

216-RICR-40-05-32

TITLE 216 - DEPARTMENT OF HEALTH

CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITY REGULATION

SUBCHAPTER 05 – PROFESSIONAL LICENSING

PART 32 – Nursing Home Administrators-

32.1 Authority

~~These regulations~~ This Part ~~are-is~~ promulgated pursuant to the authority set forth in R.I. Gen. Laws § 5-45-13, and ~~are-is~~ established for the purpose of establishing prevailing requirements for the licensing of nursing home administrators.

32.2 Definitions

A. Wherever used in this Part the following terms shall be construed as follows:

1. "Act" means R.I. Gen. Laws Chapter 5-45, entitled "Nursing Home Administrators."
2. "Board" means the Board of Examiners for Nursing Home Administrators established pursuant to the provisions of R.I. Gen. Laws § 5-45-1.
3. "Contact hours" means hours acquired through attendance or participation at programs that provide for direct interaction between faculty and participants and may include lectures, symposia, live teleconferences or workshops.
4. "Director" means the Director of the Rhode Island Department of Health.
5. "Department" means the Rhode Island Department of Health.
6. "Non-contact hours" means internet courses, correspondence courses, tapes, or other continuing education programs that do not provide for direct interaction between faculty and the participant.
7. "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 R.I. Gen. Laws § 5-45-4(5).
8. "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 R.I. Gen. Laws § 5-45-4(6).

9. "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.

32.3 Licensing Requirements for Nursing Home Administrators

32.3.1 License Requirement

Pursuant to R.I. Gen. Laws § 5-45-5, no nursing home in Rhode Island 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 this Part.

32.3.2 Qualifications for Licensure

- A. In addition to the qualifications for licensure stated in R.I. Gen. Laws § 5-45-7, an applicant seeking licensure as a nursing home administrator in Rhode Island must:
 1. 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 below:
 - a. Resident care management in nursing homes;
 - b. Personnel management;
 - c. Financial management;
 - d. Environmental management of nursing homes; and
 - e. Governance and management of nursing homes.
 2. 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:-
 - a. Administration;-
 - b. Human Resources;
 - c. Nursing Department;
 - d. Rehabilitation Department;-

- e. Medical/Patient Records;-
 - f. Activities Department;-
 - g. Social Services/Admissions;-
 - h. Business Office;
 - i. Dietary Department;
 - j. Housekeeping/Laundry; and
 - k. Environment/-Maintenance.
 - l. 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;
3. Have successfully completed the licensing examination as determined by the Board and the Director in accordance with the provisions of § 32.3.4 of this Part.

32.3.3 Application for Licensure

- A. Application for licensure to practice in Rhode Island as a nursing home administrator shall be made on forms provided by the Department 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:
 1. Supporting official transcripts of education and training credentials in accordance with § 32.3.2 of this Part; such documentation must be sent directly from the school to the Department and must bear the signature of the registrar and the imprint of the school seal;
 2. 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 Department;
 3. Such other information as the Director may deem necessary.

32.3.4 Licensing of Nursing Home Administrators-

- A. By Examination
 1. 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 provisions of the Act and this Part. 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 Rhode Island at the time the retest is administered.

- a. For written examination, the Board has designated the National Association of Board of Examiners of Long Term Care Administrators (NAB) as the organization to test the applicant's competency, skill and knowledge of nursing home administration.
- b. The national examination recommended passing score will be accepted by the Department as the minimal passing score.

B. By Endorsement

1. 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:
 - a. The Department finds that the standards for licensure in such other jurisdiction are substantially equivalent to those prevailing in Rhode Island at the time of application;
 - b. The licensing agency in each state in which the applicant holds or has held a registration or license submits to the Board a statement confirming the applicant to be or have been in good standing; and the applicant 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 three (3) years prior to application. (If such findings exist, the applicant may be allowed the opportunity to appear before the Board to offer explanation); and
 - c. The applicant 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
 - d. The applicant submits a completed licensure application in accordance with the provisions of § 32.3.3 of this Part; and
 - (1) The applicant meets the qualifications required of nursing home administrators in Rhode Island as set forth in § 32.3.2 of this Part; or
 - (2) The applicant is currently certified by and in good standing with the American College of Health Care Administrators (ACHCA), or
 - (3) The applicant meets all of the following requirements:
 - (AA) Has earned a bachelor's degree; and

- (BB) 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 or has been in a management position with no less than three (3) years experience (in the most recent five ~~(5)~~ years) having direct responsibility for overseeing and directing three (3) or more licensed nursing home administrators; and
- (CC) Successful completion of the national examination in accordance with § 32.3.4(A)(1)(a) of this Part.

32.3.5 Issuance and Renewal of License and Fee

- A. Upon the recommendation of the Board, the Department shall issue to applicants who have satisfactorily met the licensure requirements of this Part, a license to a nursing home administrator to function as such in Rhode Island. 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 (2) years on June 30th of the next even numbered year thereafter.
- B. Every licensed person -who wishes to renew his or her license shall file with the Department by June 1st, a renewal application -together with a -renewal fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health ([Part 10-05-2](#) of this Title).
 - 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 § 32.3.6 of this Part. Said requirement shall be pro-rated as necessary by the Department to reflect periods of less than two (2) years of licensure prior to renewal.
- C. 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 (2) years as provided above, may be reinstated by the Department upon submission of an application and on payment of the current renewal fee, and completion of the continuing education requirements in accordance with § 32.3.5(B)(1) of this Part within the immediate two (2) years prior to the applicant's request for licensure renewal, unless license has been suspended or revoked.
 - 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 provisions of the Act and this Part.

32.3.6 Mandatory Continuing Education

- A. Programs for continuing education which are acceptable for continuing education credits set forth in § 32.3.5(B)(1) of this Part and in accordance with § 32.3.2(A)(1) of this Part for nursing facility administrators shall be presented by:
1. The RI Health Care Association
 2. LeadingAge Connecticut & Rhode Island, formerly tThe Rhode Island Association of Facilities for the Aging/LeadingAge RI
 3. The American College of Health Care Administrators
 4. The Alliance for Better Long Term Care
 5. Nationally recognized associations of the aforementioned groups
 6. Any duly accredited college or university
 7. Programs approved by the National Continuing Education Review Service (NCERS) of the National Association of Boards of Examiners of Long Term Care Administrators.
- B. Thirty (30) hours of the required forty (40) hours of continuing education in a two (2) year period shall be contact hours, as defined in this Part. The remaining ten (10) hours of continuing education may be non-contact hours.
- C. 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. These documents shall be retained by each licensee for no less than four (4) years and are subject to random audit by the Department.
- D. An extension of time to complete the continuing education requirements may be granted to a nursing home administrator solely at the discretion of the Board for reasons of hardship or other extenuating circumstances.

32.3.7 Grounds for Denial, Revocation or Suspension of License

- A. Pursuant to the statutory provisions of R.I. Gen. Laws § 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 this Part, or may reprimand, censure or otherwise discipline, upon decision and after hearing in accordance with § 32.4.2 of this Part upon proof that the licensee engaged in unprofessional conduct which includes but is not limited to those grounds stated in R.I. Gen. Laws § 5-45-12(a), and:
1. 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;

2. Neglect or misconduct in professional practice; and
 3. 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.
- B. All hearings and reviews as may be required by this Part shall be conducted in accordance with the provisions of § 32.4.2 of this Part.

32.4 Violations and Penalties Practices and Procedures Severability

32.4.1 Violations and Penalties

Any violations as set forth in § 32.3.7 of this Part 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, ~~any~~ violations of the provisions of R.I. Gen. Laws § 5-45-11 ~~shall~~ be subject to the penalties of that section.

32.4.2 Rules Governing Practices and Procedures

All hearings and reviews required under the provisions of the Act shall be held in accordance with the provisions of the Act and the rules and regulations regarding Practices and Procedures Before the Rhode Island Department of Health ([Part 10-05-4](#) of this Title) and Access to Public Records ([Part 10-05-1](#) of this Title).