January 15, 1974.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Director

Dated: 3-20, 1974.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

In the matter of the Proposed Amendments Relating to Rules of the State Board of Examiners for Nursing Home Administrators

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Minnesota State Board of Examiners for Nursing Home Administrators on the 2nd day of May, 1974, at 1:00 P.M. in Room # 116A, State Administration Building, 50 Sherburne Ave., St. Paul, Minnesota 55155, after proper notice required by Minn. Stat. § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, and having heard and considered all of the testimony and evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as NHA 10 relating to licensure of Nursing Home Administrators are adopted this ____ day of December, 1974, pursuant to authority vested in the Minnesota State Board of Examiners for Nursing Home Administrators by Minn. Stat. § 144.953, and in me by resolution of said Board duly adopted at its meeting held on the 22 day of October, 1974.

STATE OF MINNESOTA
BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the Matter of Proposed
Amendments Relating to Rules
of the State Board of Examiners
for Nursing Home Administrators

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota State Board of Examiners for Nursing Home Administrators on the 2nd day of May, 1974, at 1:00 P.M., in Room 116A, State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, after proper notice required by Minn. Stat. § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, and having heard and considered all of the testimony and evidence adduced and upon the records, files and proceedings herein, the Board makes and enters the following findings:

1. Authority to adopt rules pertaining to the licensure of nursing home administrators is contained in Minn. Stat. §§ 144.953 (1971) et seq. These statutes require the State Board of Nursing Home Examiners for Nursing Home Administrators to set standards for the licensure of nursing home administrators. Minn. Stat. § 144.953 subd. 1 (1971) specifically provides that "[t]he board shall establish qualification criteria for such nursing home administrators." These amendments to the regulations are within that grant of authority.

2. The need for these rules arises out of the need for highly qualified nursing home administrators. These rules will assure that licensed nursing home administrators will be sufficiently educated and experienced to competently perform their responsibility.

3. NHA 10 (b) requires that an applicant for an administrator's license fulfill education and practical experience requirements. The Board finds that entrance level requirements for licensure should include both academic and practical training as necessary minimum elements of preparation. The requirements are reasonable and justified.

4. The requirements of the education and experience to become an administrator outweigh the burden of the costs to obtain the same as the result will be better administration of nursing home facilities.

5. NHA 10 (b) (3) requires of those applicants requesting a waiver to have minimum course credit hours in long term care. The Board finds that the degree and course requirements provide equivalent standards to those specified in NHA 10 (b) (1) and (2). The waiver provision is reasonable and justified.

6. The Board finds that the specified college credit hours in long term care are necessary, reasonable and justified in providing the applicant with the minimum training required to fulfill the responsibilities of a nursing home administrator.

7. The requirement of successful completion of a minimum amount of college level education with a specific study required in long term care is to increase the professional development and competency of nursing home administrators. The Board finds this requirement justified and establishment of this effective date of July 1, 1978 fair and reasonable to enable prospective applicants to meet the requirements.

8. Other provisions of the rules not referred to herein are found to be supported by the evidence.

9. Many comments and some suggested amendments were made at the hearing or submitted in written form. Based thereon, modifications were made but in no instance do those modifications significantly change the substance of the rules as presented at the public hearing.

10. These rules as adopted will assure that the policies of Minn. Stat. §§ 144.953 (1971) et seq. will better be fulfilled. Requiring specific education and experience standards will provide the state with qualified nursing home administrators.

Dated: 12/31, 1974

STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

Michael M. Gibson
MICHAEL M. GIBSON
President

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Phillip C. Newberg, do hereby certify that I am the Executive Director of the Minnesota State Board of Examiners for Nursing Home Administrators, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the said Board of Examiners for Nursing Home Administrators duly and properly called and held on the 15th day of January, 1974, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Phillip C. Newberg, Executive Director of the Minnesota State Board of Examiners for Nursing Home Administrators be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board of Examiners for Nursing Home Administrators relating to establishing additional requirements for new license applicants as well as perform any and all acts incidental thereto, including but without being limited thereto, sign an order for hearing and notice of hearing as well as acting as or appointing a presiding officer for all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 30 day of December, 1974.

STATE OF MINNESOTA
BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Director

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Leonard A. Nelson, do hereby declare that I have examined the proposed amendments to the rules relating to licensing of Nursing Home Administrators, identified as NHA 10 and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Dated: January 2, 1975.

LEONARD A. NELSON
Special Assistant
Attorney General