

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

(SDR 230)

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

Amended

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

Regulation No. NHA 10, 11, 12, 15, 16

Subject: Requirements, Application, Examination and Licensing

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

JUN 24 1976

BY _____
AUTH. SIGNATURE

Stamped and filed with the Secretary of State June 24, 1976 2:00pm 2:25pm

Rev. 9-72

230

William G. Miller
Special Assistant
Attorney General

July 1, 1976

- Rules of the Board of Examiners for Nursing Home Administrators

230

SC

Attorney General

William G. Miller
Special Assistant
Attorney General

June 3, 1976

Michael B. Miller
Special Assistant
Attorney General

296-4692

Amendments to rules for Board of Examiners for Nursing Home Administrators.

Returned herewith are the above-captioned rules. Please have your agency delete the "justifications" from the Rules as Adopted and return the same to me for filing.

MBM/mb

Enclosure

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

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

ORDER ADOPTING HEARING EXAMINER'S REPORT

IT IS ORDERED that, pursuant to authority vested in me by Minn. Stat. §§ 144.954-144.965 and by resolution of the Minnesota State Board of Examiners for Nursing Home Administrators duly adopted at a meeting of the said Board on the 6th day of April, 1976, the Report filed by the Hearing Examiner in the above entitled matter be adopted by the Board and be fully incorporated by the Board as its Findings of Fact and Conclusions, with the following modification:

> The amendment dealing with completion of non-academic educational requirements was criticized as allowing nursing home administrators only 10 months to meet the requirements. A closer examination of the proposed rule indicates that there is in fact a 12 month period granted for the completion of these requirements. The use of a May 1st deadline for the termination of this 12 month period is needed for the processing of applications preceding the license expiration date of June 30th of each licensing year. Therefore, it is concluded that the proposed amendment is reasonable, and that its adoption be recommended.

Dated: May 6, 1976

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

CERTIFICATE OF BOARD'S RESOLUTION

ADOPTING THE HEARING EXAMINER'S REPORT

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 duly and properly called and held on the 6th day of April, 1976, 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 Report filed by Myron Greenberg, Hearing Examiner, regarding the proposed amendments to the rules relating to Nursing Home Administrators, identified as Minn. Rule NHA 10-16, which went to public hearing on February 10, 1976, be adopted by the Minnesota Board of Examiners for Nursing Home Administrators and be fully incorporated by the Board as its Findings of Fact and Conclusions, with the following modification:
>
> > the third through the eighth paragraphs of Finding of Fact number 13 shall be deleted and substituted for these paragraphs shall be the following:
> >
> > > The amendment dealing with completion of non-academic educational requirements was criticized as allowing nursing home administrators only 10 months to meet the requirements. A closer examination of the proposed rule indicates that there is in fact a 12 month period granted for the completion of these requirements. The use of a May 1st deadline for the termination of this 12 month period is reasonable given that an approximate 60 day period is needed for the processing of applications preceding the license expiration date of June 30th

of each licensing year. Therefore, it is concluded that the proposed amendment is reasonable, and that its adoption be recommended.

IT IS FURTHER RESOLVED that Phillip C. Newberg, Executive Director of the Board, be and hereby is authorized to sign an order adopting the Hearing Examiner's report with the above given modification.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6th day of May, 1976.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C NEWBERG
Executive Director

STATE OF MINNESOTA

OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE MYRON GREENBERG

HEARING EXAMINER

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

R E P O R T

HE FILE NO. NHA-76-001-MG

The hearing in the above-entitled matter was convened by Myron Greenberg,duly appointed Hearing Examiner, on February 10, 1976 at 9:30 a.m., at the Minnesota Health Department Building Board Room, 717 Delaware STreet S. E., Minneapolis, Minnesota. The hearing continued until all representatives of associations or other interested groups or persons had an opportunity to participate and be heard concerning the adoption of the proposed rules.

The Hearing Examiner, upon all of the records, files, evidence, arguments of counsel and written comments, hereby makes and issues the following as his:

FINDINGS OF FACT

1. That the Order for Hearing issued on December 24, 1975 was in all respects proper in form, contents, execution and filing.

2. That due, timely and adequate legal notice of the hearing ordered by the Board of Examiners for Nursing Home Administrators (hereinafter "Board") was properly served and filed. All other substantive and procedural requirements, statutes or rules have been complied with.

3. That the Statement of Need for these rules presented at the hearing was not specifically criticized in testimony or written comments.

4. That the Board has authority to promulgate and amend rules as granted by the Legislature under and pursuant to Minn. Stat., §§ 144.954, 144.959 and 144.965. (T. 33)

5. That general support for the proposed amendments was offered by the Minnesota Association of Health Care Facilities (MAHCF) and the Conference on Geriatric Care. (Exs. 7 and 8)

6. That general criticism of the proposed amendments was offered by individual nursing home administrators. (Exs. 14, 17 and 18) These comments suggested that additional rules create only more "red tape" and do not "affirmatively influence the quality of care for the recipients of nursing home services." (Ex. 17)

7. That the amendment of NHA 10(a), which lowers the minimum age of license eligibility to 18, is reasonable and necessary to comply with statutory change. There was no criticism of this amendment at the hearing or in comments received thereafter. It is concluded that this proposed amendment is acceptable to all affected and recommended that the amended rule be adopted as proposed.

8. That NHA 10(b)(5) is needed to provide flexibility for the Board to waive certain formal educational requirements for applicants with work experience. No questions were raised regarding the necessity of the Board having such flexibility.

The Rev. Robert W. Schlicht, Administrator of the Lutheran Home for the Aged in Belle Plaine, Minnesota, did, however, criticize the reasonableness of the rule. He felt "that the language of the proposed rule recites a restrictive element inconsistent with the logic submitted to justify the rule." (T. 15) Specifically, Mr. Schlicht testified that the rule (1) discriminates against people who get their experience in Minnesota, (2) discriminates against people who have experience as assistant administrators (particularly those having such experience

in Minnesota), and (3) unnecessarily restricts such required experience to those who are licensed. He stated that the geographic area in which experience is gained appears to be immaterial to the Board's stated objective of requiring "academic experience only of applicants with limited or no nursing home experience," and that "'nursing home administrative experience' might be gained through service rendered as an assistant administrator as well as through service rendered as an administrator." (T. 15-16)

The Conference on Geriatric Care specifically supported the changes in NHA 10(b)(5) (as well as the changes in NHA 10(e), see ¶ 9, infra) as written. The Conference contended that (1) the proposed rule will facilitate interstate reciprocity and (2) the waiver provision is appropriate for licensed administrators only, not assistant administrators.

Giving full consideration to Mr. Schlicht's arguments, the Examiner concludes that the proposed rule is reasonable. (1) The rule does not discriminate against nursing home administrators from Minnesota since they must already be licensed to hold that position. (2) Assistant administrators from Minnesota and other states would not be unduly burdened by the minimal educational requirement specified in NHA 10(b)(2), and it is reasonable for the Board to demand such a qualification without the possibility of waiver. (3) Requiring that out-of-state administrators submit evidence of licensure reasonably assures certain qualifications of such individuals even though licensure requirements of other states may be different than Minnesota's.

It is recommended that the rule be adopted as proposed.

9. That NHA 10(e) is necessary to allow the Board to waive the requirements of NHA 10(c) or NHA 10(d) for applicants for a Minnesota nursing home administrator's license who have comparable experience and license in another state. Mr. Schlicht posed

essentially the same arguments against adoption of this rule as he stated regarding NHA 10(b)(5). (T. 19-20; see ¶ 8, supra) It is worth noting his contention that the proposed rule, like NHA 10(b)(5), appears to discriminate "against nursing home assistant administrators, and particularly against such residents of Minnesota who may have served full time as an assistant administrator and may have thus gained, by experience and practice, knowledge equivalent to the requirements specified in NHA 10(c) and NHA 10(d), and should, therefore, be eligible for waiver of the requirement." (T. 19) The Examiner agrees this may be a valid criticism but recognizes, also, that the limitations on the availability of the waiver established by the rule are within the Board's authority and are reasonably related to the purpose of the rule.

The Examiner concludes, therefore, that the proposed amendment is reasonable and recommends its adoption.

10. That NHA 11(a) is reasonable and necessary to give notice to individuals who apply for licensure that their files will be closed one year after the application form is filed unless further action is taken by the applicant. Although this proposal was not criticized during or after the hearing, the Examiner notes that no provision exists for closing a file which consists of an application and a single piece of correspondence which is sent even a week or a day subsequent to the filing of the application. It is suggested, without recommendation, that the Board consider modifying the rule to close files which have been totally dormant for at least one year. Even without implementation of the suggestion, however, the rule is reasonable and should be adopted.

11. That NHA 12(d), requiring an applicant who fails four examinations for licensure to petition the Board in order to attempt to pass the test again, is reasonable and necessary to

carry out the Board's function of determining which individuals are suitable to serve as nursing home administrators. The rule was criticized as being arbitrary in establishing four as the number of failures triggering the requirement of Board approval for further attempts to pass the examination. (T. 23, 24) However, the Conference on Geriatric Care supported the proposed change with the comment that "any person who fails to achieve a passing mark on the examination after four attempts should be required to gain additional knowledge through appropriate courses of study." (Ex. 8)

There is no question that the use of the number "four" is arbitrary as it may be compared with the choice of three, five, ten or thirty failures in passing an examination. The question for determination is whether the rule is reasonable and justifiable. The Examiner concludes, from testimony and comments received, that four unsuccessful attempts to pass the Board's written examination requirements is sufficient to raise a "red flag" about the applicant's knowledge and competence. It is not unreasonable in such circumstances to require the applicant to indicate some additional knowledge or competence before being allowed to make a fifth attempt. It is therefore recommended that the rule be adopted.

The Examiner suggests, as a footnote and without recommendation, that the Board consider Mr. Schlicht's remarks regarding (1) the development of its own standard written test or tests for nursing home administrators, (2) the establishment of a fixed passing score on such tests, and (3) the implication that the number of failures is a factor of the number of applicants rather than the applicants' performance on examinations. (T. 25-28)

12. That NHA 15(b) is reasonable and necessary to establish a fixed fee for issuance of a duplicate license. The $10 fee was approved by the Department of Finance (Ex. 3) and not

criticized. It is concluded that the proposed amendment is reasonable and its adoption is recommended.

13. That NHA 16(b) reasonably establishes a fixed annual license renewal fee as well as late fees and that NHA 16(b) unreasonably requires completion of non-academic continuing education requirements for license renewal two months prior to the date of license expiration and the deadline for application for license renewal without penalty.

The renewal and late fees established by the amendment were approved by the Department of Finance (Ex. 3) and were not criticized either at or after the hearing. It is concluded, therefore, that they are reasonable and necessary and that the rule as amended to specify fees is recommended for adoption.

The amendment dealing with completion of non-academic educational requirements was criticized as allowing nursing home administrators only ten months to meet those requirements while, in some instances (by the provisions of other proposed rule changes), increasing related requirements. (T. 34; Ex. 12) The Board justified the proposal by noting the burden on the office staff to process an apparently large number of license renewal applications.

The Examiner is sympathetic to the problem of voluminous paper processing encountered by administrative agencies but believes the Board has not demonstrated the need for and reasonableness of its proposed action. There was no indication by the Board as to how the proposed amendment would ameliorate the problem which it was designed to solve. The greater shortcomings of the amendment, however, are (1) that there is inconsistency between the amendment and NHA 16(a) and the first part of NHA 16 (b) as proposed for amendment, and (2) that the amendment does not accomplish what it is apparently intended to accomplish.

The inconsistency between the proposed amendment and other rule provisions is that even though the amendment would require

completion of non-academic education requirements by May 1st, the application for renewal need not be made until June 1st (according to NHA 16(a)) or July 1st (according to the proposed amendment to the second sentence of 16 (b)). Nothing is mentioned in the amendment about notifying the Board of completion of the non-academic requirements by May 1st or shortly thereafter, so it must be assumed that an individual is expected to complete such requirements by May 1st, but can then wait to file for renewal. (He could apparently wait even longer than six months after license expiration if willing to pay the proposed $20 late filing fee.) If that is the case, there appears to be no reason for setting the May 1st deadline.

The desired result of the May 1st deadline apparently is, according to the Board's statement of justification, to allow the office staff time to process renewal applications. Referring to the preceding paragraph, however, it is obvious that the desired result would not be accomplished; applications could still be filed at the last minute, and the processing backlog would not be avoided.

For the reasons stated herein, the Hearing Examiner concludes that the proposed amendment establishing May 1st as the time for completion of non-academic education requirements for relicensure is not reasonable. No conclusion is made regarding whether such a provision is necessary. It is recommended that the last portion of the proposed amendment to NHA 16(b) not be adopted.

Whether modification of such proposed amendment to make it internally consistent and reasonable would constitute a substantial change requiring rehearing is a matter to be determined by the Attorney General.

14. That NHA 16(b)(1) is reasonable and necessary to establish continuing educational requirements for applicants for license renewal. Many comments, criticism and suggestions were received about the various subsections of this proposed rule.

In response to a question from the Examiner, the Board noted that "the appropriate Regional Accrediting Agency" would include only one such agency for this geographical area. (T. 40) Mr. Schlicht pointed out that use of the participle "the" is very restrictive and might result in the only eligible provider of "approved" academic courses being the University of Minnesota. (Ex. 19) The possibility of creating such a monopolistic provider of required courses could possibly be eliminated by changing "the" in the above-quoted phrase to "an," thereby leaving room for any accrediting agency to approve academic courses.

The greatest amount of comment was addressed to NHA 16(b)(1)(bb)(3). This subsection allows applicants for license renewal, having at least a baccalaureate degree, to have "40 clock hours of Board approved seminars, institutes or workshops" during every "3-year license renewal period" (instead of 6-quarter credit hours or 4-semester credit hours in health care courses related to long-term health care administration). Mr. Newberg explained that the reason for this provision is an "attempt to equalize [post-licensure requirements] for all adminstrators."(T.39) (Currently, non-degreed administrators must have six academic hours of continuing academic education and degreed administrators have the option of taking 20 seminar hours in place of the six credit hours; the 20 seminar hours take much less time to complete than the more formal credit hours, hence, the inequality.

Many of those who commented on this provison mistakenly referred to a 40-hour <u>per year</u> requirement and stated that such a requirement was simply too onerous. (T. 36-37; Exs. 9, 11, 12) The requirement stated in the proposed rule is clearly 40 hours per three-year period. Such a requirement does not appear to the Examiner to be, in and of itself, particularly onerous, and it is concluded to be reasonable.

A more significant criticism of the 40-hour option provision of the rule is that it does, in fact, place an additional burden

on the time of nursing home administrators. Many nursing home administrators commented that adding hours to the educational requirements for relicensing means that administrators will be forced to spend more time away from their facilities and will, consequently, have less time for the actual care of patients. (Exs. 14, 16, 17, 20; see also Ex. 7). This result appeared to some to be self-defeating. (Exs. 14, 20) The difficulty of compliance with the educational requirements was noted particularly by nursing home administrators working in areas where educational facilities and course availability is very limited or non-existent, thereby requiring substantially greater amounts of time for travel. (Exs. 9, 15)

Related to the criticism noted in the preceding paragraph is the contention of the Minnesota Association of Health Care Facilities that "the increased requirement would not have a substantial, meaningful impact on professional competency of administrators nor the quality of care provided their residents." (Ex. 7)

The Examiner agrees that it is sometimes difficult to schedule time for "non-work" activities such as continuing education. However, there can be no doubt that advances in all fields, including nursing home administration, occur with increasing rapidity. The Board of Examiners for Nursing Home Administrators is charged by the Legislature with the duty to "develop, impose and enforce standards. . . designed to insure that nursing home administrators shall be individuals who . . . by training or experience are qualified to serve as nursing home administrators." Minn. Stat., § 144.959(1) Pursuant to this duty and authority, the Examiner concludes that it is altogether reasonable and necessary for the Board to establish whatever standards appropriate for the maintenance of such competence. It is recommended, therefore, that NHA(b)(1)(bb)(3) (and related subsections NHA (6)(1)(bb)(1) and (2)) be adopted as proposed.

A number of questions concerning NHA 16(b)(1)(cc)(5)D were raised at the hearing and in written comments received after the hearing. (T. 37-38; Exs. 12 and 17) These questions and comments expressed the view that requiring participant evaluation of educational seminars after the seminar would (1) be a waste of time, (2) produce no meaningful information and (3) possibly affect the number of hours credited to the participant by the Board for participation. The comments were unanimously against such an evaluation.

NHA 16(b)(1)(cc)(5)D is somewhat ambiguous about who is to prepare the evaluation. The rule states that the agency wishing to sponsor an educational seminar must submit to the Board a statement it will, upon request of the Board, provide "an evaluation by all participants of the program." "Participant" may be interpreted as either one who attends the program to listen and, presumably, gain additional knowledge or it may mean a member of the panel or a lecturer giving the presentation. The second paragraph of the Board's general justification for this subsection implies the latter interpretation; all who commented on the subsection assumed that "participant" referred to the former interpretation. The Examiner suggests that the term be clarified.

If the latter interpretation noted above is correct, no burden whatsoever is placed upon the attendees, and the comments expressed relating thereto would be moot.

Assuming, however, that the evaluation is to be made by those who attend the seminars as individual administrators and not as sponsors, the provision appears to be as much for the benefit of the administrators as for the Board's own information. Nursing home administrator Alfrieda Halverson suggested that there be better coordination and quality control of seminars offered. (Ex. 20) It appears to the Examiner that the Board's proposed power to request evaluations of seminars is exactly the

type of activity necessary to provide the Board with information about what seminars or sponsors of seminars are most valuable or effective. Such information would, in turn, allow the Board to more effectively assign credit value to attendance at such seminars. For the reasons stated herein, it is concluded that NHA 16(b)(1)(cc) is reasonable and necessary and should be adopted as proposed.

No substantive questions or comments concerning NHA 16(b)(1)(dd) were offered during or after the hearing. The Board did agree, however, to modify NHA 16(b)(1)(dd)(2) by changing "#1" as it appears in the first line of that subsection to "(dd)(1)" for clarification purposes only. (T. 45) Mr. Schlicht suggested that the word "vitae" as it appears in NHA 16(b)(1)(dd)(2)(c) be deleted and replaced with the terminology used in NHA (b)(1)(dd)(1)(c) ("documented academic background"). The Examiner agrees that such a modification would be appropriate. It is concluded by virtue of the lack of substantive criticism or comment that NHA 16(b)(1)(dd) is reasonable and should be adopted with the modifications noted herein.

Based on the foregoing Findings of Fact, the Examiner makes the following as his

CONCLUSIONS

1. That the Hearing Examiner was duly appointed and had jurisdiction over the within proceeding.

2. That relevant legal and procedural requirements of statute and rule have been properly complied with.

3. That the Board of Examiners for Nursing Home Administrators documented its statutory authority to promulgate the proposed rules and amendments.

4. That a clear and compelling need has been demonstrated for the adoption of the proposed rules and amendments, except for the last portion of proposed NHA 16(b) as indicated in paragraph 13 of the Findings of Fact.

Based on the foregoing CONCLUSIONS, the Hearing Examiner makes the following as his

RECOMMENDATIONS

1. That all of the proposed rules and amendments be promulgated, approved and adopted as modified where appropriate, except for the last portion of NHA 16(b).

2. That the last portion of NHA 16(b) not be promulgated, approved or adopted.

Dated this 5th day of March, 1976.

Myron Greenberg

MYRON GREENBERG
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

In the matter of Proposed Amendments to the Rules of the 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 (1974), in the above-entitled matter, in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on February 10, 1976, commencing at 9:30 A.M., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of the proposed amendments captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

Under Minn. Stat. § 10A.01 subd.11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of the proposed amendents, must register with the State Ethics Commission as lobbyist within five days of the commencement of such activity by the individual. The State Ethics commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

A copy of the amendments proposed by the Minnesota State Board of Examiners for Nursing Home Administrators is attached and made a part hereof.

Copies of the proposed rules are now available and may be obtained by writing to the Minnesota State Board of Examiners for Nursing Home Administrators, 717 Delaware Street S.E., (Room 340) Minneapolis, Minnesota 55414. Additional copies will 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 Secretary and Executive Officer of the Board at the Department of Health Building, at the address as above. 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 statements, 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 public 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: December 30, 1975

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

NHA 10 Requirements

(a) No license shall be issued to a person as a nursing home administrator unless:

(1) He is at least ~~21~~ 18 years of age.

Justification

The change is being made to bring the Board's Rules & Regulations in compliance with Minn. Law 1973, Ch 725 § 10.

(b) 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.

(5) The Board may waive NHA 10 (b) (2) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of one year.

Justification

Presently no provision exists to provide waivers to applicants who have had full time nursing home administrative experience in another state. Intent of the requirement is to require academic experience only of applicants with limited or no nursing home administrative experience. Course material is redundant for applicants with at least one year full time nursing home administrative experience.

(e) The Board may waive NHA 10 (c) or NHA 10 (d) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of two continuous years and meets all other licensure requirements.

Justification

Presently no provision exists for waiver of applicants who are licensed and have had substantial practice in another state. With increasing mobility of administrators from state to state, along with emphasis on reciprocity, the belief exists that licensed administrators who have served full time for a minimum of two years have acquired by experience and practice, knowledge equivalent to the requirements specified in NHA 10 (c) or NHA 10 (d) and should therefore be eligible for waiver of this requirement.

NHA 11 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.

Justification

Presently no provision exists for closing the files on applicants who have shown no continued interest in maintaining an active file or have not responded to written communications relating to educational offerings, scheduled examinations or the like. In order to maintain accurate and current data files within usual and customary administrative practices it is necessary to place a termination date on all applications of one year after the application form is filed in the Licensure Board office.

NHA 12 Examination

(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.

Justification

Failure to successfully pass the written examination after four attempts demonstrates to the Board the probability that the applicant does not possess the general administrative abilities needed to satisfactorily administer a home, the ability to relate the administration of a home to the physical, psychological, spiritual, emotional and social needs of patients, and the ability to create a compassionate and helpful environment. Therefore the securing of additional guidance, training, consultations and other such formal training is necessary so as to insure the applicant possesses these necessary attributes.

NHA 15 Display of License

(b) 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~~ $10.00 fee.

Justification

State of Minnesota Administrative policy provides that all fees be specifically indicated rather than the general requirement of simply providing that a fee shall be established. Additionally, setting a fee insures that interested parties will readily have available to them information on costs related to licensure. The $10.00 figure is justified because this reasonably approximates the costs involved for providing another license.

NHA 16 Renewal

(b) Upon making an application for a renewal of his license such licensee shall pay the annual fee of $75.00 ~~as-determined-by-the Board~~. Renewal applications received between one month and up to six months after July 1 shall pay a late filing fee of $10.00.

Renewal applications received six months or longer after July 1 shall pay a late filing fee of $20.00. He shall submit evidence satisfactory to the Board that during the annual period immediately preceding such application he has complied with the rules and regulations of this Board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for re-licensure. ~~as established~~ Non-academic continuing education requirements of re-licensure shall be completed by May 1 of each year for the ensuing licensure year; however, upon presentation of a 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.

Justification

State of Minnesota Administrative policy provides that all fees be specifically indicated rather than the general requirement of simply providing that a fee shall be established. Additionally, interested parties will readily have available information on costs related to licensure. The $10.00 and $20.00 figures are justified as they reasonably approximate costs involved in processing late applications. By state statute all licenses expire on June 30th of each year. Because of the volume of license renewal applications and the limited office staff, a 60-day period for processing these applications is needed. Extensions should be granted in unusual circumstances such as prolonged illness or very recent licensure.

Inasmuch as state statute requires that the Board be financially self sufficient and the license and license renewal fees are the only major source of income, the fee of $75.00 is needed to cover costs of operation.

NHA 16 (b)-1

Licensees, in order to be eligible for consideration for renewal of their license, shall be required to satisfy the following continuing educational requirements:

(aa) (non-academic requirement) Annual attendance at Licensure Board approved seminars, institutes or workshops totalling at least 20 clock hours, and

(bb) (Academic requirement) 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. 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 40 clock hours of approved seminars, institutes or workshops.

(3) Attendance, during the second and succeeding 3-year license renewal period at an additional 40 clock hours of Board approved seminars, institutes or workshops.

(cc) Agencies 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 agency's willingness to provide to 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 "Certificates 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 purposes and objectives of the program are achieved.

(6) In the event a licensed administrator attends a seminar, institute or workshop conducted by an 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 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.

Justification

The Long Term Care health field continues to experience rapidly changing concepts in provision of services and is experiencing continued and increasing regulations and demands for increased services by Federal and State Government and Regulatory Agencies. The need for administrators to maintain or increase their skills and competency is apparent. Therefore, the development of standards and requirements for continuing education is indicated. Both academic and non-academic learning opportunities are necessary and appropriate in order to develop a broader base or range of expertise and competency and to emphasize professional growth and development.

Inasmuch as a measure must exist for determining acceptable continuing education experiences and awarding of appropriate clock hour ratings, specific requirements must exist for sponsors to follow in order to submit their educational offerings to the Board for approval. The material requested of educational sponsors is minimal and of such a nature to justify accurate determination of the appropriate number of clock hours and the appropriateness of the subject in relation to the Long Term Care Health field.

(dd) 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 #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.

Justification

Inasmuch as licensure and continued education is comparatively new, the number, range and type and quality of educational experiences being offered vary considerably. With emphasis on the professional growth and development of the licensed administrator it only seems appropriate that full credit be given to those educational experiences that promote these concepts and a lesser amount of clock hours be awarded to educational experiences that are not primarily related to administrator functions or responsibilities and appear not to promote professional growth and development.

MINNESOTA STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

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.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed
Amendments to the Rules
of the Board of Examiners
for Nursing Home Administra-
tors.

CERTIFICATE

I hereby certify that the 454 general labels and two page Health list and the list for the Minnesota State Board of Examiners for Nursing Home Administrators all of which are attached and made a part hereof, constitute the complete lists of persons, associations, and other interested groups who as of 3:30 O'Clock P.M., this 29th day of December 1975, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (1974), 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.

Joan Anderson Growe
SECRETARY OF STATE

JOAN ANDERSON GROWE

By Gail Dion

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

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

AFFIDAVIT
OF MAILING

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

That on the 30th day of December, 1975, at the City of Minneapolis, County of Hennepin, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail, at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the then current lists maintained by the Secretary of State, as referenced in the attached Certificate of the Secretary of State, as well as to all members of the Minnesota Legislature as of the date of mailing.

Phillip C Newberg

Subscribed and sworn to before
me this 10th day of February, 1976.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct 9, 1980

Amendments to the Rules

of the

Board of Examiners for Nursing Home Administrators

as Adopted by the Board During its Meeting of April 6, 1976

NHA 10 Requirements

(a) No license shall be issued to a person as a nursing home administrator unless:

(1) He is at least 21 18 years of age.

(b) 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.

(5) The Board may waive NHA 10 (b) (2) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of one year.

(e) The Board may waive NHA 10 (c) or NHA 10 (d) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of two continuous years and meets all other licensure requirements.

NHA 11 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.

NHA 12 Examination

(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.

NHA 15 Display of License

(b) 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~~ $10.00 fee.

NHA 16 Renewal

(b) Upon making an application for a renewal of his license such licensee shall pay the annual fee of $75.00 ~~as-determined-by-the-Board~~. Renewal applications received between one month and up to six months after July 1 shall pay a late filing fee of $10.00

NHA 10 Requirements

(a) No license shall be issued to a person as a nursing home administrator unless:

(1) He is at least ~~21~~ 18 years of age.

(b) 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.

(5) The Board may waive NHA 10 (b) (2) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of one year.

(e) The Board may waive NHA 10 (c) or NHA 10 (d) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of two continuous years and meets all other licensure requirements.

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NHA 16 Renewal

(b) Upon making an application for a renewal of his license such licensee shall pay the annual fee of $75.00 ~~as-determined-by-the~~ Board. Renewal applications received between one month and up to six months after July 1 shall pay a late filing fee of $10.00

Renewal applications received six months or longer after July 1 shall pay a late filing fee of $20.00. He shall submit evidence satisfactory to the Board that during the annual period immediately preceding such application he has complied with the rules and regulations of this Board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for re-licensure. as-established Non-academic continuing education requirements of re-licensure shall be completed by May 1 of each year for the ensuing licensure year; however, upon presentation of a 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.

NHA 16 (b)-1

Licensees, in order to be eligible for consideration for renewal of their license, shall be required to satisfy the following continuing educational requirements:

(aa) (non-academic requirement) Annual attendance at Licensure Board approved seminars, institutes or workshops totalling at least 20 clock hours, and

(bb) (Academic requirement) 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. 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 workshops.

(cc) Agencies 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 agency's willingness to provide to 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 "Certificats 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 purposes and objectives of the program are achieved.

(6) In the event a licensed administrator attends a seminar, institute or workshop conducted by an 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 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.

(dd) 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 (dd)(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.

APPROVED AS TO FORM AND LEGALITY
JUN 23 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 24 1976 - 2:00 pm
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JUN 24 1976
BY Edna Staudenmaier
AUTH. SIGNATURE
2:25 p.m.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

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

ORDER ADOPTING RULES

The above-entitled matter came on for hearing on the 10th day of February, 1976, at 9:30 A.M. in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (Supp. 1975) 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 are adopted this 6th day of May, 1976, pursuant to authority vested in me by Minn. Stat. §§ 144.954-144.965, and by resolution of the Minnesota State Board of Examiners for Nursing Home Administrators duly adopted at a meeting of the said Board on the 6th day of April, 1976.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Director

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 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 duly and properly called and held on the 6th day of April, 1976, 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 Nursing Home Administrators, identified as Minn. Rule NHA 10-16 which were the subject of a public hearing on February 10, 1976, 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 the Board by Minn. Stat. § 144.954-144.965, with the following modification:

the amendment to NHA 16 (b)(1)(dd)(2) shall be changed to read 'Seminars, institutes or workshops not meeting (dd)1 above. . .'

the amendment to NHA 16(b)(1)(bb)(2) shall be changed to read '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.'

the amendment to NHA 16(b)(1)(bb)(3) shall be changed to read 'Attendance, during the second and succeeding 3-year license renewal period at an additional 30 clock hours of Board approved seminars, institutes or workshops.'

IT IS FURTHER RESOLVED that Phillip C. Newberg, Executive Director of the Minnesota Board of Examiners for Nursing Home Administrators be and

hereby is authorized to sign an order adopting these rules with the above referenced change.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6 day of May, 1976.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

Proposed Amendments to the Rules

of the

Board of Examiners for Nursing Home Administrators

as They Went to Public Hearing on February 10, 1976

NHA 10 Requirements

(a) No license shall be issued to a person as a nursing home administrator unless:

(1) He is at least 21 18 years of age.

Justification

The change is being made to bring the Board's Rules & Regulations in compliance with Minn. Law 1973, Ch 725 § 10.

(b) 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.

(5) The Board may waive NHA 10 (b) (2) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of one year.

Justification

Presently no provision exists to provide waivers to applicants who have had full time nursing home administrative experience in another state. Intent of the requirement is to require academic experience only of applicants with limited or no nursing home administrative experience. Course material is redundant for applicants with at least one year full time nursing home administrative experience.

(e) The Board may waive NHA 10 (c) or NHA 10 (d) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of two continuous years and meets all other licensure requirements.

Justification

Presently no provision exists for waiver of applicants who are licensed and have had substantial practice in another state. With increasing mobility of administrators from state to state, along with emphasis on reciprocity, the belief exists that licensed administrators who have served full time for a minimum of two years have acquired by experience and practice, knowledge equivalent to the requirements specified in NHA 10 (c) or NHA 10 (d) and should therefore be eligible for waiver of this requirement.

NHA 11 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.

Justification

Presently no provision exists for closing the files on applicants who have shown no continued interest in maintaining an active file or have not responded to written communications relating to educational offerings, scheduled examinations or the like. In order to maintain accurate and current data files within usual and customary administrative practices it is necessary to place a termination date on all applications of one year after the application form is filed in the Licensure Board office.

NHA 12 Examination

(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.

Justification

Failure to successfully pass the written examination after four attempts demonstrates to the Board the probability that the applicant does not possess the general administrative abilities needed to satisfactorily administer a home, the ability to relate the administration of a home to the physical, psychological, spiritual, emotional and social needs of patients, and the ability to create a compassionate and helpful environment. Therefore the securing of additional guidance, training, consultations and other such formal training is necessary so as to insure the applicant possesses these necessary attributes.

NHA 15 Display of License

(b) 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~~ $10.00 fee.

Justification

State of Minnesota Administrative policy provides that all fees be specifically indicated rather than the general requirement of simply providing that a fee shall be established. Additionally, setting a fee insures that interested parties will readily have available to them information on costs related to licensure. The $10.00 figure is justified because this reasonably approximates the costs involved for providing another license.

NHA 16 Renewal

(b) Upon making an application for a renewal of his license such licensee shall pay the annual fee of $75.00 ~~as-determined-by-the-Board~~. Renewal applications received between one month and up to six months after July 1 shall pay a late filing fee of $10.00

Renewal applications received six months or longer after July 1 shall pay a late filing fee of $20.00. He shall submit evidence satisfactory to the Board that during the annual period immediately preceding such application he has complied with the rules and regulations of this Board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for re-licensure. ~~as established~~ Non-academic continuing education requirements of re-licensure shall be completed by May 1 of each year for the ensuing licensure year; however, upon presentation of a 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.

Justification

State of Minnesota Administrative policy provides that all fees be specifically indicated rather than the general requirement of simply providing that a fee shall be established. Additionally, interested parties will readily have available information on costs related to licensure. The $10.00 and $20.00 figures are justified as they reasonably approximate costs involved in processing late applications. By state statute all licenses expire on June 30th of each year. Because of the volume of license renewal applications and the limited office staff, a 60-day period for processing these applications is needed. Extensions should be granted in unusual circumstances such as prolonged illness or very recent licensure.

Inasmuch as state statute requires that the Board be financially self sufficient and the license and license renewal fees are the only major source of income, the fee of $75.00 is needed to cover costs of operation.

NHA 16 (b)-1

Licensees, in order to be eligible for consideration for renewal of their license, shall be required to satisfy the following continuing educational requirements:

(aa) (non-academic requirement) Annual attendance at Licensure Board approved seminars, institutes or workshops totalling at least 20 clock hours, and

(bb) (Academic requirement) 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. 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 40 clock hours of approved seminars, institutes or workshops.

(3) Attendance, during the second and succeeding 3-year license renewal period at an additional 40 clock hours of Board approved seminars, institutes or workshops.

(cc) Agencies 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 agency's willingness to provide to 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 "Certificates 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 purposes and objectives of the program are achieved.

(6) In the event a licensed administrator attends a seminar, institute or workshop conducted by an 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 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.

Justification

The Long Term Care health field continues to experience rapidly changing concepts in provision of services and is experiencing continued and increasing regulations and demands for increased services by Federal and State Government and Regulatory Agencies. The need for administrators to maintain or increase their skills and competency is apparent. Therefore, the development of standards and requirements for continuing education is indicated. Both academic and non-academic learning opportunities are necessary and appropriate in order to develop a broader base or range of expertise and competency and to emphasize professional growth and development.

Inasmuch as a measure must exist for determining acceptable continuing education experiences and awarding of appropriate clock hour ratings, specific requirements must exist for sponsors to follow in order to submit their educational offerings to the Board for approval. The material requested of educational sponsors is minimal and of such a nature to justify accurate determination of the appropriate number of clock hours and the appropriateness of the subject in relation to the Long Term Care Health field.

(dd) 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 #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.

Justification

Inasmuch as licensure and continued education is comparatively new, the number, range and type and quality of educational experiences being offered vary considerably. With emphasis on the professional growth and development of the licensed administrator it only seems appropriate that full credit be given to those educational experiences that promote these concepts and a lesser amount of clock hours be awarded to educational experiences that are not primarily related to administrator functions or responsibilities and appear not to promote professional growth and development.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

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

ORDER FOR HEARING

To effectively implement Minn. Stat. 144.954-144.959 (1974), 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 statutes.

NOW, THEREFORE, IT IS ORDERED this 24th day of December, 1975, that a public hearing on the proposed rules captioned above be held in the Board Room, Minnesota Health Department Building, 717 Delaware Street S.E., Minneapolis, Minnesota on February 10, 1976, commencing at 9:30 A.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

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Phillip C. Newberg, do hereby certify that I am 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 21st day of October, 1975; 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 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 relating to continuing education requirements for license renewal, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as or appointing a presiding officer for allhearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6 day of Feb, 1976.

STATE OF MINNESOTA
BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF EXAMINERS
NURSING HOME ADMINISTRATORS

In the matter of Proposed
Amendents to the Rules
of the Board

STATEMENT OF NEED

The above-captioned rules are amendments to existing rules of the State Board of Examiners for Nursing Home Administrators. The last time the above- captioned rules were amended was January 23, 1975.

The need to adopt these rules arises because: in several instances, the amendments are necessitated by legislative mandate and administrative policy dictating that all fees should be specifically established by rule;

the other amendments are necessitated by the need of specificity in the defining of the Board's license application and renewal criteria, coupled with the need to maintain a degree of flexibility as regards the Board's ability to contend with the rapidly changing concepts in the long term health care field.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG

Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

In the Matter of Proposed
Amendments to the Rules
of the Board

APPOINTMENT

Myron S. Greenberg 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 February 10, 1976, 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 adopted at its meeting on October 21, 1975.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

In the Matter of Proposed Amendments to the Rules of the Board of Examiners for Nursing Home Administrators: Fees

DEPARTMENT OF FINANCE APPROVAL

Minn. Stat. § 144.955 (1975) has mandated that all fees for licensing of nursing home administrators "be fixed by the Board".

The proposed amendments to Minn. Reg. NHA 15 (b) a copy of which is attached, would delete the reference to the formerly stated statutory fee setting authority and set a fee of ten dollars ($10.00) for issuance of a duplicate license. Proposed Minn. Reg. NHA 16 (b), a copy of which is attached, would delete the reference to the formerly stated statutory fee setting authority and impose a seventy-five dollar ($75.00) fee for renewal of a license. Further, it would impose a late filing fee of ten dollars ($10.00) on applications received between one month and six months and twenty dollars ($20.00) on application received six months or longer after July 1. This action in accordance with fees set as per Board action at the Board Meeting of April 15, 1974.

Upon review of the supporting information justifying the need, reasonableness, and amount of these fees, and pursuant to the authority vested in the Minnesota Department of Finance by Minn. Stat. § 214.06 (1974), Minn. Stat. §§ 16A.04 subd. 3 and 16A.07 subd. 4 (1974), the fees proposed in the above amendments to the Board of Examiners for Nursing Home Administrators rules are hereby approved.

GERALD W. CHRISTENSON
Commissioner

Date: 1-5-76, 1976. By Bernard Carlson
Bernard J. Carlson
Budget, Planning and
Control Director

Board of Examiners - Nursing Home Administrators

Anticipated Income & Expense - 1976-1977

	1976	1977
Legislative Appropriation	$ 62,200	$ 63,000
Expenses:		
Salary & Fringe	$ 36,500	$ 36,500
Rent. printing, travel, etc.	24,200	25,000
Supplies & Materials	1,200	1,200
Equipment Purchase	300	300

Income produced as follows:

1976 =	(1)	750 license renewals @$75.00	$ 56,250
	(2)	80 original appls. @ $30.00	2,400
	(3)	71 examination fees @$50.00	3,550
			$ 62,200
1977 =	(1)	780 license renewals @$75.00	$ 58,500
	(2)	50 original appls. @ $30.00	1,500
	(3)	60 examination fees @$50.00	3,000
			$ 63,000



STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General William G. Miller, do hereby declare that I have examined the proposed amendments to the rules of the Board of Examiners for Nursing Home Administrators, which went to public hearing on February 10, 1976, 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: May 7, 1976.

WILLIAM G. MILLER
Special Assistant
Attorney General

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-Health

Office Memorandum

TO : Michael Miller
Special Assistant
Attorney General
G19 Administration Building

DATE: May 10, 1976

FROM : William G. Miller
Special Assistant
Attorney General

PHONE: 5500

SUBJECT: Rules of the Board of Examiners for Nursing Home Administrators

I have enclosed for your review and approval a set of amendments to the Rules of the State Board of Examiners for Nursing Home Administrators, which were adopted by the Board at its meeting of April 6, 1976, together with the requisite documents.

I should point out that the hearing was held using a hybrid set of procedural rules. Although the hearing procedure was initiated prior to January 1, 1976, the hearing itself was held after this date. The hearing was presided over by Myron Greenberg from the Office of Hearing Examiners, serving by appointment of both the Chief Hearing Examiner and the Executive Director of the Board. I believe (as I have certified) that all procedural requirements effective upon this hearing were complied with, and a finding to that effect was made by the Hearing Examiner.

If you have any questions on this matter, please contact me.

WGM:cs

Encs.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

In the matter of Proposed Amendments to the Rules of the 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 (1974), in the above-entitled matter, in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on February 10, 1976, commencing at 9:30 A.M., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of the proposed amendments captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

Under Minn. Stat. § 10A.01 subd.11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of the proposed amendents, must register with the State Ethics Commission as lobbyist within five days of the commencement of such activity by the individual. The State Ethics commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

A copy of the amendments proposed by the Minnesota State Board of Examiners for Nursing Home Administrators is attached and made a part hereof.

Copies of the proposed rules are now available and may be obtained by writing to the Minnesota State Board of Examiners for Nursing Home Administrators, 717 Delaware Street S.E., (Room 340) Minneapolis, Minnesota 55414. Additional copies will 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 Secretary and Executive Officer of the Board at the Department of Health Building, at the address as above. 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 statements, 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 public 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: December 30, 1975

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

NHA 10 Requirements

(a) No license shall be issued to a person as a nursing home administrator unless:

(1) He is at least ~~21~~ 18 years of age.

Justification

The change is being made to bring the Board's Rules & Regulations in compliance with Minn. Law 1973, Ch 725 § 10.

(b) 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.

(5) The Board may waive NHA 10 (b) (2) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of one year.

Justification

Presently no provision exists to provide waivers to applicants who have had full time nursing home administrative experience in another state. Intent of the requirement is to require academic experience only of applicants with limited or no nursing home administrative experience. Course material is redundant for applicants with at least one year full time nursing home administrative experience.

(e) The Board may waive NHA 10 (c) or NHA 10 (d) if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of two continuous years and meets all other licensure requirements.

Justification

Presently no provision exists for waiver of applicants who are licensed and have had substantial practice in another state. With increasing mobility of administrators from state to state, along with emphasis on reciprocity, the belief exists that licensed administrators who have served full time for a minimum of two years have acquired by experience and practice, knowledge equivalent to the requirements specified in NHA 10 (c) or NHA 10 (d) and should therefore be eligible for waiver of this requirement.

NHA 11 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.

Justification

Presently no provision exists for closing the files on applicants who have shown no continued interest in maintaining an active file or have not responded to written communications relating to educational offerings, scheduled examinations or the like. In order to maintain accurate and current data files within usual and customary administrative practices it is necessary to place a termination date on all applications of one year after the application form is filed in the Licensure Board office.

NHA 12 Examination

(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.

Justification

Failure to successfully pass the written examination after four attempts demonstrates to the Board the probability that the applicant does not possess the general administrative abilities needed to satisfactorily administer a home, the ability to relate the administration of a home to the physical, psychological, spiritual, emotional and social needs of patients, and the ability to create a compassionate and helpful environment. Therefore the securing of additional guidance, training, consultations and other such formal training is necessary so as to insure the applicant possesses these necessary attributes.

NHA 15 Display of License

(b) 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~~ $10.00 fee.

Justification

State of Minnesota Administrative policy provides that all fees be specifically indicated rather than the general requirement of simply providing that a fee shall be established. Additionally, setting a fee insures that interested parties will readily have available to them information on costs related to licensure. The $10.00 figure is justified because this reasonably approximates the costs involved for providing another license.

NHA 16 Renewal

(b) Upon making an application for a renewal of his license such licensee shall pay the annual fee of $75.00 ~~as-determined-by-the Board~~. Renewal applications received between one month and up to six months after July 1 shall pay a late filing fee of $10.00.

Renewal applications received six months or longer after July 1 shall pay a late filing fee of $20.00. He shall submit evidence satisfactory to the Board that during the annual period immediately preceding such application he has complied with the rules and regulations of this Board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for re-licensure. ~~as-established~~ Non-academic continuing education requirements of re-licensure shall be completed by May 1 of each year for the ensuing licensure year; however, upon presentation of a 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.

Justification

State of Minnesota Administrative policy provides that all fees be specifically indicated rather than the general requirement of simply providing that a fee shall be established. Additionally, interested parties will readily have available information on costs related to licensure. The $10.00 and $20.00 figures are justified as they reasonably approximate costs involved in processing late applications. By state statute all licenses expire on June 30th of each year. Because of the volume of license renewal applications and the limited office staff, a 60-day period for processing these applications is needed. Extensions should be granted in unusual circumstances such as prolonged illness or very recent licensure.

Inasmuch as state statute requires that the Board be financially self sufficient and the license and license renewal fees are the only major source of income, the fee of $75.00 is needed to cover costs of operation.

NHA 16 (b)-1

Licensees, in order to be eligible for consideration for renewal of their license, shall be required to satisfy the following continuing educational requirements:

(aa) (non-academic requirement) Annual attendance at Licensure Board approved seminars, institutes or workshops totalling at least 20 clock hours, and

(bb) (Academic requirement) 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. 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 40 clock hours of approved seminars, institutes or workshops.

(3) Attendance, during the second and succeeding 3-year license renewal period at an additional 40 clock hours of Board approved seminars, institutes or workshops.

(cc) Agencies 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 agency's willingness to provide to 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 "Certificates 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 purposes and objectives of the program are achieved.

(6) In the event a licensed administrator attends a seminar, institute or workshop conducted by an 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 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.

Justification

The Long Term Care health field continues to experience rapidly changing concepts in provision of services and is experiencing continued and increasing regulations and demands for increased services by Federal and State Government and Regulatory Agencies. The need for administrators to maintain or increase their skills and competency is apparent. Therefore, the development of standards and requirements for continuing education is indicated. Both academic and non-academic learning opportunities are necessary and appropriate in order to develop a broader base or range of expertise and competency and to emphasize professional growth and development.

Inasmuch as a measure must exist for determining acceptable continuing education experiences and awarding of appropriate clock hour ratings, specific requirements must exist for sponsors to follow in order to submit their educational offerings to the Board for approval. The material requested of educational sponsors is minimal and of such a nature to justify accurate determination of the appropriate number of clock hours and the appropriateness of the subject in relation to the Long Term Care Health field.

(dd) 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 #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.

Justification

Inasmuch as licensure and continued education is comparatively new, the number, range and type and quality of educational experiences being offered vary considerably. With emphasis on the professional growth and development of the licensed administrator it only seems appropriate that full credit be given to those educational experiences that promote these concepts and a lesser amount of clock hours be awarded to educational experiences that are not primarily related to administrator functions or responsibilities and appear not to promote professional growth and development.

MINNESOTA STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

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.

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

CERTIFICATE

I hereby certify that the 454 general labels and two page Health list and the list for the Minnesota State Board of Examiners for Nursing Home Administrators all of which are attached and made a part hereof, constitute the complete lists of persons, associations, and other interested groups who as of 3:30 O'Clock P.M., this 29th day of December 1975, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (1974), 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.

Joan Anderson Growe
SECRETARY OF STATE

JOAN ANDERSON GROWE

By Ceil Dion

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

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

AFFIDAVIT
OF MAILING

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

That on the 30th day of December, 1975, at the City of Minneapolis, County of Hennepin, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail, at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the then current lists maintained by the Secretary of State, as referenced in the attached Certificate of the Secretary of State, as well as to all members of the Minnesota Legislature as of the date of mailing.

Phillip C Newberg

Subscribed and sworn to before
me this 10th day of February, 1976.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission expires Oct. 9, 1980

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General William G. Miller, do hereby declare that I have examined the proposed amendments to the rules of the Board of Examiners for Nursing Home Administrators, which went to public hearing on February 10, 1976, 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: May 7, 1976.

WILLIAM G. MILLER
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

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

ORDER ADOPTING
HEARING EXAMINER'S REPORT

IT IS ORDERED that, pursuant to authority vested in me by Minn. Stat. §§ 144.954-144.965 and by resolution of the Minnesota State Board of Examiners for Nursing Home Administrators duly adopted at a meeting of the said Board on the 6th day of April, 1976, the Report filed by the Hearing Examiner in the above entitled matter be adopted by the Board and be fully incorporated by the Board as its Findings of Fact and Conclusions, with the following modification:

> The amendment dealing with completion of non-academic educational requirements was criticized as allowing nursing home administrators only 10 months to meet the requirements. A closer examination of the proposed rule indicates that there is in fact a 12 month period granted for the completion of these requirements. The use of a May 1st deadline for the termination of this 12 month period is needed for the processing of applications preceding the license expiration date of June 30th of each licensing year. Therefore, it is concluded that the proposed amendment is reasonable, and that its adoption be recommended.

Dated: May 6, 1976

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

CERTIFICATE OF BOARD'S RESOLUTION

ADOPTING THE HEARING EXAMINER'S REPORT

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 duly and properly called and held on the 6th day of April, 1976, 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 Report filed by Myron Greenberg, Hearing Examiner, regarding the proposed amendments to the rules relating to Nursing Home Administrators, identified as Minn. Rule NHA 10-16, which went to public hearing on February 10, 1976, be adopted by the Minnesota Board of Examiners for Nursing Home Administrators and be fully incorporated by the Board as its Findings of Fact and Conclusions, with the following modification:

the third through the eighth paragraphs of Finding of Fact number 13 shall be deleted and substituted for these paragraphs shall be the following:

The amendment dealing with completion of non-academic educational requirements was criticized as allowing nursing home administrators only 10 months to meet the requirements. A closer examination of the proposed rule indicates that there is in fact a 12 month period granted for the completion of these requirements. The use of a May 1st deadline for the termination of this 12 month period is reasonable given that an approximate 60 day period is needed for the processing of applications preceding the license expiration date of June 30th

of each licensing year. Therefore, it is concluded that the proposed amendment is reasonable, and that its adoption be recommended.

IT IS FURTHER RESOLVED that Phillip C. Newberg, Executive Director of the Board, be and hereby is authorized to sign an order adopting the Hearing Examiner's report with the above given modification.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6th day of May, 1976.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Director

STATE OF MINNESOTA

OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE MYRON GREENBERG

HEARING EXAMINER

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

R E P O R T

HE FILE NO. NHA-76-001-MG

The hearing in the above-entitled matter was convened by Myron Greenberg,duly appointed Hearing Examiner, on February 10, 1976 at 9:30 a.m., at the Minnesota Health Department Building Board Room, 717 Delaware STreet S. E., Minneapolis, Minnesota. The hearing continued until all representatives of associations or other interested groups or persons had an opportunity to participate and be heard concerning the adoption of the proposed rules.

The Hearing Examiner, upon all of the records, files, evidence, arguments of counsel and written comments, hereby makes and issues the following as his:

FINDINGS OF FACT

1. That the Order for Hearing issued on December 24, 1975 was in all respects proper in form, contents, execution and filing.

2. That due, timely and adequate legal notice of the hearing ordered by the Board of Examiners for Nursing Home Administrators (hereinafter "Board") was properly served and filed. All other substantive and procedural requirements, statutes or rules have been complied with.

3. That the Statement of Need for these rules presented at the hearing was not specifically criticized in testimony or written comments.

4. That the Board has authority to promulgate and amend rules as granted by the Legislature under and pursuant to Minn. Stat., §§ 144.954, 144.959 and 144.965. (T. 33)

5. That general support for the proposed amendments was offered by the Minnesota Association of Health Care Facilities (MAHCF) and the Conference on Geriatric Care. (Exs. 7 and 8)

6. That general criticism of the proposed amendments was offered by individual nursing home administrators. (Exs. 14, 17 and 18) These comments suggested that additional rules create only more "red tape" and do not "affirmatively influence the quality of care for the recipients of nursing home services." (Ex. 17)

7. That the amendment of NHA 10(a), which lowers the minimum age of license eligibility to 18, is reasonable and necessary to comply with statutory change. There was no criticism of this amendment at the hearing or in comments received thereafter. It is concluded that this proposed amendment is acceptable to all affected and recommended that the amended rule be adopted as proposed.

8. That NHA 10(b)(5) is needed to provide flexibility for the Board to waive certain formal educational requirements for applicants with work experience. No questions were raised regarding the necessity of the Board having such flexibility.

The Rev. Robert W. Schlicht, Administrator of the Lutheran Home for the Aged in Belle Plaine, Minnesota, did, however, criticize the reasonableness of the rule. He felt "that the language of the proposed rule recites a restrictive element inconsistent with the logic submitted to justify the rule." (T. 15) Specifically, Mr. Schlicht testified that the rule (1) discriminates against people who get their experience in Minnesota, (2) discriminates against people who have experience as assistant administrators (particularly those having such experience

in Minnesota), and (3) unnecessarily restricts such required experience to those who are licensed. He stated that the geographic area in which experience is gained appears to be immaterial to the Board's stated objective of requiring "academic experience only of applicants with limited or no nursing home experience," and that "'nursing home administrative experience' might be gained through service rendered as an assistant administrator as well as through service rendered as an administrator." (T. 15-16)

The Conference on Geriatric Care specifically supported the changes in NHA 10(b)(5) (as well as the changes in NHA 10(e), see ¶ 9, infra) as written. The Conference contended that (1) the proposed rule will facilitate interstate reciprocity and (2) the waiver provision is appropriate for licensed administrators only, not assistant administrators.

Giving full consideration to Mr. Schlicht's arguments, the Examiner concludes that the proposed rule is reasonable. (1) The rule does not discriminate against nursing home administrators from Minnesota since they must already be licensed to hold that position. (2) Assistant administrators from Minnesota and other states would not be unduly burdened by the minimal educational requirement specified in NHA 10(b)(2), and it is reasonable for the Board to demand such a qualification without the possibility of waiver. (3) Requiring that out-of-state administrators submit evidence of licensure reasonably assures certain qualifications of such individuals even though licensure requirements of other states may be different than Minnesota's.

It is recommended that the rule be adopted as proposed.

9. That NHA 10(e) is necessary to allow the Board to waive the requirements of NHA 10(c) or NHA 10(d) for applicants for a Minnesota nursing home administrator's license who have comparable experience and license in another state. Mr. Schlicht posed

essentially the same arguments against adoption of this rule as he stated regarding NHA 10(b)(5). (T. 19-20; see ¶ 8, supra) It is worth noting his contention that the proposed rule, like NHA 10(b)(5), appears to discriminate "against nursing home assistant administrators, and particularly against such residents of Minnesota who may have served full time as an assistant administrator and may have thus gained, by experience and practice, knowledge equivalent to the requirements specified in NHA 10(c) and NHA 10(d), and should, therefore, be eligible for waiver of the requirement." (T. 19) The Examiner agrees this may be a valid criticism but recognizes, also, that the limitations on the availability of the waiver established by the rule are within the Board's authority and are reasonably related to the purpose of the rule.

The Examiner concludes, therefore, that the proposed amendment is reasonable and recommends its adoption.

10. That NHA 11(a) is reasonable and necessary to give notice to individuals who apply for licensure that their files will be closed one year after the application form is filed unless further action is taken by the applicant. Although this proposal was not criticized during or after the hearing, the Examiner notes that no provision exists for closing a file which consists of an application and a single piece of correspondence which is sent even a week or a day subsequent to the filing of the application. It is suggested, without recommendation, that the Board consider modifying the rule to close files which have been totally dormant for at least one year. Even without implementation of the suggestion, however, the rule is reasonable and should be adopted.

11. That NHA 12(d), requiring an applicant who fails four examinations for licensure to petition the Board in order to attempt to pass the test again, is reasonable and necessary to

carry out the Board's function of determining which individuals are suitable to serve as nursing home administrators. The rule was criticized as being arbitrary in establishing four as the number of failures triggering the requirement of Board approval for further attempts to pass the examination. (T. 23, 24) However, the Conference on Geriatric Care supported the proposed change with the comment that "any person who fails to achieve a passing mark on the examination after four attempts should be required to gain additional knowledge through appropriate courses of study." (Ex. 8)

There is no question that the use of the number "four" is arbitrary as it may be compared with the choice of three, five, ten or thirty failures in passing an examination. The question for determination is whether the rule is reasonable and justifiable. The Examiner concludes, from testimony and comments received, that four unsuccessful attempts to pass the Board's written examination requirements is sufficient to raise a "red flag" about the applicant's knowledge and competence. It is not unreasonable in such circumstances to require the applicant to indicate some additional knowledge or competence before being allowed to make a fifth attempt. It is therefore recommended that the rule be adopted.

The Examiner suggests, as a footnote and without recommendation, that the Board consider Mr. Schlicht's remarks regarding (1) the development of its own standard written test or tests for nursing home administrators, (2) the establishment of a fixed passing score on such tests, and (3) the implication that the number of failures is a factor of the number of applicants rather than the applicants' performance on examinations. (T. 25-28)

12. That NHA 15(b) is reasonable and necessary to establish a fixed fee for issuance of a duplicate license. The $10 fee was approved by the Department of Finance (Ex. 3) and not

criticized. It is concluded that the proposed amendment is reasonable and its adoption is recommended.

13. That NHA 16(b) reasonably establishes a fixed annual license renewal fee as well as late fees and that NHA 16(b) unreasonably requires completion of non-academic continuing education requirements for license renewal two months prior to the date of license expiration and the deadline for application for license renewal without penalty.

The renewal and late fees established by the amendment were approved by the Department of Finance (Ex. 3) and were not criticized either at or after the hearing. It is concluded, therefore, that they are reasonable and necessary and that the rule as amended to specify fees is recommended for adoption.

The amendment dealing with completion of non-academic educational requirements was criticized as allowing nursing home administrators only ten months to meet those requirements while, in some instances (by the provisions of other proposed rule changes), increasing related requirements. (T. 34; Ex. 12) The Board justified the proposal by noting the burden on the office staff to process an apparently large number of license renewal applications.

The Examiner is sympathetic to the problem of voluminous paper processing encountered by administrative agencies but believes the Board has not demonstrated the need for and reasonableness of its proposed action. There was no indication by the Board as to how the proposed amendment would ameliorate the problem which it was designed to solve. The greater shortcomings of the amendment, however, are (1) that there is inconsistency between the amendment and NHA 16(a) and the first part of NHA 16(b) as proposed for amendment, and (2) that the amendment does not accomplish what it is apparently intended to accomplish.

The inconsistency between the proposed amendment and other rule provisions is that even though the amendment would require

completion of non-academic education requirements by May 1st, the application for renewal need not be made until June 1st (according to NHA 16(a)) or July 1st (according to the proposed amendment to the second sentence of 16 (b)). Nothing is mentioned in the amendment about notifying the Board of completion of the non-academic requirements by May 1st or shortly thereafter, so it must be assumed that an individual is expected to complete such requirements by May 1st, but can then wait to file for renewal. (He could apparently wait even longer than six months after license expiration if willing to pay the proposed $20 late filing fee.) If that is the case, there appears to be no reason for setting the May 1st deadline.

The desired result of the May 1st deadline apparently is, according to the Board's statement of justification, to allow the office staff time to process renewal applications. Referring to the preceding paragraph, however, it is obvious that the desired result would not be accomplished; applications could still be filed at the last minute, and the processing backlog would not be avoided.

For the reasons stated herein, the Hearing Examiner concludes that the proposed amendment establishing May 1st as the time for completion of non-academic education requirements for relicensure is not reasonable. No conclusion is made regarding whether such a provision is necessary. It is recommended that the last portion of the proposed amendment to NHA 16(b) not be adopted.

Whether modification of such proposed amendment to make it internally consistent and reasonable would constitute a substantial change requiring rehearing is a matter to be determined by the Attorney General.

14. That NHA 16(b)(1) is reasonable and necessary to establish continuing educational requirements for applicants for license renewal. Many comments, criticism and suggestions were received about the various subsections of this proposed rule.

In response to a question from the Examiner, the Board noted that "the appropriate Regional Accrediting Agency" would include only one such agency for this geographical area. (T. 40) Mr. Schlicht pointed out that use of the participle "the" is very restrictive and might result in the only eligible provider of "approved" academic courses being the University of Minnesota. (Ex. 19) The possibility of creating such a monopolistic provider of required courses could possibly be eliminated by changing "the" in the above-quoted phrase to "an," thereby leaving room for any accrediting agency to approve academic courses.

The greatest amount of comment was addressed to NHA 16(b)(1)(bb)(3). This subsection allows applicants for license renewal, having at least a baccalaureate degree, to have "40 clock hours of Board approved seminars, institutes or workshops" during every "3-year license renewal period" (instead of 6-quarter credit hours or 4-semester credit hours in health care courses related to long-term health care administration). Mr. Newberg explained that the reason for this provision is an "attempt to equalize [post-licensure requirements] for all adminstrators."(T.39) (Currently, non-degreed administrators must have six academic hours of continuing academic education and degreed administrators have the option of taking 20 seminar hours in place of the six credit hours; the 20 seminar hours take much less time to complete than the more formal credit hours, hence, the inequality.

Many of those who commented on this provison mistakenly referred to a 40-hour per year requirement and stated that such a requirement was simply too onerous. (T. 36-37; Exs. 9, 11, 12) The requirement stated in the proposed rule is clearly 40 hours per three-year period. Such a requirement does not appear to the Examiner to be, in and of itself, particularly onerous, and it is concluded to be reasonable.

A more significant criticism of the 40-hour option provision of the rule is that it does, in fact, place an additional burden

on the time of nursing home administrators. Many nursing home administrators commented that adding hours to the educational requirements for relicensing means that administrators will be forced to spend more time away from their facilities and will, consequently, have less time for the actual care of patients. (Exs. 14, 16, 17, 20; see also Ex. 7). This result appeared to some to be self-defeating. (Exs. 14, 20) The difficulty of compliance with the educational requirements was noted particularly by nursing home administrators working in areas where educational facilities and course availability is very limited or non-existent, thereby requiring substantially greater amounts of time for travel. (Exs. 9, 15)

Related to the criticism noted in the preceding paragraph is the contention of the Minnesota Association of Health Care Facilities that "the increased requirement would not have a substantial, meaningful impact on professional competency of administrators nor the quality of care provided their residents." (Ex. 7)

The Examiner agrees that it is sometimes difficult to schedule time for "non-work" activities such as continuing education. However, there can be no doubt that advances in all fields, including nursing home administration, occur with increasing rapidity. The Board of Examiners for Nursing Home Administrators is charged by the Legislature with the duty to "develop, impose and enforce standards. . . designed to insure that nursing home administrators shall be individuals who . . . by training or experience are qualified to serve as nursing home administrators." Minn. Stat., § 144.959(1) Pursuant to this duty and authority, the Examiner concludes that it is altogether reasonable and necessary for the Board to establish whatever standards appropriate for the maintenance of such competence. It is recommended, therefore, that NHA(b)(1)(bb)(3) (and related subsections NHA (6)(1)(bb)(1) and (2)) be adopted as proposed.

A number of questions concerning NHA 16(b)(1)(cc)(5)D were raised at the hearing and in written comments received after the hearing. (T. 37-38; Exs. 12 and 17) These questions and comments expressed the view that requiring participant evaluation of educational seminars after the seminar would (1) be a waste of time, (2) produce no meaningful information and (3) possibly affect the number of hours credited to the participant by the Board for participation. The comments were unanimously against such an evaluation.

NHA 16(b)(1)(cc)(5)D is somewhat ambiguous about who is to prepare the evaluation. The rule states that the agency wishing to sponsor an educational seminar must submit to the Board a statement it will, upon request of the Board, provide "an evaluation by all participants of the program." "Participant" may be interpreted as either one who attends the program to listen and, presumably, gain additional knowledge or it may mean a member of the panel or a lecturer giving the presentation. The second paragraph of the Board's general justification for this subsection implies the latter interpretation; all who commented on the subsection assumed that "participant" referred to the former interpretation. The Examiner suggests that the term be clarified.

If the latter interpretation noted above is correct, no burden whatsoever is placed upon the attendees, and the comments expressed relating thereto would be moot.

Assuming, however, that the evaluation is to be made by those who attend the seminars as individual administrators and not as sponsors, the provision appears to be as much for the benefit of the administrators as for the Board's own information. Nursing home administrator Alfrieda Halverson suggested that there be better coordination and quality control of seminars offered. (Ex. 20) It appears to the Examiner that the Board's proposed power to request evaluations of seminars is exactly the

type of activity necessary to provide the Board with information about what seminars or sponsors of seminars are most valuable or effective. Such information would, in turn, allow the Board to more effectively assign credit value to attendance at such seminars. For the reasons stated herein, it is concluded that NHA 16(b)(1)(cc) is reasonable and necessary and should be adopted as proposed.

No substantive questions or comments concerning NHA 16(b)(1)(dd) were offered during or after the hearing. The Board did agree, however, to modify NHA 16(b)(1)(dd)(2) by changing "#1" as it appears in the first line of that subsection to "(dd)(1)" for clarification purposes only. (T. 45) Mr. Schlicht suggested that the word "vitae" as it appears in NHA 16(b)(1)(dd)(2)(c) be deleted and replaced with the terminology used in NHA (b)(1)(dd)(1)(c) ("documented academic background"). The Examiner agrees that such a modification would be appropriate. It is concluded by virtue of the lack of substantive criticism or comment that NHA 16(b)(1)(dd) is reasonable and should be adopted with the modifications noted herein.

Based on the foregoing Findings of Fact, the Examiner makes the following as his

CONCLUSIONS

1. That the Hearing Examiner was duly appointed and had jurisdiction over the within proceeding.

2. That relevant legal and procedural requirements of statute and rule have been properly complied with.

3. That the Board of Examiners for Nursing Home Administrators documented its statutory authority to promulgate the proposed rules and amendments.

4. That a clear and compelling need has been demonstrated for the adoption of the proposed rules and amendments, except for the last portion of proposed NHA 16(b) as indicated in paragraph 13 of the Findings of Fact.

Based on the foregoing CONCLUSIONS, the Hearing Examiner makes the following as his

RECOMMENDATIONS

1. That all of the proposed rules and amendments be promulgated, approved and adopted as modified where appropriate, except for the last portion of NHA 16(b).

2. That the last portion of NHA 16(b) not be promulgated, approved or adopted.

Dated this 5th day of March, 1976.

Myron Greenberg

MYRON GREENBERG
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

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

ORDER ADOPTING RULES

The above-entitled matter came on for hearing on the 10th day of February, 1976, at 9:30 A.M. in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (Supp. 1975) 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 are adopted this 6th day of May, 1976, pursuant to authority vested in me by Minn. Stat. §§ 144.954-144.965, and by resolution of the Minnesota State Board of Examiners for Nursing Home Administrators duly adopted at a meeting of the said Board on the 6th day of April, 1976.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

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 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 duly and properly called and held on the 6th day of April, 1976, 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 Nursing Home Administrators, identified as Minn. Rule NHA 10-16 which were the subject of a public hearing on February 10, 1976, 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 the Board by Minn. Stat. § 144.954-144.965, with the following modification:

the amendment to NHA 16 (b)(1)(dd)(2) shall be changed to read 'Seminars, institutes or workshops not meeting (dd)1 above. . .'

the amendment to NHA 16(b)(1)(bb)(2) shall be changed to read '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.'

the amendment to NHA 16(b)(1)(bb)(3) shall be changed to read 'Attendance, during the second and succeeding 3-year license renewal period at an additional 30 clock hours of Board approved seminars, institutes or workshops.'

IT IS FURTHER RESOLVED that Phillip C. Newberg, Executive Director of the Minnesota Board of Examiners for Nursing Home Administrators be and

hereby is authorized to sign an order adopting these rules with the above referenced change.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6 day of May, 1976.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

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

ORDER FOR HEARING

To effectively implement Minn. Stat. 144.954-144.959 (1974), 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 statutes.

NOW, THEREFORE, IT IS ORDERED this 24th day of December, 1975, that a public hearing on the proposed rules captioned above be held in the Board Room, Minnesota Health Department Building, 717 Delaware Street S.E., Minneapolis, Minnesota on February 10, 1976, commencing at 9:30 A.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

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Phillip C. Newberg, do hereby certify that I am 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 21st day of October, 1975; 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 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 relating to continuing education requirements for license renewal, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as or appointing a presiding officer for allhearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6 day of Feb, 1976.

STATE OF MINNESOTA
BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF EXAMINERS
NURSING HOME ADMINISTRATORS

In the matter of Proposed
Amendents to the Rules
of the Board

STATEMENT OF NEED

The above-captioned rules are amendments to existing rules of the State Board of Examiners for Nursing Home Administrators. The last time the above- captioned rules were amended was January 23, 1975.

The need to adopt these rules arises because: in several instances, the amendments are necessitated by legislative mandate and administrative policy dictating that all fees should be specifically established by rule;

the other amendments are necessitated by the need of specificity in the defining of the Board's license application and renewal criteria, coupled with the need to maintain a degree of flexibility as regards the Board's ability to contend with the rapidly changing concepts in the long term health care field.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG

Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF EXAMINERS
FOR NURSING HOME ADMINISTRATORS

In the Matter of Proposed
Amendments to the Rules
of the Board

APPOINTMENT

Myron S. Greenberg 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 February 10, 1976, 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 adopted at its meeting on October 21, 1975.

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

In the Matter of Proposed Amendments to the Rules of the Board of Examiners for Nursing Home Administrators: Fees

DEPARTMENT OF FINANCE APPROVAL

Minn. Stat. § 144.955 (1975) has mandated that all fees for licensing of nursing home administrators "be fixed by the Board".

The proposed amendments to Minn. Reg. NHA 15 (b) a copy of which is attached, would delete the reference to the formerly stated statutory fee setting authority and set a fee of ten dollars ($10.00) for issuance of a duplicate license. Proposed Minn. Reg. NHA 16 (b), a copy of which is attached, would delete the reference to the formerly stated statutory fee setting authority and impose a seventy-five dollar ($75.00) fee for renewal of a license. Further, it would impose a late filing fee of ten dollars ($10.00) on applications received between one month and six months and twenty dollars ($20.00) on application received six months or longer after July 1. This action in accordance with fees set as per Board action at the Board Meeting of April 15, 1974.

Upon review of the supporting information justifying the need, reasonableness, and amount of these fees, and pursuant to the authority vested in the Minnesota Department of Finance by Minn. Stat. § 214.06 (1974), Minn. Stat. §§ 16A.04 subd. 3 and 16A.07 subd. 4 (1974), the fees proposed in the above amendments to the Board of Examiners for Nursing Home Administrators rules are hereby approved.

GERALD W. CHRISTENSON
Commissioner

Date: 1-5-76, 1976. By Bernard Carlson
Bernard J. Carlson
Budget, Planning and
Control Director

Board of Examiners - Nursing Home Administrators

Anticipated Income & Expense - 1976-1977

	1976	1977
Legislative Appropriation	$ 62,200	$ 63,000
Expenses:		
Salary & Fringe	$ 36,500	$ 36,500
Rent. printing, travel, etc.	24,200	25,000
Supplies & Materials	1,200	1,200
Equipment Purchase	300	300

Income produced as follows:

1976 =	(1)	750 license renewals @$75.00	$ 56,250
	(2)	80 original appls. @ $30.00	2,400
	(3)	71 examination fees @$50.00	3,550
			$ 62,200
1977 =	(1)	780 license renewals @$75.00	$ 58,500
	(2)	50 original appls. @ $30.00	1,500
	(3)	60 examination fees @$50.00	3,000
			$ 63,000

OK