

**ADOPTED REGULATION OF THE
NEVADA STATE BOARD OF EXAMINERS FOR
ADMINISTRATORS OF FACILITIES FOR LONG-TERM CARE**

LCB File No. R209-05

Effective May 4, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 8-10, NRS 654.110; §2, NRS 654.110 and 654.150; §3, NRS 654.110, 654.140 and 654.150; §4, NRS 654.110 and 654.180; §5, NRS 654.110, 654.150 and 654.170; §6, NRS 654.110, 654.140, 654.155 and 654.170; §7, NRS 654.110, 645.140 and 654.155.

A REGULATION relating to administrators of facilities for long-term care; revising qualifications for licensure as a nursing facility administrator for applicants from another jurisdiction; providing that certain fees are nonrefundable; requiring the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to conduct on-site evaluations of programs for the training of nursing facility administrators; and providing other matters properly relating thereto.

Section 1. NAC 654.080 is hereby amended to read as follows:

654.080 The Board will furnish copies of this chapter and amendments thereto for a *nonrefundable* fee of \$10.

Sec. 2. NAC 654.100 is hereby amended to read as follows:

654.100 1. In addition to the requirements set forth in NRS 654.150 and 654.180, an applicant for a license as a nursing facility administrator must submit evidence satisfactory to the Board that he:

- (a) Is 21 years of age or older; ~~and~~
- (b) Has one of the following:

(1) A master's degree in the administration of nursing facilities or a related field of health administration from a college or university recognized by the United States Department of Education or approved by the Superintendent of Public Instruction, if the master's program included a requirement for an internship or residency in a facility providing long-term nursing care;

(2) A baccalaureate degree from a college or university recognized by the United States Department of Education or approved by the Superintendent of Public Instruction and, if he has not completed an internship or residency in a facility providing long-term nursing care, has successfully completed at least 1,000 hours:

(I) In a program for training administrators, approved by the Board; or

(II) Of experience as an administrator of a facility providing long-term nursing care; or

(3) A certificate issued by the American College of Health Care Administrators for the completion of the program for the certification of nursing home administrators ~~;~~

~~2. A]; and~~

(c) Is not the subject of any disciplinary proceeding.

2. In addition to the requirements set forth in NRS 654.150 and 654.180, a program for training administrators described in subsection 1 must require a person in the program to complete ~~at~~:

(a) All the activities and forms provided in The NAB Five-Step Program Administrator-in-Training Internship Manual published by the National Association of Boards of Examiners of Long Term Care Administrators; and

(b) At least 1,000 hours of training in a period of not less than 26 weeks and include training in the following areas:

- ~~[(a) The management of nursing facilities;~~
- ~~—(b) The management of the employees of nursing facilities;~~
- ~~—(c) The management of the finances of nursing facilities;~~
- ~~—(d) The management of the environment in nursing facilities; and~~
- ~~—(e) State and federal statutes and regulations relating to the operation of nursing facilities.]~~

- (1) Administration of nursing facilities;*
- (2) Personnel management of nursing facilities;*
- (3) Nursing;*
- (4) Rehabilitation of patients in nursing facilities;*
- (5) Management of medical records in nursing facilities;*
- (6) Activities for patients of nursing facilities;*
- (7) Social services for patients of nursing facilities;*
- (8) Admission of patients of nursing facilities;*
- (9) Management of a business office;*
- (10) Dietary needs of patients of nursing facilities;*
- (11) Housekeeping and laundry services provided in nursing facilities; and*
- (12) Maintenance and environmental management of nursing facilities.*

3. In addition to the requirements set forth in subsection 2, a program for training administrators described in subsection 1 must require:

- (a) A nursing facility administrator who is licensed in this State and has practiced as an administrator for at least ~~[1 year]~~ *2 years* to supervise the training of each person in the program in the areas set forth in subsection 2;

(b) The administrator to determine the order in which the training will be provided to each person he supervises; and

(c) The administrator to record the dates and times that each person he supervises completes the training required in each area set forth in subsection 2.

4. Evidence of the successful completion of a program for training administrators submitted pursuant to subsection 1 must be a certificate of completion that is:

(a) On a form provided by the Board; and

(b) Signed by the administrator who supervised the applicant.

5. A program for training administrators completed in another state must be equivalent to those programs approved in this State.

6. Before an applicant for a license as a nursing facility administrator may begin a program for training administrators described in subsection 1, the applicant must obtain approval from the Board to do so.

7. Before the Board approves a program for training administrators described in subsection 1, the Board will conduct an on-site evaluation of the training program.

Sec. 3. NAC 654.110 is hereby amended to read as follows:

654.110 1. In addition to the requirements of NRS 654.150 and 654.180 and NAC 654.100, an applicant for a license as a nursing facility administrator must:

(a) Provide a statement to the Board indicating that to the best of his knowledge he is of good health and free from contagious disease;

(b) Indicate whether he suffers from any mental impairment that would affect his ability to perform the duties of a nursing facility administrator;

(c) Provide proof that he is able to communicate adequately in the English language both verbally and in writing;

(d) Indicate whether he has been investigated *or is being investigated* for misconduct or had a license or certificate revoked, modified, limited or suspended, or whether any other disciplinary action or proceeding has been instituted against him by any authority in any state; and

(e) Provide a statement to the Board indicating whether he has ever been convicted of a felony or any offense involving moral turpitude.

2. The fee for an application for a license as a nursing facility administrator is \$200 ~~+~~ *and must be submitted to the Board with the application.* The fee accompanying the application is not refundable. ~~[upon the withdrawal of an application.]~~

Sec. 4. NAC 654.111 is hereby amended to read as follows:

654.111 *1.* An applicant who wishes to obtain a license as a nursing facility administrator without taking the examination required by NRS 654.150 must submit *an application to the Board with the applicable fees and* evidence satisfactory to the Board that:

~~+~~ *(a) He has obtained a bachelor of arts or bachelor of science degree from a college or university accredited by the United States Department of Education.*

(b) He is licensed as a nursing facility administrator in a state that requires a person to pass ~~an~~ the examination administered by the National Association of Boards of Examiners of Long Term Care Administrators to obtain such a license. +

~~2.~~ *(c) His score on the examination administered by the National Association of Boards of Examiners of Long Term Care Administrators is valid. For purposes of this paragraph, a score is valid if the applicant's license as a nursing facility administrator in another state has not lapsed or been suspended, revoked or otherwise restricted since the date that the score was*

issued by the National Association of Boards of Examiners of Long Term Care Administrators.

(d) His license in that state is in good standing ~~;~~ and ~~3.]~~ and has been in good standing for the 2 years immediately preceding the date that he submits his application to the Board.

(e) He was licensed as a full-time administrator of record of a nursing facility for the 2 years immediately preceding the date that he submits his application to the Board.

(f) Any license as a nursing facility administrator granted to the applicant by the licensing authority of another jurisdiction has not been suspended, revoked or otherwise restricted for any reason other than nonrenewal of the license or failure to obtain the required continuing education credits in a jurisdiction in which the applicant is licensed but is not currently engaged in the practice of nursing facility administration, evidence of which must be provided to the Board directly by the licensing authority of that jurisdiction.

(g) He has complied with all other requirements for licensure as a nursing facility administrator set forth in this chapter and chapter 654 of NRS.

2. The Board will review the evidence presented pursuant to this section to determine whether the applicant is eligible for licensure pursuant to this chapter and chapter 654 of NRS.

3. The Board may, upon good cause shown, waive any of the requirements of subsection 1 other than a requirement set forth in chapter 654 of NRS.

Sec. 5. NAC 654.112 is hereby amended to read as follows:

654.112 1. A nursing facility administrator may renew his license by submitting to the Board:

- (a) An application for the renewal of the license;
- (b) A *nonrefundable* renewal fee of \$250;
- (c) Evidence satisfactory to the Board that during the 2 years immediately preceding the application for renewal ~~§~~ he has completed the requirements for continuing education set forth in subsection 2 of NAC 654.130; and
- (d) If applicable, the information required pursuant to subsection 2.

2. Every 4 years a nursing facility administrator who wishes to renew his license pursuant to this section must submit to the Board a complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. Only a person who has qualified as a licensed nursing facility administrator and who holds a license for the current licensing period may use the title “Nursing Facility Administrator,” and may use the abbreviation “N.F.A.” after his name. No other person may use or be designated by such a title or abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that the person is a licensed nursing facility administrator.

4. If a nursing facility administrator does not renew his license on or before the date for renewal of the license, the license automatically expires and may be reinstated by the Board if the licensee submits an application for reinstatement and complies with the provisions of NAC 654.100 and 654.110 and complies with the provisions of NAC 654.140, unless exempted pursuant to NAC 654.111.

Sec. 6. NAC 654.152 is hereby amended to read as follows:

654.152 1. The fee for an application for a license as an administrator of a residential facility for groups is \$150. The fee accompanying the application is not refundable. ~~Upon the withdrawal of an application.~~

2. Except as otherwise provided in NAC 654.169, a licensee may renew his license by submitting to the Board:

(a) An application for the renewal of his license;

(b) A *nonrefundable* renewal fee of \$250;

(c) Evidence satisfactory to the Board that he has completed 16 hours of continuing education or has completed 16 continuing education units in a program accredited pursuant to subsection 6, or a combination of both, in the 2 years immediately preceding his application for renewal; and

(d) If applicable, the information required pursuant to subsection 3.

3. Every 4 years an administrator of a residential facility for groups who wishes to renew his license pursuant to this section must submit to the Board a complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. If an administrator of a residential facility for groups does not renew his license on or before the date for renewal of the license, the license automatically expires and may be reinstated by the Board if the licensee submits an application for reinstatement and complies with subsection 1 and NAC 654.155 and complies with the provisions of NAC 654.162, unless exempted pursuant to NAC 654.157.

5. A program of study for continuing education must be approved by the Board. A program of study is deemed approved by the Board if the program is offered by:

- (a) The Board;
- (b) The American Hospital Association;
- (c) The Nevada Geriatric Education Center;
- (d) The ~~University and Community College~~ Nevada System of ~~Nevada;~~ Higher

Education;

- (e) Any agency of the State of Nevada;
- (f) The American Nurses Association; or
- (g) The National Association of Boards of Examiners ~~for~~ of Long Term Care

Administrators,

↪ unless the Board determines that the content of the program is not relevant or appropriate to the administration, supervision and management of a residential facility for groups or that the program does not grant a number of educational credits which corresponds to the number of classroom hours that the program requires.

6. The Board will accredit programs for continuing education units for organizations, groups or persons sponsoring educational programs which meet certain criteria as the Board may prescribe. Special forms for requesting approval must be used and are available from the office of the Board. Topics for programs for continuing education units may include, without limitation:

- (a) The administration of residential facilities for groups;
- (b) The clinical management of residential facilities for groups;
- (c) The human resource management of residential facilities for groups;
- (d) The financial management of residential facilities for groups;
- (e) Environmental services; and

(f) Psychosocial care.

7. A person who wishes to receive credit for continuing education received in a program which has not been approved pursuant to subsection 5 or accredited pursuant to subsection 6 must submit a request for accreditation of continuing education units to the Board before the Board will award credit for the continuing education. A request made pursuant to this subsection must be submitted on a special form available from the office of the Board.

Sec. 7. NAC 654.162 is hereby amended to read as follows:

654.162 1. Examinations for licensure as an administrator of a residential facility for groups will be held at least twice each year at such times and places as the Board designates. The fee for each examination is \$200 or the fee established by the Professional Examination Service, whichever is higher. *The fee is not refundable.*

2. A passing grade will be determined by the National Association of Boards of Examiners ~~for~~ of Long Term Care Administrators. An applicant who fails the examination may obtain his score if he makes a written request to the Board within 45 days after the Board notifies him that he failed the examination.

3. An applicant who fails the examination may retake the examination not more than three times within the year after the date on which he first took the examination. An applicant must pay the fee for the examination each time he retakes the examination.

Sec. 8. NAC 654.168 is hereby amended to read as follows:

654.168 1. The Board may issue a provisional license to an applicant pending receipt of the report of the Federal Bureau of Investigation concerning the criminal history of the applicant if the Board determines that the applicant is otherwise qualified. A provisional license expires 90 days after the date it is issued and is renewable at the discretion of the Board.

2. Upon the written request of a nursing facility administrator or an administrator of a residential facility for groups who is in good standing, the Board will transfer the status of his license to inactive for a time not to exceed 2 years. A licensee whose license is on inactive status shall pay a *nonrefundable* fee of \$50 per year. Upon written request and approval by the Board, a licensee whose license is on inactive status may transfer his license to active status if the licensee meets the requirements of continuing education and pays the fees for an active license.

Sec. 9. NAC 654.200 is hereby amended to read as follows:

654.200 After the receipt of satisfactory evidence that a license has been lost, mutilated or destroyed, the Board will issue a duplicate license upon payment of a *nonrefundable* fee of \$25.

Sec. 10. NAC 654.250 is hereby amended to read as follows:

654.250 1. Except as otherwise provided in subsection 6, a person licensed as a nursing facility administrator may not be the administrator of record of more than one nursing facility at the same time for more than 90 days in a calendar year.

2. Except as otherwise provided in subsections 3 and 6, a person licensed as an administrator of a residential facility for groups may be an administrator of record for not more than 150 beds located in not more than five residential facilities for groups.

3. Effective June 1, 1998, if a person licensed as an administrator of a residential facility for groups operates more than one residential facility for groups, the administrator must:

(a) Immediately notify the Board that he is operating more than one residential facility for groups; and

(b) Obtain a secondary administrator's license for each additional residential facility for groups that he is operating by paying a *nonrefundable* fee of \$25 for each license.

4. The Board will label each secondary administrator's license issued pursuant to subsection 3 as an "A," "B," "C" or "D" license.

5. An administrator of a residential facility for groups who obtains a secondary administrator's license pursuant to subsection 3 shall surrender and return each secondary administrator's license to the Board upon:

(a) Relinquishing his responsibilities at the residential facility for groups for which the license was obtained; or

(b) The closure of the residential facility for groups for which the license was obtained.

6. Upon application to the Board, a nursing facility administrator or an administrator of a residential facility for groups may, at the discretion of the Board, receive a waiver for a specified period of time from the limitations imposed by this section.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R209-05

The Board of Examiners for Administrators of Facilities Long Term Care Administrators adopted regulations assigned LCB File No. R209-05 which pertain to chapter 654 of the Nevada Administrative Code on February 9, 2006.

Notice date: 1/9/2006
Hearing date: 2/9/2006

Date of adoption by agency: 2/9/2006
Filing date: 5/4/2006

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

The Nevada Board of Examiners for Long Term Care Administrators (“Board”) solicited public comment at the Board’s meeting conducted on Thursday, February 9, 2006. Members of the public responded as follows: Two individuals appeared in person to view not only the public workshop but the adoption hearing; they provided no oral presentations at the above-described scheduled workshop and hearing. One individual called the Board and spoke with Terry Pedrotti and voiced his approval for the proposed regulations. The Board did discuss one minor change to the proposed regulation and that was changing the term “patient” to “resident” since that is the proper terminology used in this area of long term care administrators. The Board did tape the workshop and public hearing, and such is available from the Nevada Board of Examiners for Long Term Care Administrators by calling 702-486-5445, or by writing to the Nevada Board of Examiners for Long Term Care Administrators, 3157 North Rainbow Blvd, #313, Las Vegas, Nevada 89108, e-mail address: beltca@govmail.state.nv.us.

2. The number of persons who:

(a) Attended the hearing: 2 (Dr. David Udy and Linn Thome of Waterfield Memory)

(b) Testified at the hearing: 0

(c) Submitted to the Board written comments: No written comments were submitted to, or received by, the Board of Examiners for Long Term Care Administrators. Chad Stinsley of the Del Mar Gardens called and spoke with the Board’s offices, and voiced his approval of the proposed changes

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

A notice of workshop and notice of public adoption hearing was posted by the Board on January 9, 2006 as well as mailed to the following: All Board Members, Paul Harasim (reporter for the Las Vegas Review Journal newspaper), Carson City Courthouse, Lawrence Fry of CARE – Northern Nevada, Lynn Ann Homnick of Care in Las Vegas, Grant Sawyer Building (posting), Office of the Attorney General (Las Vegas), Shawn Lovejoy at United Health Care, administrator Winette

Simons, Charles Perry of the NHCA, all county libraries, the Nevada State Library, the offices for the State Division for Aging Services in Las Vegas, the Division for Aging Services in Reno, the Division for Aging Services in Carson city, the Bureau of Licensure & Certification in Las Vegas, and the Bureau of Licensure & Certification in Carson City. The Notice of workshop and notice of public adoption hearing were also posted to the Board's website.

Persons wishing to comment on the proposed action of the Board were informed that they either appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Board of Examiners for Long Term Care Administrators, 3157 N. Rainbow Blvd, Las Vegas, Nevada 89108 and that written submissions must be received at least two weeks prior to the above scheduled public hearing.

Individuals wishing a copy of the tape of the meeting, or the minutes of the meeting, as well as the proposed regulations may obtain copies of the same by requesting such information directly from the Board, address and phone number mentioned above.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

In one section of the proposed regulations approved by LCB, the Board suggested and voted unanimously to change the word "patient" to "resident" as that conforms with the language used by individuals in this health care area. Such is the only change; the remaining sections suggested by LCB were discussed and voted on by the Board without any further changes.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include: (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.

(a) Adverse and beneficial effects.

The proposed regulation presents no foreseeable or anticipated adverse economic effects to businesses or the public or upon the licensee.

(b) Immediate and long-term effects.

There are no immediate or long-term economic effects of the proposed permanent regulations with respect to the public or licensees.

6. The estimated cost to the agency for enforcement of the adopted regulation.

Zero. The cost of enforcing the revised regulations is negligible.

7. A description of any regulations of other state or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

It does not duplicate or overlap with any other regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

Not applicable.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not provide a new fee or increase an existing fee; the proposed regulations merely clarified that any fee paid is non-refundable.