

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

File No. 4-11

RULE REVIEW CHECKLIST

ATE RULE RECEIVED 11-1-83
ATE FOR REVIEW 11-10-83
ATE DUE 11-16-83

Adopted w/a hearing _____
Adopted w/o hearing ↘
Temporary rule _____

Approved 11-10-83 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR

✓ Order Adopting 10.26.83 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 8.23.82.

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

N/A Affidavit of Mailing Notice or rulemaking see Ordo Adopting for info re mailing list
_____ At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
4.25.83 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

ADDRESS REPLY TO:
136 UNIVERSITY PARK PLAZA BLDG.
2829 UNIVERSITY AVENUE S.E.
MINNEAPOLIS, MN 55414
TELEPHONE: (612) 341-7272

October 31, 1983

RECEIVED
NOV 1 1983
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Mr. Larry Starns
Special Assistant Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Re: Nursing Home Administrator Rules

Dear Larry:

Enclosed herein as submission to the Attorney General pursuant to Minn. Stat. § 14.26 (1982) please find the above-referenced rules and supporting documents. These rules were adopted by the Board of Examiners for Nursing Home Administrators on September 15, 1983, through the noncontroversial rules procedure.

The following items are submitted for your review:

1. An original and three copies of the rule as adopted which reflect changes in the rule as proposed by underlining additions and striking deletions.

2. Two copies of the order adopting the rules.

3. Certificate of Board's resolution adopting the rules.

4. Notice of Intent to Solicit Outside Opinion as published in the State Register, along with written material received by the agency pursuant to that notice.

5. Certificate of Board's Authorizing Resolution.

6. Notice of Intent to Adopt a Rule Without Public Hearing.

7. Affidavit of Mailing.

8. Certificate that no persons or organizations requested notice of proposed rules or notice of submission to the Attorney General.

9. Rules as proposed and published in State Register.

10. Findings of fact and conclusions setting forth the reasons for changes between the rule as proposed and the rule as adopted.

11. Statement of Need and Reasonableness.

12. Written comments on the rule, requests for public hearing received by the Board and letters withdrawing requests for public hearing.

13. Certificate of Compliance with Rulemaking Procedures.

Very truly yours,

Audrey Kaiser Manka

AUDREY KAISER MANKA
Special Assistant
Attorney General

AKM:sv

Enclosures

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO Phillip C. Newberg, Executive Secretary

Attn: AUDREY KAISER MANKA
Special Assistant
Attorney General

DATE: 11/15/83

FROM : TED A. MARTINEZ TAM
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the Board of Examiners for Nursing Home Administrators Governing Licensure and Relicensure of Nursing Home Administrators as found in 7 MCAR § 6.010 through 7 MCAR 6.024.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Board of Examiners for Nursing Home Administrators

Adopted Rules Governing Licensure and Relicensure of Nursing Home Administrators

Rules as Adopted

~~NHA-1~~ 7 MCAR S 6.001 Statutory authority.

~~The~~ Rules ~~and Regulations herein contained~~ 7 MCAR SS 6.001-6.024 constitute, comprise, and shall be known as the rules ~~and Regulations~~ of the Board of Examiners for Nursing Home Administrators of the state of Minnesota and are promulgated ~~pursuant to~~ under the authority granted to the ~~said~~ board under ~~and pursuant to Minnesota Statutes 1969 Section 144.954 and Minnesota Statutes 1969 Section 144.959,~~ Minnesota Statutes, sections 144A.19-144A.29 and in accordance with the Administrative Procedure Act ~~Minnesota Statutes 1969 ch. 15~~ in Minnesota Statutes, chapter 14.

FofF 1 this section does not appear in rules as proposed — changes are merely editorial

7 MCAR S 6.003 Definitions.

A. Scope. Whenever used in 7 MCAR SS 6.003-6.024, unless expressly otherwise stated, the following terms have the meanings given them.

(a)-(b) [Reletter as B.-C.]

(d)-(g) [Reletter as D.-G.]

H. Acting license. "Acting license" means a license issued by the board to an individual who meets the statutory qualifications of Minnesota Statutes, section 144A.20.

7 MCAR S 6.006 Meetings of the board.

(a) [Reletter as A.]

B. Special meetings. The chair or other officer of the board may call special meetings when circumstances or functioning of the board require.

(c) [Reletter as C.]

7 MCAR S 6.007 Organization.

A. Officers. The board shall elect annually at its first

meeting in its calendar year from among its membership, a chair, vice-chair, and secretary/treasurer. Vacancies in the officer positions of the board shall be filled in like manner at any meeting.

B. Presiding officer. The chair shall preside at all meetings of the board and shall sign all official documents of the board. In the absence of the chair, the vice-chair shall preside at meetings and perform the duties of the chair.

(c)-(d) [Reletter as C.-D.]

E. Committees; appointments. The board may establish any committees it deems appropriate. All standing committee appointments shall be made annually at the first meeting in the calendar year by the chair with the advice and consent of the board.

F. Records. The board shall maintain a register of all applications for licensing of nursing home administrators which register shall show: name, address, education and experience qualifications of each applicant; name and address of current employer or business connection; date of application; date and serial number of the license issued to the applicant; the date on which action was taken by the board; and such other information as may be pertinent in the opinion of the board.

7 MCAR S 6.010 License requirements.

A. In general. No initial license shall be issued to a person as a nursing home administrator unless the individual:

1.-6. 4. [Unchanged.]

5. has paid ~~all license~~ the following licensure and examination fees as established by the board:

a. an original application fee, not to exceed $75;

b. a state examination fee, not to exceed $50; and

c. a national examination fee, not to exceed $80.

6. [Unchanged.]

7. has a baccalaureate or higher degree from an accredited institution and has satisfactorily completed an approved academic course in each of the following areas:

a. A course in the principles of organizational

FofF 2 - a new approach to rulemaking for fees! ? is the rule specific?

management and administration which delineates the role, functions, and process of management including planning, staffing, organizing, controlling, delegating, and evaluating outcomes~~;~~.

b. An accounting course which provides an introduction to basic financial concepts, financial statements, definition of accounting terminology, and the recording and reporting of financial events including budgeting~~;~~.

c. A course in social gerontology which includes the study of the social aspects of aging in our society as they relate to services and programs for the infirm or aged, or both~~;~~.

d. A course on issues in health care in which there is a study of at least three of the major social, economic, and ethical issues confronting long-term health care which include nontraditional approaches to health care, relationships of life style to health, patients' rights, right-to-die issues, and dilemmas of health care professionals in terms of morals, ethics and professional commitments~~;~~.

e. A course in health care law which studies common case law and types of legal entities that affect or govern long-term health care organizations including its board and staff and the laws that affect guardianship or conservatorship~~;~~.

f. A course in the administration of long-term care services and programs which is a study of the function and role of professional and nonprofessional personnel, their services, and organizational programs which are needed to provide therapeutic-geriatric services for those requiring long-term health care~~;-including-a-study-of-commonly-accepted-medical terms-in-long-term-health-care~~;.

FofF 3

g. A human resource or personnel management course which is a study of recruitment, screening and selection processes, job descriptions, job evaluations, personnel policies affecting management and human resources, including orientation and development of employees, personnel records, wage and salary administration, labor laws, affirmative action planning, and equal employment opportunity legislation~~;~~.

h. A board pre-approved practicum course which relates knowledge courses to the practice of administration in long-term health care organizations. The course, which must be of a minimum of 300 clock hours, must be under the direction of a faculty person of the educational institution coordinating the course and carried out by a licensed nursing home administrator preceptor. Upon mutual agreement of the educational facility and nursing home preceptor, a licensed nursing home may serve as the practicum site for an applicant who is employed by that nursing home.

FofF 4

i. A course in medical terminology, including a study of commonly accepted medical terms used in long-term care.

FofF 3

8. Applicants with a degree in health care administration rather than long-term health care administration need only satisfy the practicum requirement of 7.h. and satisfactorily complete the courses described in 7.c. and 7.f.

B. Waiver provisions.

1. The board shall waive 7 MCAR S 6.010 A.7 and A.8 if the applicant submits satisfactory evidence of having actively served full time as a licensed nursing home administrator in another state for a minimum period of two continuous years within the immediate past five licensure years and meets all other licensure requirements.

2. The board shall waive 7 MCAR S 6.010 A.7 h. if the applicant submits evidence of having completed satisfactorily one year continuous, full time as an administrator or in a position as an assistant administrator ~~position~~ in an acute care, skilled care, or intermediate care facility, or as a director of nursing services or a director of social services in a skilled or intermediate care facility.

FofF 5

3.-6. [Unchanged.]

7 MCAR S 6.011 Application.

(a) [Reletter as A.]

B. Grounds for rejection. The board, in its discretion, may reject any application where the applicant has not shown by the application compliance with the requirements of 7 MCAR S 6.010.

no criteria but this is an existing rule!

C. Notice of rejection. Any applicant for licensure whose application has been rejected by the board shall be given written notice of the disqualification, and the reasons therefor, and of a right to a hearing.

D. Discrimination prohibited. There shall be no discrimination with regard to applicants or license holders on the ground of age, race, color, sex, creed, or national origin.

(f) [Reletter as E.]

7 MCAR S 6.013 License; issuance.

A. [Unchanged.]

B. Use of title restricted. Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license pursuant to 7 MCAR SS 6.003-6.024 for the current registration period shall have the right and privilege of using the title "Licensed Nursing Home Administrator" and of using the abbreviation "L.N.H.A." after his or her name.

C. Acting administrator. If a licensed nursing home administrator is removed from his position by death or other unexpected cause, the owner, governing body, or other appropriate authority of the nursing home suffering such removal may designate an acting nursing home administrator who may serve ~~only after getting an acting license and~~ for no more than 180 days. The owner, governing body or other appropriate authority of the nursing home suffering such removal shall notify the licensure board in writing within 15 days of the termination of service of the administrator as well as the appointment of the new administrator. Upon receipt of notification of a vacancy, the board shall provide, if the designated new administrator is not fully licensed, the appropriate forms for securing an acting license. The board shall expediently process all qualified applicants for acting license. If an application is received after a vacancy occurs, the acting license shall be retroactive to the date the applicant assumed administrative responsibility of the facility.

7 MCAR S 6.014 Reciprocity.

A. General requirements. The board, subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for nursing home administrator license, may endorse, without examination, a nursing home administrator license issued by the proper authorities of any other state or political subdivision of the United States~~,-and upon-payment-of-a-fee-established-by-the-board,~~ provided:

(1)-(2) [Renumber as 1.-2.]

3. that applicant for endorsement is in good standing as a nursing home administrator as such in each state or subdivision of the United States from which he or she has ever received a nursing home administrator license or reciprocal endorsement.

4. that an applicant who seeks licensure by reciprocity shall pay a service fee, as established by the board not to exceed $50.

(b) [Reletter as B.]

7 MCAR S 6.015 Display of license.

(a) [Reletter as A.]

B. Duplicate licenses. 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, not to exceed $25.

7 MCAR S 6.016 Renewal.

A. Forms from board. Every person who holds a valid license as a nursing home administrator issued by the board shall annually apply on or before June 1, to the board for a renewal of the license and report any information deemed pertinent and requested by the board on forms provided for that purpose.

B. Fees; time for renewal. Upon making an application for a renewal of his license such licensee shall pay the annual fee as established by the board, not to exceed $125. Renewal applications received after July 1 shall pay the late filing fees as established by the board not to exceed $30 for the first six months and $50 for the second six months. The applicant

shall submit evidence satisfactory to the board that during the annual period immediately preceding such application he has complied with the rules of this board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for relicensure. Nonacademic continuing education requirements of relicensure shall be completed by May 1 of each year for the ensuing licensure year; however, upon presentation of 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.

no criteria but existing rule.

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

1. annual attendance at licensure board approved seminars, institutes, or workshops totalling at least 20 clock hours; and

2. satisfactory completion during each three-year license renewal period of at least 6-quarter credit hours or 4-semester hours in health care courses related to long-term health care administration from an educational institution accredited by the appropriate regional accrediting agency or attendance during the same time period at an additional 30 clock hours of board-approved seminars, institutes, or workshops.

(cc) [Reletter as D.]

1.-5. [Unchanged.]

A.-D. [Reletter as a.-d.]

6. [Unchanged.]

(a)-(g) [Reletter as a.-g.]

(dd) [Reletter as E.]

1. [Unchanged.]

(a)-(c) [Reletter as a.-c.]

2. [Unchanged.]

(a)-(c) [Reletter as a.-c.]

(c)-(e) [Reletter as F.-H.]

7 MCAR S 6.017 Revocation, suspension, refusal.

(a) [Reletter as A.]

(1)-(4) [Renumber as 1.-4.]

B. Criteria for disciplinary action. In determining whether a person is incompetent to serve in the profession of nursing home administration as provided in A., the non-inclusive items listed in 1.-11. may be considered. No person shall be licensed or continue to be licensed as a nursing home administrator if he or she:

1. Has practiced fraud, deceit, or misrepresentation in his or her capacity as a nursing home administrator~~;-or~~.

2. Has committed acts of misconduct in the operation of a nursing home under his or her jurisdiction~~;-or~~.

3. Is habitually overindulgent or addicted to the use of habitforming drugs, including alcohol~~;~~; a legend drug as defined in Minnesota Statutes, chapter 151~~;~~; a chemical as defined in Minnesota Statutes, chapter 151~~;~~; or a controlled substance as defined in Minnesota Statutes, chapter 152~~;~~ and this overindulgence or addiction has affected the person's performance of his or her duties. In reviewing this disciplinary matter, the board shall consider any attempt the person has made toward rehabilitation.

4. Has practiced without annual registration~~;-or~~.

5. Has wrongfully transmitted or surrendered possession of his or her license or certificate to any other person, either temporarily or permanently~~;-or~~.

6. Has paid, given, has caused to be paid or given or offered to pay or give to any person, a commission or other consideration for solicitation or procurement either directly or indirectly for nursing home patronage~~;-or~~.

7. Has practiced fraudulent, misleading, or deceptive advertising with respect to the institution of which he or she is an administrator, to any person~~;-or~~.

8. Has falsely impersonated another licensee of a like or different name~~;-or~~.

9. Has failed to exercise true regard for the safety, health, and life of a patient; or.

10. Has wilfully permitted unauthorized disclosure of information relating to a patient or the patient's record; or.

11. Has discriminated with respect to patients, employees, or staff on account of age, race, sex, religion, color, or national origin.

7 MCAR S 6.018 Restoration and reinstatement.

(a) [Reletter as A.]

B. Hearing on request. If the board refuses to grant an application for restoration of a license, then, upon written request of the applicant, a formal hearing shall be held on the application for restoration.

C. Lapsed licenses. If the application for renewal has not been received by July 31 of each year, the license will be lapsed and the holder of a lapsed license will be subject to reinstatement procedure. Holders of a license that has been lapsed for five years or longer shall be regarded as having forfeited all rights and privileges for restoration of the lapsed license.

7. should be singular

7 MCAR S 6.019 Program approval.

A. Approval of programs for licensure. A program of study offered by an accredited educational institution must have prior approval of the board in order to be acceptable for meeting nursing home administrator licensure requirements. The board shall approve programs of study which include courses in the areas described in 7 MCAR S 6.010 A.7.a.-h. upon payment of a service fee as established by the board, not to exceed $40 per program.

FofF 11

B. Approval of programs for relicensure. Any program of study offered by an educational institution, association, professional society, individual, or organization must be approved by the board before it will qualify as sufficient to meet the education and training requirements necessary for relicensure of applicants as nursing home administrators. A

program of study designed to train and qualify for relicensure as a nursing home administrator offered by any accredited university or college, individual, association, or organization shall be deemed acceptable and approved for such purposes if the information required under 7 MCAR S 6.016 D. is provided to the board by the program sponsor.

7 MCAR S 6.020 Applicant responsibility.

The applicant shall furnish the board evidence of satisfactory completion of an approved program of study.

Renumbering. ~~Renumber NHA 1 as 7 MCAR S 6.001.~~ Renumber NHA 12 as 7 MCAR S 6.012. Renumber NHA 22 to 24 as 7 MCAR SS 6.022 to 6.024.

Repealer. Rule NHA 21 is repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 16 1983
Joan Anderson Growe
Secretary of State
3:30 PM

APPROVED AS TO LEGALITY
November 10 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Ted A. Mathews
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

In the Matter of the Proposed Adoption of Rules of the Board of Examiners for Nursing Home Administrators Governing Licensure and Relicensure of Nursing Home Administrators as found in 7 MCAR § 6.010 through 7 MCAR § 6.024

ORDER ADOPTING RULES

Notice of the Minnesota Board of Examiners for Nursing Home Administrator's (hereinafter "Board") intent to adopt the above-entitled rules without a public hearing was published in the State Register on April 25, 1983. No requests were received from individuals that their names be placed on a mailing list to receive copies of the proposed rules; however, copies of the proposed rule were sent by United States mail to all licensees and associations representing nursing home administrators. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice the Board received 19 written requests for a public hearing within the 30-day comment period. These requests and comments were reviewed and discussed with the individuals making the requests for a hearing. Fifteen of those individuals withdrew their requests for a hearing. A determination was made that there was a need for the above-captioned rules and such rules were reasonable.

NOW, THEREFORE, IT IS ORDERED that these rules identified as 7 MCAR § 6.010 through 7 MCAR § 6.024 are adopted the 15th day of September, 1983, pursuant to authority vested in the Board by Minn. Stat. §§ 144A.21 and 144A.24.

Dated: October 26, 1983

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Secretary

Marriage Dissolutions Actions

1. Petitioner	$20.00 base fee 15.00 battered womens' fund 5.00 law library $40.00 total fee to be collected
2. Respondent	$15.00 base fee 5.00 law library fee $20.00 total fee to be collected

Probate Actions/Proceedings

Includes all types of probate matters	$15.00 base fee 10.00 legal services fee 5.00 law library fee $30.00 total fee to be collected

Conciliation Court Actions

Fee applies to filing of claim and to filing of counterclaim	$ 5.00 base fee 1.00 legal services fee 5.00 law library fee $11.00 total fee to be collected

Marriage License Fee

For receiving the application and issuing a marriage license	$15.00 base fee $15.00 battered womens' fund $30.00 total fee to be collected

These fees shall be in effect from July 1, 1982 (or later date) to June 30, 1983.

August 3, 1982

Clarence Miller
County Commissioners

John Schmidt
Board of Trustees

Metropolitan Council

Notice of Public Hearing on the 1983 Budget and Work Program

The Metropolitan Council will hold a public hearing on Tuesday, September 14, 1982, at 5 p.m. in the Metropolitan Council offices, Room E, 300 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, on a proposed 1983 budget and work program. Before the budget is adopted, the council must decide upon the total amount necessary to be raised from ad valorem tax to meet its budget. All interested persons are encouraged to attend the hearing and offer comments. Persons may wish to register to speak in advance by contacting the council's public hearing coordinator at 291-6421. Copies of the proposed 1983 budget and work program are available free of charge from the council's public information office at 291-6464.

Charles Weaver, Chairman
Metropolitan Council

Nursing Home Administrators Board

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the Board of Nursing Home Administrators

Pursuant to *Minn. Stat.* § 15.0412, subd. 6, notice is hereby given that the Minnesota Board of Nursing Home Administrators wishes to solicit information and opinions from sources outside of the agency for the purpose of possible adoption, amendment, suspension or repeal of rules under authority of 144A.24. More specifically the purpose is to clarify and make more specific the academic requirements for licensure; to make the educational requirements for relicensure uniform for all applicants and to repeal outdated or obsolete sections of the rules.

If adopted, the rules in question would seek formally to establish the above-referenced procedures and safeguards for the Minnesota Board of Nursing Home Administrators.

Any persons desiring to submit data or views on these subjects should address their comments, by October 15, 1982, whether written or oral to:

Phillip C. Newberg
Executive Director
Mn. Bd. of Examiners for Nursing Home Administrators
717 Delaware Street, S.E. (Room 340)
Minneapolis, Mn. 55414
Tele: (612) 296-5406

All written submissions will become part of the record in any subsequent hearing.

Dated: August 11, 1982

Phillip C. Newberg
Executive Director
Minnesota Board of Nursing Home Administrators

Department of Public Safety
Safety Administration Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the Department of Public Safety Governing Method of Identification and Signals for School Safety Patrols in Minnesota

Notice is hereby given that the Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing identification, signals, equipment and usage procedures for school safety patrols. Such rulemaking would amend existing rules of the department identified as SafAd 65-73.

The promulgation of these rules is authorized by *Minn. Stat.* § 126.15, which requires the agency to prescribe the method of identification and signals to be used by school safety patrols.

The Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Harlan Olson, Director
Office of Information
Department of Public Safety
318 Transportation Building
St. Paul, Mn. 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-6652 and in person at the above address.

All statements of information and comment shall be accepted until September 24, 1982. Any written material received by the Department of Public Safety shall become part of the record in the event that the rules are promulgated.

John P. Sopsic
Commissioner of Public Safety

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the Matter of the Proposed Adoption of Rules of the Board of Examiners for Nursing Home Administrators Governing Licensure and Relicensure of Nursing Home Administrators as Found in 7 MCAR § 6.010 through 7 MCAR § 6.024

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 11th day of April, 1983, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Board of Examiners for Nursing Home Administrators for that purpose and be published in the State Register.

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Secretary

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Michael Gibson, do hereby certify that I am a member and the chairman of the 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 Board of Examiners for Nursing Home Administrators duly and properly called and held on the 6th day of January, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that Phillip C. Newberg, Executive Director of the Minnesota State Board of Examiners for Nursing Home Administrators, be and is hereby granted the authority and directed to publish a Notice of Intent to adopt proposed changes to the Board's Rules and Regulations without public hearing and that this matter be published in the State Register and be given to all persons who have registered their names with the Minnesota Board of Examiners for Nursing Home Administrators for that purpose.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26 day of September, 1983.

Michael M Gibson
MICHAEL GIBSON
Chairman

Janet H. Bradakl
Attest by one other Board member


ATTORNEY
GENERAL
HEALTH
SEP 1983
SEP 1983

APR 13 1983

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

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

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Examiners for Nursing Home Administrators proposes to amend the above-entitled rules without a public hearing. A copy of the proposed amendments is attached to this Notice.

The Board has determined that the proposed adoption of these rules will be noncontroversial in nature. Therefore, this proceeding is being made under the provisions of Minn. Stat. S 14.21-14.28 (1982) which provides for an expedited process for the adoption of noncontroversial administrative rule changes without the holding of a public hearing.

THE PUBLIC IS HEREBY ADVISED THAT:

1. There is a period of 30 days in which to submit comment on the proposed rules which are included herein;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30-day comment period;

3. All comments and any written requests for a public hearing may be submitted to Phillip C. Newberg, Executive Director, Minnesota Board of Examiners for Nursing Home Administrators, Minnesota Department of Health Building,

717 Delaware Street, Southeast, Minneapolis, Minnesota 55414. If a person desires to request a public hearing, the Board requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;

5. Authority to amend these rules is contained in Minn. Stat. S. 144A.21, Subd. 2 and 144A.24 (1982). Additionally, a Statement of Need and Reasonableness which describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Newberg at the above-listed address;

6. Under this expedited procedure, the agency must submit its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Mr. Newberg at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this Notice, and the agency will then proceed pursuant to Minn. Stat. S 14.14-14.20 (1982).

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the State Register of notice of the adoption of the change.

Dated: April 11, 1983

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

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the Matter of the Proposed Adoption of Rules of the Board of Examiners for Nursing Home Administrators Governing Licensure and Relicensure of Nursing Home Administrators as found in 7 MCAR § 6.010 through 7 MCAR § 6.024

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

PHILLIP C. NEWBERG, being first duly sworn deposes and says:

That no requests have been received from any persons or associations that their names be placed on file with the Minnesota Board of Examiners for Nursing Home Administrators for the purpose of receiving notice of the proposed adoption of rules by this board.

Phillip C Newberg
PHILLIP C. NEWBERG
Executive Secretary

Subscribed and sworn to before me
this 26 day of October 1983.

Audrey Kaiser Manka

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the Board of Examiners for
Nursing Home Administrators Governing
Licensure and Relicensure of Nursing
Home Administrators as found in
7 MCAR § 6.010 through 7 MCAR § 6.024

I hereby certify that no persons, associations, or other interested groups have requested, pursuant to Minn. Stat. § 14.14, subd. 1, that their names be placed on file with and maintained by the Minnesota Board of Examiners for Nursing Home Administrators for the purpose of receiving notice of the proposed adoption of rules and that no persons, associations, or other interested groups have requested notice of submission to the Attorney General's Office by this Board is accurate and complete as of 3:00 P.M, this 26 day of October, 1983.

Phillip C. Newberg

PHILLIP C. NEWBERG
Executive Secretary

Board of Assessors
658 Cedar Street
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-5040

Under the current laws the license covers the calendar year and applications are due by December 15th annually.

Copies of this notice and the proposed rule are available and may be obtained by contacting

Board of Assessors

Rule as Proposed (all new material)

4 MCAR § 15.005 License period.

Assessors' licenses will be issued to cover a fiscal year beginning July 1 and ending June 30 beginning July 1, 1983. The application for licensure must be received 15 days prior to the fiscal year of licensure.

Board of Examiners for Nursing Home Administrators

Proposed Rules Governing Licensure and Relicensure of Nursing Home Administrators

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Examiners for Nursing Home Administrators proposes to amend the above-entitled rules without a public hearing. A copy of the proposed amendments is attached to this notice.

The board has determined that the proposed adoption of these rules will be noncontroversial in nature. Therefore, this proceeding is being made under the provisions of Minn. Stat. §§ 14.21-14.28 (1982) which provides for an expedited process for the adoption of noncontroversial administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rules which are included herein;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30-day comment period;

3. All comments and any written requests for a public hearing may be submitted to Phillip C. Newberg, Executive Director, Minnesota Board of Examiners for Nursing Home Administrators, Minnesota Department of Health Building, 717 Delaware Street, Southeast, Minneapolis, Minnesota 55414. If a person desires to request a public hearing, the board requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;

5. Authority to amend these rules is contained in Minn. Stat. § 144A.21, subd. 2 and 144A.24 (1982). Additionally, a statement of need and reasonableness which describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Newberg at the above-listed address;

6. Under this expedited procedure, the agency must submit its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Mr. Newberg at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. §§ 14.14-14.20 (1982).

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

April 11, 1983

Phillip C. Newberg, Executive Director
Board of Examiners for Nursing Home Administrators

Rules as Proposed

~~NHA 3~~ 7 MCAR § 6.003 Definitions.

A. Scope. Whenever used in ~~these rules and regulations~~ 7 MCAR §§ 6.003-6.024, unless expressly otherwise stated, the following terms ~~shall~~ have the ~~respective meaning hereinafter set forth~~ meanings given them.

(a)-(b) [Reletter as B.-C.]

~~(c) "Nursing home administrator in training" means an individual recorded as such with the board under and pursuant to the law and these rules and regulations.~~

(d)-(g) [Reletter as D.-G.]

~~(h)~~ H. Acting license. "~~Temporary~~ Acting license" means a license issued by the board to an individual who meets the statutory qualifications of Minnesota Statutes, section ~~144.953, section 2~~ 144A.20.

~~(i) "Temporary permit" means a permit issued by the board to an individual who meets the statutory qualifications of Minnesota Statutes, section 144.953, section 2, but whose service as a nursing home administrator began during the period from January 1, 1969 and through June 30, 1972.~~

~~NHA 6~~ 7 MCAR § 6.006 Meetings of the board.

(a) [Reletter as A.]

~~(b)~~ B. Special meetings. The ~~chairman~~ chair or other officer of the board may call special meetings ~~thereof~~ when circumstances or functioning of the board require ~~it~~.

(c) [Reletter as C.]

~~NHA 7~~ 7 MCAR § 6.007 Organization.

~~(a)~~ A. Officers. The board shall elect annually at its first meeting in its calendar year from among its membership, a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair, and secretary/treasurer. Vacancies in the officer positions of the board shall be filled in like manner at any meeting.

~~(b)~~ B. Presiding officer. The ~~chairman~~ chair shall preside at all meetings of the board and shall sign all official documents of the board. In the absence of the ~~chairman~~ chair, the ~~vice-chairman~~ vice-chair shall preside at meetings and perform the duties of ~~chairman~~ the chair.

(c)-(d) [Reletter as C.-D.]

~~(e)~~ E. Committees; appointments. The board may establish any committees it deems appropriate. All standing committee appointments shall be made annually at the first meeting in the calendar year by the chair with the advice and consent of the board.

F. Records. The board shall maintain a register of all applications for licensing of nursing home administrators which register shall show: name, address, education and experience qualifications of each applicant; name and address of current employer or business connection; date of application; date and serial number of the license issued to the applicant; the date on which action was taken by the board; and such other information as may be pertinent in the opinion of the board.

7 MCAR § 6.010 License requirements.

A. In general. No initial license shall be issued to a person as a nursing home administrator unless the individual:

1.-6. [Unchanged.]

7. ~~has satisfactorily completed a board approved practicum course in long-term care administration of a minimum of 300 clock hours under the guidance of a licensed nursing home administrator preceptor and the supervision of a faculty person coordinating the course at the college or university offering the course.~~

~~8. has a baccalaureate degree (or a higher degree) from an accredited institution. If this degree is not in health care administration with courses in long-term care, the degree must include at least one course in each of the following areas: management, long-term care programs, gerontology, issues in health care, medical terminology, business or health care law.~~

~~accounting or fiscal management. The requirements of this section do not apply to those individuals who are applying for renewal of their license.~~ has a baccalaureate or higher degree from an accredited institution and has satisfactorily completed an approved academic course in each of the following areas:

a. a course in the principles of organizational management and administration which delineates the role, functions, and process of management including planning, staffing, organizing, controlling, delegating, and evaluating outcomes;

b. an accounting course which provides an introduction to basic financial concepts, financial statements, definition of accounting terminology, and the recording and reporting of financial events including budgeting;

c. a course in social gerontology which includes the study of the social aspects of aging in our society as they relate to services and programs for the infirm or aged, or both;

d. a course on issues in health care in which there is a study of at least three of the major social, economic, and ethical issues confronting long-term health care which include nontraditional approaches to health care, relationships of life style to health, patients' rights, right-to-die issues, and dilemmas of health care professionals in terms of morals, ethics and professional commitments;

e. a course in health care law which studies common case law and types of legal entities that affect or govern long-term health care organizations including its board and staff and the laws that affect guardianship or conservatorship;

f. a course in the administration of long-term care services and programs which is a study of the function and role of professional and nonprofessional personnel, their services, and organizational programs which are needed to provide therapeutic-geriatric services for those requiring long-term health care, including a study of commonly accepted medical terms in long-term health care;

g. a human resource or personnel management course which is a study of recruitment, screening and selection processes, job descriptions, job evaluations, personnel policies affecting management and human resources, including orientation and development of employees, personnel records, wage and salary administration, labor laws, affirmative action planning, and equal employment opportunity legislation;

h. a board pre-approved practicum course which relates knowledge courses to the practice of administration in long-term health care organizations. The course, which must be of a minimum of 300 clock hours, must be under the direction of a faculty person of the educational institution coordinating the course and carried out by a licensed nursing home administrator preceptor.

8. Applicants with a degree in health care administration rather than long-term health care administration need only satisfy the practicum requirement of 7.h. and satisfactorily complete the courses described in 7.c. and 7.f.

B. Waiver provisions~~:~~.

1. The board shall waive 7 MCAR § 6.010 A.7 and A.8 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 within the immediate past five licensure years and meets all other licensure requirements.

2. The board shall waive 7 MCAR § 6.010 A.7 h. if the applicant submits evidence of having completed satisfactorily one year full time as an administrator or in an assistant administrator position in ~~a health~~ an acute care, skilled care, or intermediate care facility.

3.-6. [Unchanged.]

~~NHA-11~~ 7 MCAR § 6.011 Application.

(a) [Reletter as A.]

~~(b)~~ B. Grounds for rejection. The board, in its discretion, may reject any application where the applicant has not shown by ~~his~~ the application ~~to have complied~~ compliance with the requirements ~~set forth in NHA 10, paragraphs 1-5~~ of 7 MCAR §§ 6.010.

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~~(c)~~ C. Notice of rejection. Any applicant for licensure whose application has been rejected by the board shall be given written notice of ~~his~~ the disqualification, and the reasons therefor, and of ~~his~~ a right to a hearing.

~~(d) In the event the board is unable to conduct a hearing as provided for in NHA 11 (c) prior to the date of the examination, the board may permit the disqualified applicant to take the examination, conditioned upon the applicant's showing, at the hearing or otherwise, that he is qualified for licensure.~~

~~(e)~~ D. Discrimination prohibited. There shall be no discrimination with regard to applicants or license holders on the ground of age, race, color, sex, creed, or national origin.

(f) [Reletter as E.]

7 MCAR § 6.013 License; issuance.

A. [Unchanged.]

~~(b) The board may issue a temporary permit to any individual applying therefor who:~~

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

~~(2) Meets the statutory qualifications for licensing as a nursing home administrator.~~

~~(c)~~ B. Use of title restricted. Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license pursuant to ~~the provision of these rules~~ 7 MCAR §§ 6.003-6.024 for the current registration period shall have the right and privilege of using the title "Licensed Nursing Home Administrator" and of using the abbreviation "L.N.H.A." after his or her name.

~~(d) In the event~~ C. Acting administrator. If a licensed nursing home administrator is removed from his position by death or other unexpected cause, the owner, governing body, or other appropriate authority of the nursing home suffering such removal may designate an acting nursing home administrator who may serve ~~without a license for no more than ninety (90) days unless an extension is granted by the board~~ only after getting an acting license and for no more than 180 days. The owner, governing body or other appropriate authority of the nursing home suffering such removal shall notify the licensure board in writing within ~~fifteen (15)~~ 15 days of the termination of service of the administrator as well as the appointment of the new administrator.

~~NHA 14~~ 7 MCAR § 6.014 Reciprocity.

~~(a)~~ A. General requirements. The board, subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for nursing home administrator license, may endorse, without examination, a nursing home administrator license issued by the proper authorities of any other state or political subdivision of the United States, and upon payment of a fee established by the board, ~~but not to exceed one hundred (100) dollars,~~ provided:

(1)-(2) [Renumber as 1.-2.]

~~(3)~~ 3. that applicant for endorsement is in good standing as a nursing home administrator as such in each state or subdivision of the United States from which he or she has ever received a nursing home administrator license or reciprocal endorsement.

(b) [Reletter as B.]

~~NHA 15~~ 7 MCAR § 6.015 Display of license.

(a) [Reletter as A.]

~~(b)~~ B. Duplicate licenses. 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 ~~$10.00~~ fee established by the board.

~~NHA 16~~ 7 MCAR § 6.016 Renewal.

~~(a)~~ A. Forms from board. Every person who holds a valid license as a nursing home administrator issued by the board shall annually apply on or before June 1, to the board for a renewal of ~~his~~ the license and report any information deemed pertinent and requested by the board on forms provided for ~~such~~ that purpose.

~~(b)~~ B. Fees; time for renewal. Upon making an application for a renewal of his license such licensee shall pay the annual fee ~~of $75.00~~ as established 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. Renewal applications received six months or longer after July 1 shall pay a late filing fee of $20.00~~ the late filing fees as established by the board. ~~He~~ The applicant 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 relicensure. Nonacademic continuing education requirements of relicensure shall be completed by May 1 of each year for the

ensuing licensure year; however, upon presentation of 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.

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

~~(aa) (non-academic requirement)~~ 1. annual attendance at licensure board approved seminars, institutes, or workshops totalling at least 20 clock hours~~;~~; and

~~(bb) (Academic requirement)~~ 2. satisfactory completion during each three-year license renewal period of at least 6-quarter credit hours ~~of~~ or 4-semester hours in health care courses related to long-term health care administration from an educational institution accredited by the appropriate regional accrediting agency or attendance during the same time period at an additional 30 clock hours of board-approved seminars, institutes, or workshops. ~~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) [Reletter as D.]

1.-5. [Unchanged.]

A.-D. [Reletter as a.-d.]

6. [Unchanged.]

(a)-(g) [Reletter as a.-g.]

(dd) [Reletter as E.]

1. [Unchanged.]

(a)-(c) [Reletter as a.-c.]

2. [Unchanged.]

(a)-(c) [Reletter as a.-c.]

(c)-(e) [Reletter as F.-H.]

~~NHA 17~~ 7 MCAR § 6.017 Revocation, suspension, refusal.

(a) [Reletter as A.]

(1)-(4) [Renumber as 1.-4.]

~~(b)~~ B. Criteria for disciplinary action. In determining whether a person is incompetent to serve in the profession of nursing home administration as provided in ~~NHA 17 (a), (1-4)~~ A., the ~~following~~ non-inclusive items listed in 1.-11. may be considered~~:~~. No person shall be licensed or continue to be licensed as a nursing home administrator if he or she~~:~~:

~~(1)~~ 1. Has practiced fraud, deceit, or misrepresentation in his or her capacity as a nursing home administrator; or

~~(2)~~ 2. Has committed acts of misconduct in the operation of a nursing home under his or her jurisdiction; or

~~(3) Is habitually intemperate; or~~

~~(4) Is addicted or dependent upon the use of morphine, opium, cocaine or other drugs, or derivatives thereof to include synthetic drugs recognized as habit forming or addictive; or~~

3. Is habitually overindulgent or addicted to the use of habitforming drugs, including alcohol, a legend drug as defined in

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Minnesota Statutes, chapter 151, a chemical as defined in Minnesota Statutes, chapter 151, or a controlled substance as defined in Minnesota Statutes, chapter 152;

~~(5)~~ 4. Has practiced without annual registration; or

~~(6)~~ 5. Has wrongfully transmitted or surrendered possession of his or her license or certificate to any other person, either temporarily or permanently~~, his license or certificate to any other person.~~; or

~~(7)~~ 6. Has paid, given, has caused to be paid or given or offered to pay or give to any person, a commission or other consideration for solicitation or procurement either directly or indirectly for nursing home patronage; or

~~(8)~~ 7. Has practiced fraudulent, misleading, or deceptive advertising with respect to the institution of which he or she is an administrator, to any person; or

~~(9)~~ 8. Has falsely impersonated another licensee of a like or different name; or

~~(10)~~ 9. Has failed to exercise true regard for the safety, health, and life of a patient; or

~~(11)~~ 10. Has wilfully permitted unauthorized disclosure of information relating to a patient or ~~his~~ the patient's record; or

~~(12)~~ 11. Has discriminated ~~in~~ with respect to patients, employees, or staff on account of age, race, sex, religion, color, or national origin.

~~NHA 18~~ 7 MCAR § 6.018 Restoration and reinstatement.

(a) [Reletter as A.]

~~(b) Upon application for restoration of a license, the Board in its discretion, may grant the applicant a formal hearing.~~

B. Hearing on request. If the board refuses to grant an application for restoration of a license, then, upon written request of the applicant, a formal hearing shall be held on the application for restoration.

~~(c)~~ C. Lapsed licenses. If the application for renewal has not been received by July ~~thirty (30)~~ 31 of each year, the license will be lapsed and the holder of a lapsed license will be subject to reinstatement procedure. Holders of a license that has been lapsed for five years or longer shall be regarded as having forfeited all rights and privileges for restoration of the lapsed license.

~~NHA 19~~ 7 MCAR § 6.019 Program approval.

~~Any course of study offered by an educational institution, association, professional society, individual or any organization sufficient to meet the education and training requirements for the purpose of qualifying applicants for licensing or re-licensing as nursing home administrators shall be approved by the board.~~

~~A program of study designed to train and qualify for licensing or relicensing as a nursing home administrator as required by these rules and regulations offered by any accredited university or college, individual or association, shall be deemed acceptable and approved for such purposes, provided, however, that:~~

~~(a) Such program shall have been approved as above required of these rules and regulations:~~

~~(b) Such programs may include the following general subject areas or their equivalents:~~

~~(1) Applicable standards of environmental health and safety.~~

~~(2) Local health and safety regulations.~~

~~(3) General Administration.~~

~~(4) Psychology of patient care.~~

~~(5) General principles of medical care.~~

~~(6) Personal and social care.~~

~~(7) Therapeutic and supportive services in long-term care.~~

~~(8) Departmental organization and management.~~

~~(9) Community inter-relationships.~~

A. Approval of programs for licensure. A program of study offered by an accredited educational institution must have prior approval of the board in order to be acceptable for meeting nursing home administrator licensure requirements. The board shall approve programs of study which include courses in the areas described in 7 MCAR § 6.010 A.7.a.-h.

B. Approval of programs for relicensure. Any program of study offered by an educational institution, association, professional society, individual, or organization must be approved by the board before it will qualify as sufficient to meet the

education and training requirements necessary for relicensure of applicants as nursing home administrators. A program of study designed to train and qualify for relicensure as a nursing home administrator offered by any accredited university or college, individual, association, or organization shall be deemed acceptable and approved for such purposes if the information required under 7 MCAR § 6.016 D. is provided to the board by the program sponsor.

~~NHA 20~~ 7 MCAR § 6.020 Applicant responsibility.

The applicant shall furnish the board evidence of satisfactory completion of an approved program of study.

Renumbering. Renumber NHA 1 as 7 MCAR § 6.001. Renumber NHA 12 as 7 MCAR § 6.012. Renumber NHA 22 to 24 as 7 MCAR §§ 6.022 to 6.024.

Repealer. Rule NHA 21 is repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Natural Resources

Commissioner's Order No. 2142

Amending Commissioner's Order No. 1516 to Include Finnraccoon

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby amend Commissioner's Order No. 1516 to include Finnraccoon (*Nyctereutes procyonoides*), also known as Raccoon dogs, Ussurian raccoon and Tanuki.

Section 1. Section 2 of Commissioner's Order No. 1516 is amended to read as follows:

Sec. 2. No person shall possess, sell or give, or import into this state any strain of nutria (*Myocastor coypu*) or any Finnraccoon (*Nyctereutes procyonoides*) except in accordance with a special permit first obtained from the Commissioner of Natural Resources.

Sec. 2. Section 3 of Commissioner's Order No. 1516 is amended to read as follows:

Sec. 3. No person shall release in this state any strain of nutria (*Myocastor coypu*) or any Finnraccoon (*Nyctereutes procyonoides*). In the event of the escape of any nutria or Finnraccoon, the owner thereof shall immediately notify a local conservation officer, and the owner shall be personally responsible for the recovery of any escaped or released nutria or Finnraccoon.

Except as provided in this order, all provisions of Commissioner's Order No. 1516 shall remain in full force and effect.

Dated at Saint Paul, Minnesota, this 12th day of April, 1983.

Joseph N. Alexander, Commissioner

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STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the Matter of the Proposed Adoption
of the Rules of the Board of Examiners
for Nursing Home Administrators
Governing the Licensure and Relicensure
of Nursing Home Administrators,
7 MCAR § 6.001 to 7 MCAR § 6.024

FINDINGS OF FACT
AND CONCLUSIONS

I.

Notice of Intent to Adopt Rules Without Public Hearing and a copy of proposed amendments to 7 MCAR § 6.001 through 7 MCAR § 6.024 were published in the State Register on April 25, 1983. The Notice of Intent to Adopt Rules Without Public Hearing advised the public of the procedures specified in Minn. Stat. § 14.22 (1982).

II.

During the 30 days following publication of the above-described Notice of Intent to Adopt Rules Without Public Hearing, the Board received 19 requests from individuals objecting to the proposed rules and requesting a public hearing. Those requests for a hearing were made by the following individuals: Mary Koloroutis, Jerry D. Peak, Scott Wordelman, Andy Hetrick, David F. Hagen, Robert G. Goudge, Dale M. Thompson, Richard Erickson, Sonya L. Johnson, Jim Wolf, Lynne A. Yasrud, Dan L. Hanson, William J. Buchanan, Richard A. Cloetis, Barbara Portnoy, Karen Struve, Willia J. Huigs, Pearl E. Lemieux, and Jim Pederson.

III.

On May 31, 1983, following the close of the 30-day comment period, the Board of Examiners for Nursing Home Administrators (hereinafter "Board") received a letter from Shar Ray Palm also requesting a hearing. In addition, the Board received a letter dated June 13, 1983, from Patricia Winget, staff counsel for the Minnesota Association of Health Care Facilities (hereinafter "MAHCF"), making several suggestions for changes in the proposed rules.

IV.

Fifteen of the 19 individuals that requested a hearing on the rules have withdrawn their requests for a hearing. These 15 people are Robert G. Goudge, Jerry D. Peak, Richard Erickson, Sonja L. Johnson, Jim Wolf, Lynne A. Yasrud, Dan L. Hanson, William J. Buchanan, Dale M. Thompson, Richard A. Cloetis, Barbara Portnoy, Karen Struve, Willia Huigs, Pearl E. Lemieux, and Jim Pederson.

V.

Based upon the comments received by the above-named parties as well as the data and views submitted therein, the Board at its September 15, 1983, Board meeting adopted the following changes in the rules as proposed:

1. 7 MCAR § 6.001 was modified to update the citations to the Minnesota Code of Agency Rules and Minnesota statutes under which the Board is acting.

2. 7 MCAR § 6.010 A.5. has been changed to delete the words "all license" and to replace that phrase with an enumeration of the fees charged by the Board. Those fees include the original application fee, a state examination fee, and a national examination fee. The Board had previously set these fees by Board action and the actual fee being charged by the Board has not changed under this

rule. Rather, the rule now specifies the maximum fee which may be charged by the Board without going through additional rulemaking proceedings. That maximum fee is slightly greater than the fee currently being charged by the Board. This change was necessary to comply with Minn. Stat. § 214.06 (1982) which requires fees be adjusted by rule and without public hearing, but also takes into consideration the statutory requirements that the Commissioner of Finance approve any fee adjustment which may be made, that fees must be reviewed at least once every six months, and that adjustments must be made so the total fees received approximate the amount appropriated. This change allows such adjustments to be made if the adjustments are within the range specified in the rule. The rule thus adopted allows some fluxuation of the amount of fee, depending upon expenditures of the Board and approval of the Commissioner of Finance, but still provides notice to licensees and interested parties of the range of the fees to be charged by the Board. There has been no change in the actual amount established by the Board at this time.

3. 7 MCAR § 6.010 A.7.f. has been changed to separate the study of commonly accepted medical terms from a course in the administration of long-term care services. The study of medical terminology was instead listed as 7 MCAR § 6.101 A.7.i., a separate course. This suggestion was also at the recommendation of Karen Struve, MAHCF representative, and Patricia Winget, legal counsel for MAHCF, because it was unnecessary to require the course in medical terminology be connected with a course in the administration of long-term services and programs, and such a requirement may have unreasonably limited the classes an applicant could take to satisfy this requirement. This change was an organizational change rather than a content change.

p. 3, 4

4. 7 MCAR § 6.010 A.7.h. has been modified to clarify the fact that an applicant may perform his or her preapproved practicum course at a nursing home facility at which he or she is employed. This modification was in response to concerns raised by 13 of the letter writers who are members of MAHCF. Karen Struve, one of the 13 letter writers who requested a hearing, and Patricia Winget, staff counsel for MAHCF, supplied rationale to the Board for this proposed change by indicating that an informal Board policy of not approving a practicum site which is also the place of employment for the applicant failed to necessarily meet the Board's desired goal of providing a broader background to the applicant in his/her experience prior to licensure. Since the rule as proposed was silent on this point, the change adopted by the Board was merely a clarification of the rule as proposed rather than a substantial change in the rule.

5. 7 MCAR § 6.010 B.2 was changed to specify that the requirement of one-year full-time employment be for one continuous year rather than allowing the person to submit employment at several different facilities over a period of time in fulfillment of this requirement. This again is a clarification of the rule as proposed rather than an actual change in the rule itself.

The other change in this section of the rules is to waive the practicum requirement for the director of nursing services or the director of social services in a skilled care or intermediate care facility. This change was also suggested by MAHCF and acknowledges that people serving in those capacities for one year of continuous full-time employment have received adequate exposure to the administration of a long-term health care facility and it is not necessary to require that they spend a minimum of 300 clock hours relating their actual course work to the practical administration of a facility. This change also only applies to directors

of nursing services or directors of social services who have operated in a skilled or intermediate care facility rather than an acute care facility because the Board felt that a director of nursing services or director of social services in an acute care facility such as a hospital would not receive the same orientation to long-term health care which is the area in which licensure is being granted.

6. 7 MCAR § 6.013 has been expanded to clarify the procedures relating to acting administrator licenses which were raised during the 30-day comment period. Specifically, Jerry D. Peak and Robert Goudge expressed some concern that the Board could delay the acting license and thus hamstring a facility which found itself unexpectedly without an administrator. By removing the words "only after getting an acting license and" and inserting the language which notes that an application can be made retroactive to the date that the applicant assumed administrative responsibility the Board acknowledges the dilemma some nursing homes may find themselves in when they are unable to find a person to immediately fill a vacancy as a nursing home administrator.

The changes outlined in rule merely provide a more complete description of the actual procedure which the Board now uses in processing acting administrator licenses. This is not a change in practice for the Board but rather an explanation of the Board's practice to better inform interested parties of how an acting license is obtained.

It should be noted that several of the people submitting comments to the rule request that the time period for an acting license be expanded beyond the 180 days originally proposed by the Board. This change was not adopted because of federal restrictions which limit the duration of a provisional license to six months. If a provisional or acting license were granted for a period longer than six months,

or 180 days, that facility would be in violation of 42 C.F.R. § 431.710. If the Board were to adopt the comments made in regard to this provision, nursing homes may find themselves in a position of having their Medicaid reimbursement jeopardized by failing to fill the administrative position for a period of more than six months. Further, it was felt by the Board that six months was an adequate time in which to find a replacement for a nursing home administrator.

7. 7 MCAR § 6.014 sets forth the requirements for licensure by reciprocity. The rule as proposed simply indicated that the applicant seeking licensure without examination must pay a fee established by the Board. This statement has now been clarified to indicate that the fee paid is a service fee and, although the fee is still established by the Board, a limit on the maximum fee charged has been specified at $50. The rationale for this change is the same as that stated above for 7 MCAR § 6.010 A.5. The format of this rule was changed to note the payment of a fee as one of the enumerated requirements for licensure by reciprocity. As with the other fees noted in the rules, the amount of the actual fee charged by the Board has not changed.

8. 7 MCAR § 6.015 has been modified to specify the maximum fee which may be charged for the issuance of a duplicate license. The rationale for this change is the same as that stated above for 7 MCAR § 6.010 A.5.

9. 7 MCAR § 6.016 deals with renewal of nursing home administrator licenses. Section B of that rule deals with the amount of fees and the Board has also clarified this rule to specify the maximum fee that can be charged. Specifically, the annual fee is still established by the Board, but may not exceed $125. Renewal applications which are received late are subject to a late filing fee which was previously established by the Board. This fee again specifies the

maximum fee that can be charged by the Board for this purpose. The Board's policy currently is to charge a specific late filing fee if the application comes in within six months after the filing deadline and an additional fee if the application comes in during the second six months after the application was due. These additional fees were originally established by the Board because of the additional work required for Board personnel in updating files and additional administrative expenses incurred because of the tardiness of the applicant. This change merely specifies the maximum range of the late fee that can be charged by the Board and does not change the actual late fees thus charged. The rationale for the change is the same as that specified above for 7 MCAR § 6.010 A.5.

10. 7 MCAR § 6.017 deals with revocation, suspension, and refusal to license. Section B. of that rule sets forth the criteria for disciplinary action. One change made in section B. was a stylistic change by the revisor of statutes which was simply to remove the "or" after each of the enumerated reasons for disciplinary action. The words removed were unnecessary and did not add to the substance of the rules so they were properly deleted.

7 MCAR § 6.017 B.3. has been modified at the suggestion of comments received from Patricia Winget, legal counsel for MAHCF, and Karen Struve, who explained the concerns of MAHCF members who had requested a hearing. Specifically, members of the association expressed a concern that chemical dependency or addiction is a life-long condition affecting many people. They felt that if this dependency or addiction had not affected an administrator's performance of his or her duties and the administrator had not used habit-forming drugs for a period of time that the Board should take these matters into

consideration in determining the appropriate disciplinary action. These factors have been taken into consideration by the Board in the past, and the change in the rule as adopted as opposed to the rule as proposed merely gives a more complete description of the factors considered by the Board in a disciplinary action.

11. 7 MCAR § 6.019 requires that programs offered by educational institutions must have prior approval by the Board in order to meet the nursing home administrator licensure requirements. Once a program of study has been approved, it is not necessary for the Board to reevaluate the program. The only change in the rule as adopted from the rule as proposed was to specify the maximum fee that can be charged by the Board to defray the administrative cost of reviewing the program. The amount of the service fee currently charged by the Board was not changed and the change in the rules merely sets forth in the rule the maximum fee that may be charged by the Board for this service. The rationale for this change is the same as the rationale described above for 7 MCAR § 6.010 A.5.

Dated: October 26, 1983

STATE OF MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

Phillip C Newberg

PHILLIP C. NEWBERG
Executive Secretary

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Michael Gibson, do hereby certify that I am a member and the chairman of the 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 Board of Examiners for Nursing Home Administrators, duly and properly called and held on the 15th day of September, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that the rules relating to licensure and relicensure of nursing home administrators be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statute § 144A.24 (1982) and that Phillip C. Newberg, the Executive Secretary of the Board of Examiners for Nursing Home Administrators, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of September, 1983.

Michael M Gibson

MICHAEL GIBSON
Chairman

Ira Irving Ghest

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

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

STATEMENT OF NEED
AND REASONABLENESS

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

I

NEED FOR THE PROPOSED AMENDMENTS

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

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

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

7 MCAR S 6.001 SOURCE OF AUTHORITY.

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

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

7 MCAR S 6.003 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 MCAR S 6.006 MEETINGS.

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

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

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

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

7 MCAR S 6.007 ORGANIZATION.

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

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

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

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

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

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

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

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

7 MCAR S 6.010 LICENSE REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. WAIVER PROVISIONS.

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

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

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

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

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

7 MCAR S 6.011 APPLICATION.

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

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

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

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

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

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

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

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

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

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

7 MCAR S 6.012 EXAMINATION.

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

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

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

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

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

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

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

7 MCAR S 6.013 LICENSE; ISSUANCE.

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

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

(1) Begins service as a nursing home administrator after January 1, 1969, and
(2) Meets the statutory qualifications for licensing as a nursing home administrator". It is reasonable to delete this section from the rules because it is no longer necessary. The term, "temporary permit" is being deleted in 7 MCAR S 6.003 i, as it is no longer in use by the board. It is necessary to delete this section because failure to do so would lead to misinterpretation and confusion in the rules.

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

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

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

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

7 MCAR S 6.014 RECIPROCITY.

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

1. THAT SUCH OTHER STATE OR SUBDIVISION OF THE UNITED STATES, MAINTAINS A SYSTEM AND STANDARD OF QUALIFICATION EXAMINATION FOR NURSING HOME ADMINISTRATOR LICENSURE WHICH IS SUBSTANTIALLY EQUIVALENT TO THOSE REQUIRED IN THE STATE OF MINNESOTA; AND
2. THAT SUCH APPLICANT FOR ENDORSEMENT IS FAMILIAR WITH MINNESOTA'S STATE AND LOCAL HEALTH AND SAFETY REGULATIONS RELATED TO NURSING HOMES AND HAS SUCCESSFULLY PASSED THE BOARD'S

EXAMINATION ON STATE RULES AND REGULATIONS: AND

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

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

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

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

7 MCAR S 6.015 DISPLAY OF LICENSE.

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

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

B. DUPLICATE LICENSE. UPON RECEIPT OF SATISFACTORY

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

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

7 MCAR S 6.016 RENEWAL.

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

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

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

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

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

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

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

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

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

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

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

1. Attendance during the first 3-year license renewal period of an additional 20 clock hours of board approved seminars, institutes or workshops.
2. Administrators licensed after 7-1-76 shall not be granted option (1), but shall have the option of attending an additional 30 clock hours of approved seminars, institutes or workshops.

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

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

1. DATE, TIME AND LOCATION OF PRESENTATION.

2. PRESENTATION BROKEN DOWN INTO SPECIFIC TIME PERIODS, TOPIC TITLES AND SPEAKERS.

3. BRIEF BIOGRAPHY OF ALL FACULTY.

4. NUMBER OF CLOCK HOURS REQUESTED.

5. A STATEMENT INDICATING THE APPLICANT'S WILLINGNESS TO PROVIDE THE BOARD AND SHALL, UPON REQUEST OF THE BOARD, SO PROVIDE:

a. A METHOD FOR ACCURATELY RECORDING ATTENDANCE AT EACH PRESENTATION.

b. A "CERTIFICATE OF ATTENDANCE" OR AN APPROPRIATE RECORD ATTESTING TO THE NUMBER OF CLOCK HOURS ACTUALLY ATTENDED FOR EACH ATTENDEE.

c. A ROSTER OF ATTENDEES TO THE LICENSURE BOARD FOR WHICH "CERTIFICATE OF ATTENDANCE" FORMS WERE ISSUED.

d. AN EVALUATION BY ALL PARTICIPANTS OF THE PROGRAM IN THE FOLLOWING AREAS:

_____a. RELEVANCE AND APPROPRIATENESS OF PROGRAM CONTENT.

_____b. METHODS AND PROCEDURES, INSTRUCTIONAL TECHNIQUES AND MATERIAL USED IN PRESENTATION OF PROGRAM CONTENT.

_____c. EFFECTIVENESS OF FACULTY IN PRESENTING PROGRAM MATERIAL.

_____d. THE EXTENT TO WHICH THE PURPOSE AND OBJECTIVES OF THE PROGRAM ARE ACHIEVED.

6. IN THE EVENT A LICENSED ADMINISTRATOR ATTENDS A SEMINAR, INSTITUTE OR WORKSHOP CONDUCTED BY ANY AGENCY, WHO REASONABLY WOULD NOT BE EXPECTED TO BE AWARE OF THE REQUIREMENTS FOR CONTINUING EDUCATION APPROVAL, BUT MEETS THE APPROVAL CRITERIA, THE BOARD MAY ASSIGN A SPECIFIC NUMBER OF CLOCK HOURS AND GRANT APPROPRIATE CREDIT TO PARTICIPANTS PROVIDING THEY

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

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

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

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

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

a. SUBJECT MATTER SPECIFICALLY RELATED TO THE PRIMARY ADMINISTRATOR FUNCTIONS AND RESPONSIBILITIES OF LONG TERM HEALTH CARE.

b. SUBJECT MATTER DESIGNED FOR DEVELOPMENT OF ADMINISTRATIVE SKILLS IN HEALTH CARE ADMINISTRATION.

c. INSTRUCTORS HAVE DOCUMENTED ACADEMIC BACKGROUND SUFFICIENT TO DEMONSTRATE COMPETENCE AND EXPERTISE IN INVOLVED SUBJECT.

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

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

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

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

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

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

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

7 MCAR S 6.017 REVOCATION, SUSPENSION, REFUSAL.

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

1. HAS VIOLATED ANY OF THE PROVISIONS OF THE LAW PERTAINING TO THE LICENSING OF NURSING HOME ADMINISTRATORS OR THE RULES AND REGULATIONS OF THE BOARD PERTAINING THERETO: OR

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

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

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

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

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

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

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

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

3. IS HABITUALLY OVERINDULGENT OR ADDICTED TO THE USE OF HABIT FORMING DRUGS, INCLUDING ALCOHOL, A LEGEND DRUG AS DEFINED IN MINNESOTA STATUTES, CHAPTER 151, A CHEMICAL AS DEFINED IN MINNESOTA STATUTES, CHAPTER 151, OR A CONTROLLED SUBSTANCE AS DEFINED IN MINNESOTA STATUTES, CHAPTER 152;

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

"Is habitually intemperate, or

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

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

5. HAS PRACTICED WITHOUT ANNUAL REGISTRATION; OR

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

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

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

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

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

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

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

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

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

7 MCAR S 6.018 RESTORATION AND REINSTATEMENT

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

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

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

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

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

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

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

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

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

7 MCAR S 6.019 PROGRAM APPROVAL.

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

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

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

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

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

a. Such program shall have been approved as above required of these rules and regulations:

b. Such programs may include the following general subject areas or their equivalent:

1. Applicable standards of environmental health and safety.

2. Local health and safety regulations.

3. General Administration.

4. Psychology of patient care.

5. General principles of medical care.

6. Personal and social care.

7. Therapeutic and supportive services in long term care.

8. Departmental organization and management.

9. Community inter-relationships." because the wording is vague and non-specific as to what is expected or

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

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

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

7 MCAR S 6.020 APPLICANT RESPONSIBILITY.

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

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

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

REPEALER. RULE NHA 21 IS REPEALED.

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

7 MCAR S 6.022 COMPLAINTS PROCEDURE

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

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

7 MCAR S 6.023 CONDUCT OF HEARING

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

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

7 MCAR S 6.024 FILING--LEGALITY

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

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

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

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

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

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS

In the Matter of the Proposed Adoption of Rules of the Board of Examiners for Nursing Home Administrators Governing Licensure and Relicensure of Nursing Home Administrators as found in 7 MCAR § 6.010 through 7 MCAR § 6.024

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Audrey Kaiser Manka, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Exceptions:

1. Nineteen letters requesting a hearing were received within the 30-day comment period. Thirteen of those letters came from members of the Minnesota Association of Health Care Facilities (hereinafter "MAHCF"). Legal counsel for MAHCF and a member of that association met with a committee of the Board to clarify and address concerns of MAHCF members. As a result of that meeting, the rules as proposed were modified and the requests for hearing from those 13 individuals were withdrawn;

2. One letter was received on May 26, 1983, from Shar Ray Palm. Although that letter was technically received one day after the comment period

closed, it was significant because it would have been the seventh letter received requesting a hearing, aside from the 13 MAHCF members;

3. Two of the seven individuals requesting a hearing, Robert Goudge and Jerry Peak, also withdrew their requests based upon Board action modifying the rules as proposed;

4. No persons, associations, or other interested groups requested that their names be placed on file with and maintained by the Board for the purpose of either receiving notice of the proposed adoption of these rules or of the submission to the Attorney General's Office; therefore, no mailing list certificate or notice of submission to the Attorney General's Office were prepared.

Dated: October 27, 1983

Audrey Kaiser Manka

AUDREY KAISER MANKA
Special Assistant
Attorney General