

PROPOSED REGULATION OF THE BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS

LCB File No. R030-16

NAC 654.100 Qualifications; program for training. (NRS 654.110, 654.150)

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 the applicant:

(a) Is 21 years of age or older;

(b) Has one of the following:

(1) A baccalaureate or master's degree in the administration of nursing facilities or ~~fa related field~~ **health care** from a college or university recognized by the United States Department of Education and has successfully completed at least 1,000 hours:

(I) In a program for training administrators approved by the Board or the National Association of Long Term Care Administrator Boards; or

(II) In an internship or residency program in a facility providing long-term nursing care;

(2) A baccalaureate or master's degree in any field from a college or university recognized by the United States Department of Education and has successfully completed at least ~~1,000~~ **1,200** hours in a program for training administrators approved by the Board or the National Association of Long Term Care Administrator Boards; 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;

(c) Has completed 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators that is approved by the Board; and

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

2. A program for training administrators described in subsection 1 must require a person in the program to complete:

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

(b) At least 1,000 hours of training in a period of not less than 20 weeks and include training in the following areas:

(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.

(c) To meet the requirement of 1,200 hours, the training must include 1,000 hours of training as set forth in item (b) above and an additional 200 hours as follows:

- (1) 65 hours on Resident Care*
- (2) 45 hours on Personnel Management*
- (3) 25 hours on Financial Management*
- (4) 25 hours on Maintenance, Housekeeping and Laundry*
- (5) 40 hours on Administration*

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

(a) *A Preceptor to supervise the training of each person in the program in the areas set forth in subsection 2. A Preceptor must be a licensed nursing facility administrator ~~who is licensed in this State~~ who is in good standing with the Board, ~~and~~ has practiced as an administrator for at least 2 of the last 5 years, and has completed a Mentor Training Program approved by the Board ~~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 or she supervises; and

(c) The administrator to record the dates and times that each person he or she 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. A person or entity must obtain approval of the Board to provide a program for training administrators described in subsection 1. The person or entity seeking approval must submit to the Board a description of the training program and any additional information required by the Board.

8. An AIT Experience must be completed in a nursing facility that has a minimum of 40 beds.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 7, eff. 12-28-69; A 8-16-75]— (NAC A 2-1-85; 3-27-92; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R200-99, 3-8-2000; R209-05, 5-4-2006; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010; R174-12, 2-20-2013)

NAC 654.110 Additional requirements for licensure; fee. (NRS 654.110, 654.140, 654.150) 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:

1. Provide a statement to the Board indicating that to the best of the applicant's knowledge he or she is of good health and free from contagious disease;
2. Indicate whether the applicant suffers from any mental impairment that would affect his or her ability to perform the duties of a nursing facility administrator;

3. Be able to communicate adequately in the English language both verbally and in writing;
4. Indicate whether the applicant 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 or her by any authority in any state; and
5. Provide a statement to the Board indicating whether since the age of 18 years the applicant has ever been:
 - (a) Charged with any misdemeanor, gross misdemeanor or felony; or
 - (b) Convicted of any misdemeanor, gross misdemeanor or felony.

6. *Submit to the Board:*

(a) 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; or

(b) Written verification, on a form prescribed by the Board, stating that the fingerprints of the nursing facility administrator were taken and directly forwarded electronically or by another means to the Central Repository and that the nursing facility administrator has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 8, eff. 12-28-69; A 8-16-75]—
(NAC A 2-1-85; 3-27-92; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R200-99, 3-8-2000; R209-05, 5-4-2006; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R174-12, 2-20-2013)

NAC 654.130 Approval of programs of study; continuing education. ([NRS 654.110](#), [654.150](#), [654.170](#))

1. A program of study to train and qualify applicants for a license as nursing facility administrators offered by any accredited university or college is acceptable and approved for such a purpose.

2. Except as otherwise provided in [NAC 654.169](#), to renew his or her license, a licensee must have, in the 2 years immediately preceding the date for renewal of the license, completed 30 continuing education units in a program approved by the Board pursuant to subsection 5. Two of the continuing education units must be in professional ethics and two of the continuing education units must be in training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators.

3. Subject to the approval of the Board, not more than a total of 10 continuing education units may be obtained by:

(a) Except as otherwise provided in subsection 4, having an article published in a publication concerned with health care, with 10 continuing education units allowed for each published article containing at least 1,500 words;

(b) Except as otherwise provided in subsection 4, having an article published in a publication concerned with health care, with 1 continuing education unit allowed for each hour spent writing the article; or

(c) Presenting a paper at a meeting of an organization concerned with long-term care, with 1 continuing education unit allowed for each hour spent presenting the paper.

4. If an article is self-published by a nursing facility administrator, the nursing facility administrator may not receive the continuing education units that are described in paragraphs (a) and (b) of subsection 3.

5. The Board will approve programs for continuing education units for organizations, groups or persons that sponsor 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 must be related to the domains of practice in the field of long-term care.

6. The Board will not approve more than 8 continuing education units in a 24 hour time period.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 12, eff. 12-28-69; A 8-16-75]— (NAC A 2-1-85; 3-27-92; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R200-99, 3-8-2000; R171-01, 6-28-2002; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010; R174-12, 2-20-2013)

ADMINISTRATORS OF RESIDENTIAL FACILITIES FOR GROUPS

NAC 654.1505 Qualifications for licensure. (NRS 654.110, 654.155) In addition to the requirements of NRS 654.155 and 654.180, an applicant for a license as an administrator of a residential facility for groups must:

1. Possess a high school diploma, general equivalency diploma or degree from an accredited institution of higher learning;

2. Pass an examination administered by the National Association of Long Term Care Administrator Boards;

3. Complete a program of training approved by the Board concerning the statutes and regulations relating to residential group care and any other standards of care which apply to operators of residential facilities;

4. Provide a statement to the Board indicating that to the best of the applicant's knowledge he or she is of good health and free from contagious disease;

5. Indicate whether the applicant suffers from any mental impairment that would affect the ability to perform the duties of an administrator of a residential facility for groups;

6. Be able to communicate adequately in the English language both verbally and in writing;

7. Indicate whether the applicant has been 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 or her by any authority in any state;

8. Provide a statement to the Board indicating whether since the age of 18 years the applicant has ever been:

(a) Charged with any misdemeanor, gross misdemeanor or felony; or

(b) Convicted of any misdemeanor, gross misdemeanor or felony; and

(c) Submit to the Board:

(i) 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; or

(ii) Written verification, on a form prescribed by the Board, stating that the fingerprints of the nursing facility administrator were taken and directly forwarded

electronically or by another means to the Central Repository and that the nursing facility administrator has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

9. Provide proof that he or she has;

(A) At least ;

(1) ~~{Two years of experience in residential caregiving or as a manager of a residential facility for groups or an administrator of a residential facility for groups}~~ *A minimum of two (2) years of long term care experience including management and supervision responsibilities within the 6 year period immediately preceding the date on which he or she submits his or her application; or*

(2) ~~{One year of experience in the field of healthcare}~~ *an Associate degree and one (1) year of long term care experience including six (6) months of management and supervision responsibilities within the 6 year period immediately preceding the date on which he or she submits his or her application; or*

(3) *A Baccalaureate degree or beyond and six (6) months of long term care experience including management and supervision within the 6 year period immediately preceding the date on which he or she submits his or her application.*

(4) *Long term care experience shall mean full-time equivalency experience in a licensed Residential Facility for Groups including Assisted Living Facilities, licensed Facility for Intermediate Care or licensed Facility for Skilled Nursing; or and:*

Completed 100 hours of study or training approved by the Board in the domains of practice in the field of operating a residential facility for groups; and

(c) Completed 40 hours of study under the supervision of a mentor who has been approved by the Board pursuant to NAC 654.156.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, eff. 11-29-95; A by R187-97, 3-12-98; R200-99, 3-8-2000; R171-01, 6-28-2002; R131-04, 9-24-2004; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010; R174-12, 2-20-2013)— (Substituted in revision for NAC 654.155)

NAC 654.154 Continuing education; approval of programs. (NRS 654.110, 654.155, 654.170)

1. Except as otherwise provided in NAC 654.169, to renew his or her license, in the 2 years immediately preceding the date for renewal of the license, an administrator of a residential facility for groups must have completed 16 continuing education units in programs approved by the Board pursuant to subsection 2. Two of the continuing education units must be in professional ethics and two of the continuing education units must be in training concerning the statutes and regulations relating to residential group and any other standards of care which apply to operators of residential facilities.

2. The Board will approve programs for continuing education units for organizations, groups or persons that sponsor 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 must be related to the domains of practice in the field of long-term care.

3. An administrator of a residential facility for groups who is approved by the Board to serve as a mentor pursuant to NAC 654.156 may receive credit for not more than 10 continuing education units during each renewal period by supervising the study of an applicant for a license

as an administrator of a residential facility for groups. One continuing education unit will be awarded for each 4 hours of actual supervision.

4. The Board will not approve more than 8 continuing education units in a 24 hour time period.

(Added to NAC by Bd. of Exam'rs for Long-Term Care Admin'rs by R174-12, eff. 2-20-2013)

NAC 654.181 Notification of Board regarding certain changes in circumstances; administrative fine. (NRS 654.110, 654.190)

1. Each person licensed as a nursing facility administrator or an administrator of a residential facility for groups shall notify the Board, in writing:

(a) Of any change in his or her residential address, telephone number, electronic mail address or other contact information within 15 days after such a change;

(b) Any time the person becomes the administrator of record of a ~~different~~ facility *or terminates his or her position as administrator of record* within 15 days after such an event; ~~or~~

(c) Of any change in the number of beds authorized in the facility of which the person is the administrator of record.

2. If the Board imposes an administrative fine on a licensee for a violation of subsection 1, the amount of the fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

3. If the Board imposes a fine for any violation of the above, and the fine is not paid per the terms of the written notice of the imposed fine, the matter will be referred to the Board's Investigator and the Attorney General to initiate formal disciplinary proceedings.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care by R131-04, eff. 9-24-2004; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010; R174-12, 2-20-2013)

NAC 654.210 Grounds for disciplinary action, denial of license or refusal to renew license. (NRS 654.110) In addition to the reasons set forth in NRS 654.190, the Board may bring disciplinary action against a licensee or deny the issuance of or refuse to renew a license as a nursing facility administrator or an administrator of a residential facility for groups if the Board finds that the applicant or licensee:

1. Has been convicted or violated any provision as detailed in NRS 449.174

~~H~~ **2.** Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.

~~2~~ **3.** Is guilty of unprofessional conduct, including, without limitation:

(a) Providing services to a patient or resident which the applicant or licensee is not capable of providing with reasonable skill and safety because of his or her use of alcohol or drugs, or because of lack of adequate training, skill or knowledge;

(b) Gross or repeated negligence in providing services;

(c) Willful noncompliance with any order of the Board or any other enforcement authority;

~~{(d) Conviction for violation of any federal or state law or regulation governing the prescription, possession, distribution or use of a controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;}~~

~~(h) d~~ Failure to notify the Board of the loss of a license issued by the Bureau of Health Care Quality and Compliance of the Division of Public and Behavioral Health of the Department of Health and Human Services;

~~(h) e~~ Failure to notify the Board of a change in circumstances as required pursuant to NAC 654.181;

~~(h) f~~ Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for the solicitation or procurement of a patient or resident;

~~(h) g) Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for referring a patient or resident to a facility;~~

~~(h) h~~ Providing or giving, or causing to be paid or given, any financial incentive, including, without limitation, a discount on rent or other fees, to a patient, resident, or family member of or responsible party for a patient or resident, to fund a payment to a person or entity for referring the patient or resident to a facility;

~~(h) i~~ Engaging in fraudulent, misleading or deceptive advertising;

~~(h) j~~ Receiving a conviction in any jurisdiction for a felony or for any offense involving moral turpitude, including, without limitation:

~~{(1) Murder, voluntary manslaughter or mayhem~~

~~—(2) Assault with intent to kill or to commit sexual assault or mayhem;~~

~~—(3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;~~

~~—(4) Soliciting or engaging in prostitution;~~

~~—(5) Except as otherwise provided in paragraph (1), domestic violence;~~

~~—(6) Abuse or neglect of a child or contributory delinquency;}~~

~~{(7) 4} A violation of any provision of NRS 200.50955 or 200.5099;~~

~~{(8) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; and~~

~~—(9) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years;~~

~~—(1) Receiving a conviction in any jurisdiction for a misdemeanor for domestic violence within the immediately preceding 7 years;}~~

~~{(m) 5} Receiving a conviction in any jurisdiction for:~~

~~{(H) a} Any offense which is substantially related to the practice of an administrator; or~~

~~{(2) b} Any offense for driving under the influence of intoxicating liquor or a controlled substance;~~

~~{(m) 6} Failing to protect the privacy of a resident or patient;~~

~~{(h) 7} Violating the confidentiality of a resident or patient;~~

~~{(p) 8} Failing to maintain records as required by law;~~

~~{(e) 9} Falsifying or altering the records of a resident or patient;~~

~~{(r) 10} Failing to protect a resident or patient from the incompetent, abusive or illegal practice of any person;~~

~~{(s) 11} Engaging in sexual contact with a resident or patient;~~

~~{(t) 12} Engaging in conduct which endangers the safety of the general public, patients, residents, clients or employees by making actual or implied threats of violence or carrying out such threats;~~

~~{(u) Abusing, exploiting, isolating or neglecting a resident or patient as defined in NRS 200.5092; or}~~

~~{(v) 13}~~ Willfully or repeatedly violating the provisions of this chapter.

~~{3} 14.~~ Has a record of any disciplinary, civil or criminal action taken against the applicant or licensee that has been reported to or is required pursuant to the law of any jurisdiction to be reported to the Healthcare Integrity and Protection Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services which the Board determines is contrary to the qualifications of an applicant or licensee.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 16, eff. 12-28-69; A and renumbered as No. 15, 8-16-75]—(NAC A 2-1-85; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R171-01, 6-28-2002; R131-04, 9-24-2004; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R174-12, 2-20-2013)

NAC 654.250 Limitations on administration of multiple facilities; secondary administrator's license; fee; administrative fine; waiver. (NRS 654.110, 654.140, 654.190)

1. Except as otherwise provided in subsection 7, 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. If a person licensed as a nursing facility administrator is the administrator of record of more than one nursing facility, the person must:

(a) Immediately notify the Board that he or she is the administrator of record of more than one nursing facility; and

(b) Obtain a secondary administrator's license for each additional nursing facility for which he or she is the administrator of record by paying a nonrefundable fee of \$100 for each license.

□ The Board may impose an administrative fine on a licensee for failure to comply with paragraph (a). The amount of such a fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation. *If the Board imposes a fine for any violation of the above, and the fine is not paid per the terms of the written notice of the imposed fine, the matter will be referred to the Board's Investigator and the Attorney General to initiate formal disciplinary proceedings.*

3. Except as otherwise provided in subsections 4 and 7, 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. *There shall be no bed limit if the administrator is the administrator of record for one facility.*

4. 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 or she 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 or she is operating by paying a nonrefundable fee of \$100 for each license.

□ The Board may impose an administrative fine on a licensee for failure to comply with paragraph (a). The amount of such a fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

5. Each license and secondary license issued by the Board must include the name of the nursing facility or the residential facility for groups for which the license or secondary license was obtained. The Board will label each secondary administrator's license issued pursuant to subsection 2 or 4 as an "A," "B," "C" or "D" license.

6. An administrator who holds both a Nursing Facility Administrator's License and a Residential Facility Administrator's License may not be the named administrator of more than a combined total of 150 beds at any time if located in more than 1 facility.

~~16~~ **7.** A nursing facility administrator or an administrator of a residential facility for groups shall surrender and return a license to the Board not later than 15 calendar days after:

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

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

□ The Board may impose an administrative fine on a licensee for failure to comply with this subsection. The amount of such a fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation. ***If the Board imposes a fine for any violation of the above, and the fine is not paid per the terms of the written notice of the imposed fine, the matter will be referred to the Board's Investigator and the Attorney General to initiate formal disciplinary proceedings.***

~~17~~ **8.** 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.

(Added to NAC by Bd. of Exam'rs for Nursing Fac. Admin., eff. 3-27-92; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R131-04, 9-24-2004; R209-05, 5-4-2006; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010; R174-12, 2-20-2013)