

RULES AND REGULATIONS
FOR
LICENSING OF
NURSING HOME ADMINISTRATORS
(R5-45-NHA)

STATE OF RHODE ISLAND PROVIDENCE PLANTATIONS

Department of Health

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with the provisions of section 42-35-
4.1 of the Rhode Island General
Laws, as amended)**

INTRODUCTION

These amended *Rules and Regulations For Licensing of Nursing Home Administrators* (R5-45-NHA) are promulgated pursuant to the authority set forth in section 5-45-13 of the General Laws of Rhode Island, as amended, and are established for the purpose of establishing minimal requirements for the licensing of nursing home administrators.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following issues have been given consideration in arriving at the regulations in the best interest of the public health and welfare: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business as defined in Chapter 42-35 of the General Laws. No known overlap or duplication, no alternative approach nor any significant economic impact was identified.

These rules and regulations shall supersede all previous *Rules and Regulations for Licensing of Nursing Home Administrators* promulgated by the Department of Health, and filed with the Secretary of State.

TABLE OF CONTENTS

		<i>Page</i>
PART I	<i>Definitions</i> Section R5-45-NHA	1
	1.0 Definitions	1
PART II	<i>Licensing Requirements</i> Section R5-45-NHA	2
	2.0 License Requirements	2
	3.0 Qualifications for License	2
	4.0 Application/Fee	3
	5.0 Licensing	3
	6.0 Issuance and Renewal of License/Fee	5
	7.0 Mandatory Continuing Education	5
	8.0 Grounds for Denial, Revocation or Disposition	6
PART III	<i>Violations and Penalties/Practice and Procedures/Severability</i> Section R5-45-NHA	7
	9.0 Violations and Penalties	7
	10.0 Rules Governing Practices and Procedures	7
	11.0 Severability	7

PART I **DEFINITIONS**
R5-34-NHA

Section 1.0 **Definitions**

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 **"Act"** refers to Chapter 5-45 of the General Laws of Rhode Island, reenactment of 1987, as amended, entitled "Nursing Home Administrators."
- 1.2 **"Board"** refers to the Board of Examiners for Nursing Home Administrators established pursuant to the provisions of section 5-45-1 of the Act.
- 1.3 **"Director"** means the Director of the Rhode Island Department of Health.
- 1.4 **"Department"** means the Rhode Island Department of Health.
- 1.5 **"Division"** means the Division of Professional Regulations, Rhode Island Department of Health.
- 1.6 **"Nursing home"** means any facility providing nursing care to any in-patient thereof which to operate is required to be licensed under any law or regulation of the state and which is further defined as a skilled nursing home by the licensing authority of the state pursuant to section 5-45-4(5) of the Act.
- 1.7 **"Nursing home administrator"** means the individual responsible for planning, organizing, directing and controlling the operation of the nursing home, whether or not such functions are shared by one or more other persons, pursuant to sections 5-45-4(6) of the Act.
- 1.8 **"Regionally accredited"** means the official guarantee that a college or university or other educational institution is in conformity with the standards of education prescribed by a regional accrediting commission recognized by the U.S. Commissioner of Education.

PART II ***LICENSING REQUIREMENTS FOR NURSING HOME ADMINISTRATORS***
(R-5-34-NHA)

Section 2.0 ***License Requirement***

2.1 Pursuant to section 5-45-5 of the Act, no nursing home in this state shall operate except under the supervision of a nursing home administrator, and no person shall be a nursing home administrator unless he or she is the holder of a sufficient nursing home administrator's license in accordance with the statutory provisions of the Act and the regulations herein.

Section 3.0 ***Qualifications For Licensure***

3.1 On or after 1 September 1995, an applicant seeking licensure as a nursing home administrator in this state must:

- a) be no less than eighteen (18) years of age and of good moral character;
- b) have satisfactorily completed in a nationally or regionally accredited college or university of higher learning at least a bachelor's degree in the field of health care administration or a bachelor's degree and satisfactory evidence of completion of a minimum of fifteen (15) credit hours in a course of instruction, in a nationally or regionally accredited college or university of higher learning, to include each of the five (5) content areas as set forth in section 3.1 (c);
- c) an acceptable course of instruction shall contain courses in the following subject areas:
 - 1. resident care management in nursing homes
 - 2. personnel management
 - 3. financial management
 - 4. environmental management of nursing homes
 - 5. governance and management of nursing homes and
- d) have satisfactorily completed a field experience of at least three hundred fifty (350) hours, within a twelve (12) month period in an Administrator-in-Training capacity in a licensed nursing facility, which shall include training in the following areas:

Administration, Human Resources, Nursing Department, Rehabilitation Department, Medical/Patient Records, Activities Department, Social Services/Admissions, Business Office, Dietary Department, Housekeeping/Laundry, Environment/Maintenance.

At the conclusion of the field experience, the administrator of the licensed nursing facility where the field experience was performed must attest that the training included each area; and

- e) have successfully completed the licensing examination as determined by the Board and the Director in accordance with the provisions of section 5.0 herein.

Section 4.0 *Application For Licensure and Fee*

- 4.1 Application for licensure to practice in this state as a nursing home administrator shall be made on forms provided by the Division which shall be completed and submitted thirty (30) days prior to the scheduled date of the Board meeting. Such application shall be accompanied by the following documents:
- a) proof of lawful entry into the country:
for U.S. born applicants, a certified or notarized copy of birth certificate;
for foreign born applicants, proof of lawful entry into the country and eligibility for employment in the United States.
 - b) two (2) statements attesting to applicants good moral character made by two (2) reputable persons not related to applicant;
 - c) supporting official transcripts of education and training credentials in accordance with section 3.0 herein; such documentation must be sent directly from the school to the Division and must bear the signature of the Registrar and the imprint of the school seal;
 - d) two (2) unmounted recent photographs of the applicant (head and shoulder view) approximately 2 x 3 inches in size;
 - e) for applicants licensed in another state, the results of the nursing home administrator examination must be sent directly from the state of original licensure or the examination service to the Division;
 - f) such other information as the Director may deem necessary.

Section 5.0 *Licensing of Nursing Home Administrators*

5.1 *By Examination*

Applicants shall be required to pass a written examination as determined by the Board and the Director to test the qualifications of the applicants to practice as a nursing home administrator pursuant to the statutory and regulatory requirements herein. Prior to sitting for the written examination, an applicant for licensure shall be required to complete all requirements for licensure, as approved by the Board, except for passing the examination. Applicants who have previously tested unsuccessfully must meet all requirements for licensure prevailing in this state at the time the retest is administered.

- 5.1.1 For written examination, the Board may administer such national computer based testing examination for nursing home administrators as that of the National Association of Board of Examiners of Long Term Care Administrators or of other recognized professional examination

service or organization, testing the applicant's competency, skill and knowledge of nursing home administration.

- 5.1.2 The national examination recommended passing score will be accepted by the Department as the minimal passing score.
- 5.1.3 Examinations shall be given at least twice a year at such time and place as designated by the Administrator of the Division.
- 5.1.4 All applications and supporting credentials as required in section 4.0 herein shall be filed with the Board at least thirty (30) days prior to the date of the Board meeting.

5.2 ***By Endorsement***

A license may be issued to a nursing home administrator without examination to an applicant who holds a current license in good standing as a nursing home administrator in another jurisdiction, provided:

- 5.2.1 the Department finds that the standards for licensure in such other jurisdiction are substantially equivalent to those prevailing in this state at the time of application;
- 5.2.2 the licensing agency in each state in which the applicant holds or has held a registration or license submits to the Board in this state a statement confirming the applicant to be or have been in good standing;
- 5.2.3 the applicant submits thirty (30) days prior to the scheduled meeting of the Board, a completed licensure application in accordance with the provisions of section 4.0 herein; and
- 5.2.4 the applicant meets the qualifications required of nursing home administrators in this state as set forth in section 3.0 herein; or the applicant meets the education and/or experience requirements listed below:
 - a) successful completion of a national examination in accordance with section 5.1.1 herein and certification by the American College of Health Care Administrators (ACHCA); or
 - b) meets all of the following requirements:
 - i) is currently licensed in good standing in another state or jurisdiction;
 - ii) provides written documentation from the nursing home licensing authority in each jurisdiction where the applicant has been licensed attesting to the absence of findings of substandard care, fines, or admission restrictions in an administered licensed long-term care facility which he/she administered within the most recent five (5) years prior to application. (If such findings exist, the applicant may be allowed the opportunity to appear before the Board to offer explanation).

- iii) has no less than three (3) years experience (in the most recent five [5] years prior to application) as a licensed nursing home administrator of a licensed long-term care facility;
- iv) successful completion of a national examination in accordance with section 5.1.1 herein;
- v) has earned a bachelor's degree;
- vi) supplies evidence to the Board of completion of forty (40) hours of continuing education in the most recent two (2) years prior to application; and
- vii) supplies letter(s) of recommendation from the owner(s) or governing body(ies) of each employer within the most recent five (5) years prior to application.

Section 6.0 *Issuance and Renewal of License and Fee*

- 6.1 Upon the recommendation of the Board, the Director shall issue to applicants who have satisfactorily met the licensure requirements herein, a license to a nursing home administrator to function as such in this state. Said license unless sooner suspended or revoked shall expire on June 30th of the next regular expiration date following the date of issuance of the original license and every two years on June 30 of the next even numbered year thereafter.
- 6.2 Every person so licensed who wishes to renew his or her license shall file with the Division by June 1st, a renewal application duly executed together with a two (2) year renewal fee of one hundred and fifty (\$150.00) dollars payable to the General Treasurer, state of Rhode Island.
 - 6.2.1 In June of every even numbered year, application for renewal of licensure shall be accompanied by or supported by evidence of the licensee's having completed a minimum of forty (40) hours of continuing education as provided in section 7.0 herein. Said requirement shall be pro-rated as necessary by the Division to reflect periods of less than two years of licensure prior to renewal.
- 6.3 Any person who allows his or her license to lapse by failing to renew it on or before the first day of July every two years as provided above, may be reinstated by the Director upon submission of an application and on payment of the current renewal fee, and completion of the continuing education requirements in accordance with section 6.2.1 herein within the immediate two (2) years prior to the applicant's request for licensure renewal, unless license has been suspended or revoked.
 - 6.3.1 Any person using the title of "nursing home administrator" or functioning as a nursing home administrator during the time that his or her license has lapsed shall be subject to the penalties for violation of the statutory and regulatory provisions herein.

Section 7.0 *Mandatory Continuing Education*

- 7.1 Programs for continuing education which are acceptable for continuing education credits set forth in section 6.2.1 and in accordance with section 3.1(c) for nursing facility administrators may be presented by:
- a. The RI Health Care Association
 - b. The RI Association of Facilities for the Aging
 - c. The American College of Health Care Administrators
 - d. The Alliance for Better Long Term Care
 - e. Nationally recognized associations of the aforementioned groups
 - f. Any duly accredited college or university
 - g. Programs approved by the National Continuing Education Review Service (NCERS) of the National Association of Boards of Examiners of Long Term Care Administrators
 - h. State or federal agencies (with prior Board approval).
- 7.2 It shall be the sole responsibility of the individual nursing home administrator to obtain documentation from the recognized sponsoring or co-sponsoring organizations, agencies or other, of his or her participation in the learning experience and the number of dated credits earned. Furthermore, it shall be the sole responsibility of the individual to safeguard the documents for review by the Board, if required.

Section 8.0 *Grounds For Denial, Revocation or Suspension of License*

- 8.1 Pursuant to the statutory provisions of section 5-45-12, the Department may deny issuance of a license or suspend or revoke any license issued under the provisions of the Act and the regulations herein, or may reprimand, censure or otherwise discipline, upon decision and after hearing in accordance with section 10.0 upon proof that the licensee engaged in unprofessional conduct which includes but is not limited to:
- a) Has become unfit or incompetent by reason of negligence, habits, or other causes such as physical and mental impairment that would interfere with proper performance of duties;
 - b) Is in violation of any of the provisions of the Act or the rules herein, or acted in a manner inconsistent with the health and safety of the patients of the home in which he or she is the administrator;
 - c) Has engaged in fraud or deceit in the practice of nursing home administration or in his or her admission to such practice;
 - d) Has been convicted in a court of competent jurisdiction, either within or without this state, of a felony;
 - e) Neglect or misconduct in professional practice; and

- f) Any departure from or failure to conform to the minimal standards of acceptable and prevailing practice in nursing home administration. Actual injury to a patient/client/resident need not be established.

8.2 All hearings and reviews as may be required herein shall be conducted in accordance with the provisions of section 10.0 of these rules and regulations.

PART III VIOLATIONS AND PENALTIES PRACTICES AND PROCEDURES SEVERABILITY

R5-45-NHA

Section 9.0 Violations and Penalties

9.1 Any violations as set forth in section 8.0 herein shall be cause for the Department to impose such sanctions, or denial, revocation or suspension of license or imposing a reprimand or censure on such other disciplinary action. Furthermore, pursuant to section 5-45-11 of the Act, any violations of the provisions of that section of the Act shall be subject to the penalties of that section.

Section 10.0 Rules Governing Practices and Procedures

10.1 All hearings and reviews required under the provisions of Chapter 5-45 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the Act and the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Rhode Island Department of Health and Access to Public Records of the Department of Health* (R42-35-PP).

Section 11.0 Severability

11.1 If any provisions of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

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