



Oregon

John A. Kitzhaber, MD, Governor

Health Licensing Agency

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Website: www.Oregon.gov/OHLA

WHO: Oregon Health Licensing Agency
Nursing Home Administrators Board

WHEN: January 12, 2012 – 9 am

WHERE: Oregon Health Licensing Agency
Rhoades Conference Room
700 Summer St NE, Suite 320
Salem, Oregon

What is the purpose of the meeting?

The purpose of the meeting is to conduct regular board business. Please use appropriate language, manners and protocols when conducting board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://egov.oregon.gov/OHLA/NHAB/meetings.shtml> for current meeting information.

Is the public or licensees allowed to attend the meeting?

Yes. Members of the public are invited and encouraged to be in attendance at all board/council meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment at the end of the meeting. Please wait to be recognized by the Chairperson prior to commenting.

Is it possible to watch the meeting live on the internet?

Yes. You may access the meeting at <https://oregon.ilinc.com/join/fxrvpff> (Link provided is specific to this meeting date) If you need assistance accessing the meeting contact the iLinc Join Help Desk at 1-800-799-4510, and select option "1."

What if the board/council enters into executive session?

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Oregon Health Licensing Agency
Nursing Home Administrators Board



9 am, Thursday, January 12, 2012
700 Summer Street N.E., Suite 320
Salem, Oregon

Call to Order

Introduction of Kim Fuson, new board member

1. **Approval of Agenda**
2. **Approval of Minutes**
 - ◆ October 12, 2011
3. **Reports**
 - ◆ Director's Report
 - ◆ Outreach and Communication
 - ◆ Statistical & Budget Report
 - ◆ Regulatory Report
 - ◆ Policy, Legislation & Administrative Rules
-2013 Legislative Concept Determination

Working Lunch

4. **Items for Board Action**
5. **Public Comment**
6. **Other Board Business**
 - ◆ Board Interest File
7. **Executive Session (If needed)**

Agenda is subject to change.
For the most up to date information visit www.oregon.gov/OHLA

Approval of Minutes





Oregon Health Licensing Agency
Nursing Home Administrators Board



9 am, Monday, October 12, 2011
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Kathleen Elias, Chair
Nicolle King Deering, Vice-Chair
Arlene Gardner
Mike Weatherby
Nicole Burnham

STAFF PRESENT

Randy Everitt, Director
Sylvie McMillan, Fiscal Services and Licensing Manager
David Sparks, Regulatory Operations Manager
Sinnamon Harris, Board Specialist

MEMBERS ABSENT:

Lynn Howe
Dr. Harry Krulewitch

GUESTS PRESENT:

Michael Kilbury

*This meeting was live video streamed.

Call to Order

Kathleen Elias, Chair, called the meeting of the Nursing Home Administrators Board to order at 9:59 am, Wednesday, October 12, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. The meeting started late because of traffic situation that delayed the board member needed to establish quorum. Roll was called.

1. Approval of Agenda

MOTION:

Arlene Gardner made a motion with a second by Mike Weatherby to approve the agenda. Motion passed unanimously.

2. Approval of Minutes

MOTION:

Nicole Burnham made a motion with a second by Mike Weatherby to approve the minutes for July 13, 2011. Motion passed unanimously.

3. Reports

◆ Directors Report

Randy Everitt, Director, explained that a legislative concept is a formal idea that the agency vets with its boards or councils to determine if a statute (or law) needs to be revised. It is a lengthy process and Everitt further explained that the Legislative Concepts need to be submitted by early April of 2012 for the 2013 Legislation Session. Everitt noted that of concern for the Nursing Home Administrators Board was the lack of oversight for Assisted or Residential Living Facilities (ALF/RCF). Everitt asked if the board wanted to move forward with a legislative concept for licensure for the assisted and residential living administrators that may create a new board or place the administrators under this board. This would not be for adult foster care as they do not have administrators. Everitt spoke about outreach. Kathleen Elias mentioned she has provided Everitt with Oregon Health Alliance and Oregon Healthcare Association contacts. Elias stated that nine other states currently regulate assisted and residential living administrators. The board deemed this a public safety issue and encouraged Everitt to pursue as a 2013 Legislative Concept.

MOTION:

A motion was made by Mike Weatherby with a second by Arlene Gardner to have the board refer the issue of standards for directors and administrators of assisted living and residential care facilities over to the agency {Everitt} for a possible legislative concept for the 2013 Legislative Session. The motion passed unanimously.

The board briefly touched on the reciprocity issue in which Oregon Revised Statute 678.770(b) currently states that an applicant must be, in part, “licensed under the laws of any other state or territory of the United States.” Elias stated persons applying from another country have not been an issue and she only brought up the subject as a point of discussion from the National Association of Long Term Care Administrator Boards (NAB) conference. China has been reaching out to NAB for help in developing a system for elderly care. The board and agency will not pursue a legislative concept regarding reciprocity for those applicants from other countries.

Chair Summit

Everitt announced a Chair Summit will take place on January 20, 2012, for all the Boards and Councils for a business meeting. The purpose of the meeting is for the boards/councils to let the agency know how it can improve on its services and for the agency to let the boards/councils know where the business of regulation is headed. For example, Everitt stated, at the last Chair Summit the agency introduced the 28-point Investigatory Protocols. One of the concerns at the last meeting was customer service and as a result the agency increased staff in the front lobby service area and added a position who answers the phone. This meeting will also explore the political part of Oregon Health Licensing Agency as a state entity and how it relates to each profession.

◆ Statistical and Budget Report

Sylvie McMillan, Fiscal Services and Licensing Manager, presented the statistics that included licensing, examination and regulatory statistics, authorization volume, complaints, and website traffic. McMillan also introduced a chart which outlined the “Small Board Gold, Silver, and Bronze Plans.” These plans were developed by fiscal to allocate the shared (indirect) service rates for each board or council under Oregon Health Licensing Agency. The chart shows which board is using what functions of the agency and the costs are based on those services the boards are actually using. Full-Time

Equivalent (FTE) Allocation represents all the agency’s employee positions. Shared cost categories are divided into three agency divisions: Administrative Services, Fiscal Services/Licensing, and Regulatory Operations. Each board was placed into a Gold, Silver, or Bronze Plan based on the services used while Cosmetology has its own separate plan. The board will pay a percentage of each of the shared costs, such as, management, rules and legislation, qualifications and licensing, etc. McMillan noted the Silver and Bronze Plans does not include inspections as the agency only performs inspections on those boards with facility licenses. The Investigators keep a detailed log of which board they work on and those hours/ payroll costs are divided out at the end of the month for each board/council. NHAB was placed within the Small Board Silver Plan.

**The NHAB Cumulative Revenue and Expenditures
 for the Biennium 2011-2013**

OREGON HEALTH LICENSING AGENCY NURSING HOME ADMINISTRATORS - FUND 7830 STATEMENT OF CASH FLOWS FOR THE PERIOD 07/01/2011 - 8/31/2011	
11-'13 Beginning Cash Balance <i>as of 8/31/2011</i>	\$ 109,844.34
Revenues	\$ 27,475.00
Expenditures	\$ 7,567.30
Less: Accrued Expenditures	\$ (60.10)
Less: Total Expenditures	\$ (7,507.20)
Subtotal: Resources Available	\$ 129,812.14
Change in (Current Assets)/Liabilities	\$ (136.65)
Ending Cash Balance (Actual)	\$ 129,675.49
Silver Allocation Plan, 7/1/2011 - 12/31/2011	
Shared Services Rate (ASD, FSD, ROD)	1.14%
Educational Services	5.25%
SMB Qualifications and Licensing	6.47%
Frontline and Customer Support	0.54%
Direct Expenditures	100.00%

◆ Regulatory Operations Division Report

David Sparks, Regulatory Operations Manager, reported on enforcement activity.

2009 – 2011 Biennium

Between July 2009 and June 2011, 26 complaints were received by the Agency. Of the 26 complaints, 2 remain open.

Below is a detailed list of the 2 open complaints with an ongoing investigation:

Case #	Received Date	Complaint Allegations
11-6295	1/31/2011	Services Provided
11-6470	6/13/2011	Services Provided

There were no closed complaints since the last Board meeting.

Below is a summary of all other closed complaints categorized by investigation result. These 24 complaints were closed out prior to the last Board meeting.

Investigation Result	Count
Civil Penalty	2
Resolved	1
Unfounded	17
W/D	2
W/O Action	2

2011 – 2013 Biennium

Between July 1, 2011 and October 12, 2011, 1 complaint was received by the Agency. Of the 1 complaint, 1 remains open.

Below is a detailed list of the 1 open complaint with an ongoing investigation:

Case #	Received Date	Complaint Allegations
6560	9/13/2011	Services Provided

Sparks spoke about sub-standard quality of care. He has asked Janet Bartel, Investigator, to collaborate with the Department of Human Services (DHS) and check for all the cases DHS has had within the last 24 months. Sparks stated that he is looking for what cases were or should have been referred to this agency.

◆ Policy, Legislation & Administrative Rules

-OHLA Permanent Administrative Rules

McMillan discussed OAR 331-010-005 regarding allowing authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status. The rule defines and clarifies what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of OHLA. The rule also defines and clarifies the terms incompetence and negligence used in ORS 676.612 in regulation to the boards or councils under OHLA.

-Legislation and Rules Committee Reports

McMillan stated the Legislation and Rules Committee had met on September 21, 2011, and on October 3, 2011 to review and revised the administrative rules. After the September 21 meeting, Assistant

Attorney General (AAG) for the agency, Katharine Lozano worked with McMillan to review the revisions for legal content and to fine-tune the proposed rules. {NOTE: Both committee reports may be found on the NHAB web site under “board meetings.”}

4. Items for Board Action

◆ Review Request for Reinstatement of Licensure

A licensee had requested the reinstatement of their Nursing Home Administrator’s license but had not completed the required continuing education for renewal. The license had expired four years ago on June 30, 2007. The board reviewed the administrative rules and the letters provided on the licensees’ behalf before rendering a decision.

MOTION:

Mike Weatherby made a motion with a second by Arlene Gardner to approve the reinstatement of licensure with the following conditions:

- a. The licensee must complete 120 hours of training in the AIT program (Note: This is equivalent to the number of hours of continuing education required to renew an active license).
- b. The training must be provided by a registered preceptor.
- c. The training must include the review of the MDS 3 process.
- d. The training must include the review of the CMS changes in pharmacy review.
- e. The board will accept 14.5 approved continuing education hours with documented proof of completion.

The motion passed unanimously.

◆ Approval of Proposed Administrative Rules

On April 13, 2011, the Nursing Home Administrator Board approved an administrative rulemaking schedule for the year 2011. The Legislation and Rules Committee met on June 13, 2011, July 12, 2011, August 22, 2011, September 21, 2011, and October 3, 2011, in order to review and recommend changes to administrative rules. After the board approves proposed administrative rules, the public comment period will begin on November 1, 2011 and end as of November 28, 2011. The board is scheduled to adopt permanent rules on December 8, 2011.

The Legislation and Rules Committee will review all public comment on December 7, 2011, and make recommendations to the full board on December 8, 2011.

The board reviewed the draft proposed rules and made minor revisions. The board had concerns over the wording under OAR 853-0660-0010(2) and may have the AAG review for any possible negative impact.

MOTION:

Mike Weatherby made a motion with a second by Nicolle King Deering to approve proposed administrative rules regarding OAR Chapter 853 Divisions 020-060 excluding Division 40 which pertain to fees the agency has authority to set. The motion passed unanimously.

◆ 2012 Chair and Vice-Chair

Nominations for Chair were opened and Arlene Gardner nominated Kathleen Elias for Chair but Kathleen Elias declined the nomination because her terms have been completed.

Mike Weatherby nominated Nicolle King Deering for Chair. There were no other nominations and the nominations were closed. Nicolle King Deering was elected 2012 Chair by a unanimous vote.

Nominations for Vice-Chair were opened Nicolle King Deering nominated Nicole Burnham for Vice-Chair. Mike Weatherby nominated Dr. Harry Krulewitch. {Dr. Krulewitch was not present and there were concerns over his availability.}

A vote was taken by roll-call for Nicole Burnham as Vice-Chair since there were two candidates. The vote was as follows: Nicolle King Deering voted aye, Mike Weatherby vote nay, Arlene Gardner voted aye, Nicole Burnham voted aye, and Kathleen Elias voted aye. The ayes have the vote. Nicole Burnham was elected 2012 Vice-Chair.

◆ **2012 Committees**

MOTION:

Mike Weatherby made a motion with a second by Arlene Gardner to keep the committee composition the same as 2011. The motion passed unanimously.

2012 Committees	
Legislation & Rules	Kathleen Elias, Arlene Gardner, Lynn Howe, Nicole Burnham
Education & Examination	Lynn Howe, Nicole Burnham, Nicolle King Deering
Enforcement	Nicole Burnham, Nicolle King Deering, Dr. Harry Krulewitch, Mike Weatherby
Practice & Procedures Standards	Kathleen Elias, Arlene Gardner, Alt: Dr. Harry Krulewitch
Customer Connection	Mike Weatherby

◆ **2012 Meeting Dates**

The board decided to change the board meeting dates to Thursdays at 9 am.

MOTION:

Mike Weatherby made a motion with a second by Nicolle King Deering for the following meeting dates for the NHAB for 2012: January 12, April 12, July 12, and October 18, 2012. The motion passed unanimously.

5. Public Comment

No public comment was received.

6. Other Board Business/Board Interest

The board discussed bringing in a DHS nursing home facility surveyor to explain the process and details of the survey as a future board education piece.

7. Executive Session-Place Holder

The board did not enter into executive session.

8. AIT Interviews

Michael Kilbury, Maryville Nursing Home

The meeting adjourned at approximately 12:55 pm.

Prepared by: Sinnamon Harris, Board Specialist

Director's Report

Outreach and Communication



Web Reflects Changes in Licensing Requirements

The year 2011 saw many changes at OHLA, both through legislation and administrative rulemaking.

The Nursing Home Administrators Board was one of OHLA's boards and councils with one of the most substantial schedules to effect change, holding more than 10 regular and committee meetings to review and revise its administrative rules.

The board's total revamping of its administrative rules is reflected online at <http://www.oregon.gov/OHLA/NHAB/index.shtml>. The strategy for revising online content is to align closely to the revised rules and then include additional content to further elaborate on those rules when necessary and appropriate.

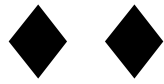
Here are highlights:

- **Front Page Feature Box:** The main lead-in content of the site announces the sweeping changes to streamline licensing requirements and applauds the efforts of board members and agency staff.
- **How to Get Licensed Page:** This page, the information portal to licensure, lays out the five pathways to licensure, requirements for a provisional license, and state and national examinations.
- **AIT Program/Training:** The Administrator-in-Training (AIT) page once again follows the streamlined language of the revised rules while retaining the non-rule required resources of the "AIT Program Tool Kit."

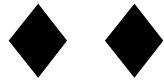
We will continue to refine and revise Web content and encourage feedback from board members and other stakeholders.

Kraig Bohot / OHLA Communications
503-373-1939 – *direct line*
kraig.bohot@state.or.us

www.oregon.gov/OHLA



Statistical & Budget Reports



Oregon Health Licensing Agency

Nursing Home Administrators Board

Licensing Division Statistics as of January 4, 2012

2011 - 2013 Biennium

Quarter	New Administrators In Training	Preceptor Registrations Issued	Permanent Licenses Re-Instated	Permanent Licenses Issued	Temporary Licenses Issued	Renewals Processed
1st	2	0	7	9	2	60
2nd	2	0	1	11	0	0
3rd	0	0	0	0	0	1
Total	4	0	8	20	2	61

Oregon Health Licensing Agency

Nursing Home Administrators Board

Examination Statistics as of January 4, 2012

2011 - 2013 Biennium

Quarter	National Examination			State Examination		
	Passed	Failed	% Passed	Passed	Failed	% Passed
1st	1	1	50%	6	2	75%
2nd	4	0	100%	9	6	60%
3rd	0	0	0%	0	0	0%
Total	5	1	83%	15	8	65%

Oregon Health Licensing Agency

Nursing Home Administrators Board

Regulatory Division Statistics as of January 4, 2012

2011 - 2013 Biennium

Quarter	Complaints Received	Complaints Closed	Proposed Sanctions	Final Orders
1st	1	0	0	0
2nd	6	1	0	0
3rd	0	0	0	0
Total	7	1	0	0

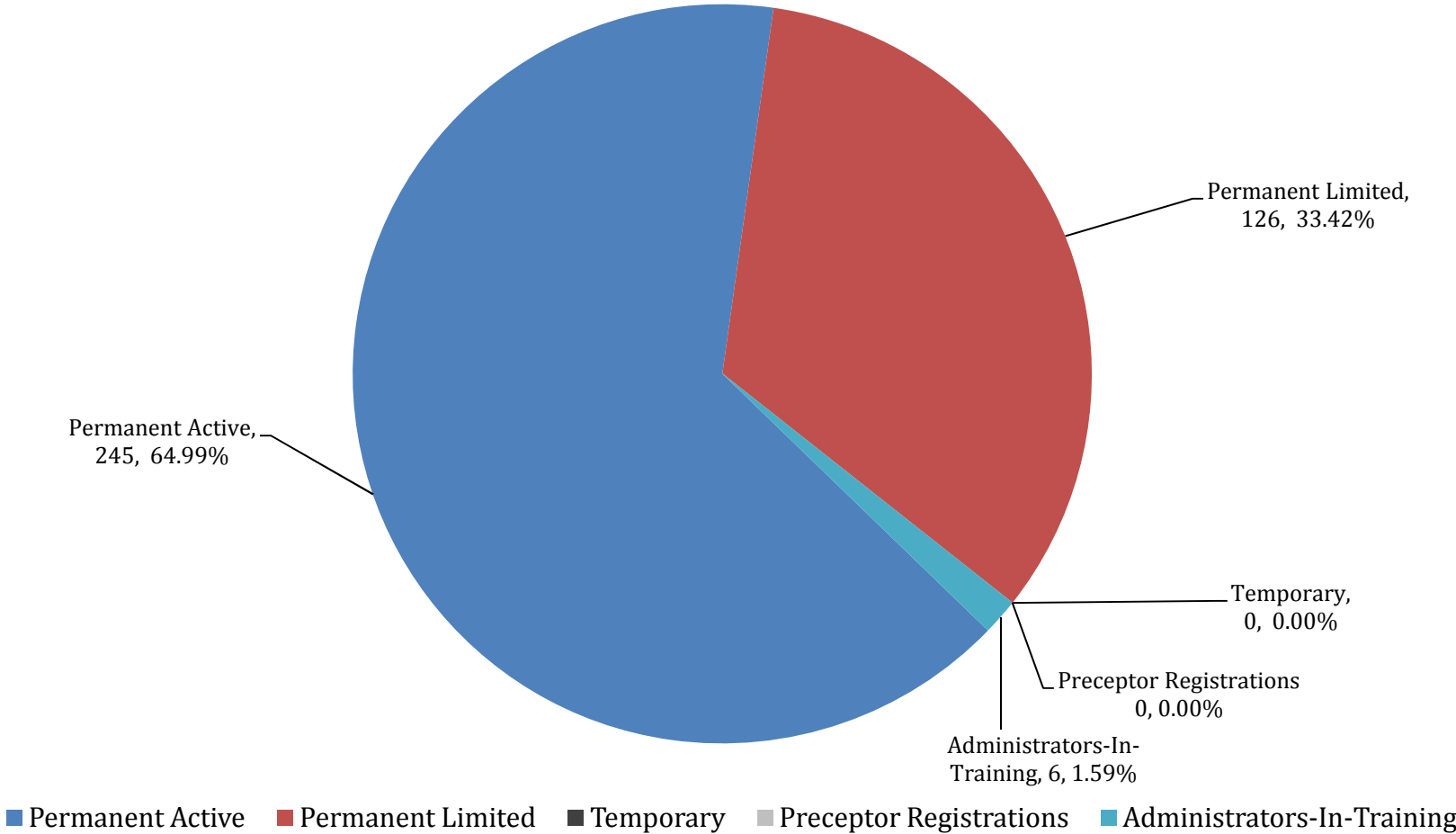
Oregon Health Licensing Agency

Nursing Home Administrators Board

License Volume as of January 4, 2012

2011 - 2013 Biennium

Total Volume: 377



Oregon Health Licensing Agency
Nursing Home Administrators Board
 Revenues and Expenditures
 For the Biennium 2011-2013

OREGON HEALTH LICENSING AGENCY NURSING HOME ADMINISTRATORS FUND 7830 STATEMENT OF CASH FLOW - Actual FOR THE PERIOD 07/01/11 - 11/30/11		
11-'13 Beginning Cash Balance	\$	109,527.77
Revenues	\$	34,638.06
Expenditures	\$	24,452.47
Less: Accrued Expenditures	\$	(40.72)
Less: Total Expenditures	\$	(24,411.75)
Subtotal: Resources Available	\$	119,754.08
Change in (Current Assets)/Liabilities	\$	21.73
Ending Cash Balance (Actual)	\$	119,775.81
Silver Allocation		
Shared Services (ASD, FSD, REG)		1.14%
Educational Services		5.25%
Small Board Qualifications and Support		6.47%
Front Line Support		0.54%
Direct Expenses		100.00%

Oregon Health Licensing Agency

Nursing Home Administrators Board

Revenues and Expenditures

For the Biennium 2011-2013

OREGON HEALTH LICENSING AGENCY		
NURSING HOME ADMINISTRATORS FUND 7830		
STATEMENT OF CASH FLOW		
FOR THE PERIOD 07/01/11 - 06/30/13		
11-'13 Beginning Cash Balance	\$	109,527.77
Revenues	\$	90,743.06
Expenditures	\$	109,140.40
Less: Accrued Expenditures	\$	-
Less: Total Expenditures	\$	(109,140.40)
Subtotal: Resources Available	\$	91,130.43
Change in (Current Assets)/Liabilities	\$	-
Ending Cash Balance (Projected)	\$	91,130.43
Silver Allocation		
Shared Services (ASD, FSD, REG)		
Educational Services		
Small Board Qualifications and Support		
Front Line Support		
Direct Expenses		

**Regulatory
Operations Division
Report**



NURSING HOME ADMINISTRATORS BOARD

2009 – 2011 Biennium

Between July 2009 and June 2011, 27 complaints were received by the Agency. Of the 27 complaints, 2 remain open.

Below is a detailed list of the 2 open complaints with an ongoing investigation:

Case #	Received Date	Complaint Allegations
10-6263	12/14/2010	Unprofessional Conduct
11-6344	03/28/2011	Unprofessional Conduct

Below is a summary of all other closed complaints categorized by investigation result. These 25 complaints were closed out prior to the last Board meeting.

Investigation Result	Count
Civil Penalty	4
Unfounded	17
W/O Action	4

2011 – 2013 Biennium

Between July 1, 2011 and January 5, 2012, 7 complaints were received by the Agency. Of the 7 complaints, 6 remain open.

Below is a detailed list of the 6 open complaints with an ongoing investigation:

Case #	Received Date	Complaint Allegations
11-6605	11/8/2011	Not following doctors orders
11-6606	11/8/2011	Referred by DHS after investigation
11-6607	11/8/2011	Referred by DHS after investigation
11-6608	11/8/2011	Referred by DHS after investigation
11-6609	11/8/2011	Referred by DHS after investigation
11-6624	11/21/2011	Referred by DHS after investigation

Below is a summary of the closed complaints categorized by investigation result. There was 1 complaint received and closed out since the last Board meeting.

Investigation Result	Count
Referred to another agency	1

Policy, Legislation & Administrative Rules

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on Nov. 8, 2011 by the
Date prior to or same as filing date
Oregon Health Licensing Agency/Nursing Home Administrators Board OAR 853
Agency and Division Administrative Rules Chapter Number

Samantha Patnode 700 Summer St. NE, Suite 320, Salem OR 97301-1287 503-373-1917
Rules Coordinator Address Telephone

to become effective January 1, 2012. Rulemaking Notice was published in the November 2011 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Standardization with other professions regulated by OHLA.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 853-020-0000, 853-030-0000, 853-030-0010, 853-030-0020, 853-030-0030, 853-030-0040, 853-030-0050, 853-030-0060, 853-030-0070, 853-040-0000, 853-050-0000, 853-050-0010, 853-060-0000, 853-060-0010

AMEND:

REPEAL: 853-001-0000, 853-001-0005, 853-001-0020, 853-001-0025, 853-001-0030, 853-010-0010, 853-010-0015, 853-010-0017, 853-010-0020, 853-010-0025, 853-010-0035, 853-010-0040, 853-010-0045, 853-010-0050, 853-010-0055, 853-010-0060, 853-010-0065, 853-010-0070, 853-010-0074, 853-010-0075, 853-010-0076, 853-010-0077, 853-010-0078, 853-010-0079, 853-010-0080

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 678, 676.605, 676.606, 676.607, 676.608, 676.615

Other Auth.:

Stats. Implemented: ORS 678.710, 678.720, 678.025, 678.730, 678.740, 678.750, 678.760, 678.770, 678.775, 678.780, 678.790, 678.800, 678.810, 678.820, 678.990

RULE SUMMARY

The Oregon Health Licensing Agency (Agency) and the Nursing Home Administrators Board (NHAB) are proposing to adopt the NHAB administrative rules Chapter 853 Divisions 20 – 60. Rule changes are necessary to standardize and streamline rules for consistency with other professions regulated by OHLA and to allow for the adoption of rules that will align with current industry, agency and statewide rulemaking standards and principles.

Adopt 853-020-0000 Definitions: in order to meet rulemaking protocols and define relevant terms where utilized within the rule for efficiency.

Adopt 853-030-0000 Nursing Home Administrator Application Requirements: to establish standardized pathways for licensure and to streamline the application process. The pathways include:

- Qualification through the AIT program
- Qualification through dual facility experience

- Qualification through advanced education and experience
- Reciprocity

Adopt 853-030-0010 Provisional Licenses –Application and Issuance: for bona fide emergencies.

Adopt 853-030-0020 Application for Registration as an AIT: for individuals applying for an AIT registration.

Adopt 853-030-0030 Application for Registration as a Preceptor: to strengthen the AIT supervisory role and to outline minimum qualifications that a preceptor must meet in order to qualify to train AITs.

Adopt 853-030-0040 Administrator-in-Training (AIT) Program: requirements in order to add clarity and to provide the AIT with a streamlined process for the training period.

Adopt 853-030-0050 General Examination Information: requirements to include all information related to examinations are streamlined into one administrative rule.

Adopt 853-030-0060 Examination Retake: to clarify the retake process.

Adopt 853-030-0070 Nursing Home Administrator Issuance and Renewal: to align with statutory provisions pursuant to ORS 678.775, by establishing a reactivation fee and the number of years a licensee can renew late up to three years to align with renewal requirements and agency protocol. The rule also addresses those authorizations that have expired beyond three years.

Adopt 853-040-0000 Fees: establishing and changing fees.

Adopt 853-050-0000 Continuing Education Requirements: to clarify and establish continuing education credit criteria. Nursing Home Administrators must complete a minimum of 2.0 credits or 20 hours every year.

Adopt 853-050-0010 Continuing Education: Audit, Required Documentation and Sanctions: provide the licensee clarity regarding the process if selected for an audit of attested continuing education credits.

Adopt 853-060-0000 Standards of Practice: to establish and maintain a high standard of integrity and dignity in the profession of nursing home administrators.

Adopt 853-060-0010 Standards of Professional Conduct: to protect the public against unprofessional conduct on the part of nursing home administrator.

Authorized Signer

Printed name

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

**OREGON HEALTH LICENSING AGENCY,
NURSING HOME ADMINISTRATORS BOARD**

DIVISION 20

GENERAL ADMINISTRATION

853-020-0000

Definitions

- (1) "Agency" means the Oregon Health Licensing Agency.**
- (2) "CEU" means a continuing education unit and the numerical value determined by the board to be earned by a renewal applicant by attending a specified training course. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably.**
- (3) "Continuing Education" means post-licensure education in health care administration undertaken to maintain professional competency to practice nursing home administration, and improve administration skills, in the interest of safety, health and welfare of the people served.**
- (4) "Experience" means prior performance in administration, including planning, organizing, directing, staffing, and budgeting of a licensed long-term care facility.**
- (5) "Experience in Health Care Management" means experience in administration, planning, organizing, directing, staffing and budgeting of a licensed health care facility.**
- (6) "Long-Term Care Facility" means a licensed facility as defined in ORS 442.015.**
- (7) "NAB" is the National Association of Long Term Care Administrator Boards.**
- (8) "Official Transcript" means an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted by the accredited college or university by mail or courier to the agency in a sealed envelope in accordance with ORS 678.730.**
- (9) "One Year" when related to employment means a period equivalent to 40 hours a week for 48 weeks.**
- (10) "Preceptor" means a person who is registered to train and supervise an AIT.**

(11) "Trainee"; "Administrator-in-Training"; or "AIT" means a person who is completing the residency or intern requirements leading to licensure as a nursing home administrator. See ORS 678.730(1)(a)

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.710, 678.730, 678.760

DIVISION 30

LICENSURE OF NURSING HOME ADMINISTRATORS

853-030-0000

Nursing Home Administrator Application Requirements

An individual applying for a nursing home administrator license must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.
- (3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:
 - (a) Licensure Pathway 1 – Qualification through the AIT Program. Applicant must submit:
 - (A) Official transcript as defined in OAR 853-020-0000(8) demonstrating attainment of qualifying Bachelor's degree pursuant to ORS 678.730(3);
 - (B) Certificate of Training Completion on forms prescribed by the agency;
 - (C) Examination fees;
 - (D) Official documentation of a passing score on the NAB examination, successfully completed within one year following the date of application, sent directly by the NAB to the agency. Copies of examination results or other documentation provided by the applicant are not acceptable. The applicant is responsible for payment of fees assessed by NAB in obtaining required official documentation. See ORS 678.740 and OAR 853-030-0030 [Note: Upon completion and approval of all application requirements listed in (1), (2), and (3)(a)(A) through (B) of this rule the agency may notify NAB an applicant is qualified to take the NAB examination];
 - (E) Proof of having completed and passed the board approved state examination within one year preceding or one year following the date of application. See ORS 678.740 and OAR 853-030-0030; and

(F) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

(b) Licensure Pathway 2 – Qualification through dual facility experience. Applicant must submit:

(A) Proof, from the organization, of one year experience as an administrator serving a dual facility as per ORS 678.710(1);

(B) Examination fees;

(C) Official documentation of a passing score on the NAB examination, successfully completed within one year *following* the date of application, sent directly by the NAB to the agency. Copies of examination results or other documentation provided by the applicant are not acceptable. The applicant is responsible for payment of fees assessed by NAB in obtaining required official documentation. See ORS 678.740 and OAR 853-030-0050 [Note: Upon completion and approval of all application requirements listed in (1), (2), and (3)(b)(A) of this rule the agency may notify NAB an applicant is qualified to take the NAB examination];

(D) Proof of having completed and passed the board approved state examination within one year *preceding* or one year *following* the date of application. See ORS 678.740 and OAR 853-030-0050; and

(E) Upon passage of all required examinations and before issuance of license, applicant must pay all licensure fees.

(c) Licensure Pathway 3 – Qualification through advanced education and experience. Applicant must submit:

(A) Official transcript as defined in OAR 853-020-0000(8) demonstrating attainment of a postgraduate degree in management pursuant to ORS 678.730(4);

(B) Proof of ten years of experience in health care management as defined in OAR 853-020-0000(5).

(C) All licensing fees.

(d) Licensure Pathway 4 – Reciprocity. Applicant must submit:

(A) An affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of current licensure, which is active with no current or pending disciplinary action, as a nursing home administrator. The license must have been issued by another state or territory of the United States and the licensing requirements must be at least equivalent to those in ORS 678.730

(B) All licensing fees.

(e) Licensure Pathway 5 – Reciprocity for licensees registered prior to January 1, 1983. Applicant must submit:

(A) An affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of current licensure, which is active with no current or pending disciplinary action, as a nursing home administrator. The license must have been issued by another state or territory of the United States and the licensing requirements must be at least equivalent to those in ORS 678.730. The affidavit must indicate that the license was originally issued prior to January 1, 1983;

(B) All licensing fees.

Stat. Auth.: ORS 676.615, 678.820(2)(g)
Stats. Implemented: ORS 678.730, 678.760, 678.770, 678.775, 678.820

853-030-0010

Provisional Licenses -- Application and Issuance

(1) Whenever a bona fide emergency exists such as, but not limited to, the death, incapacitation, or unexpected resignation of a licensed nursing home administrator and the nursing home which such person was administering is unable to employ a regularly licensed nursing home administrator, the long-term care facility may be administered by a provisionally licensed nursing home administrator. The provisional license is valid for only the nursing home in which the emergency that allowed the provisional license exists, and is valid until a licensed nursing home administrator can be employed, but not to exceed six months.

(2) An individual applying for a nursing home administrator provisional license must:

(a) Meet the requirements of OAR 331 division 30.

(b) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(c) Submit a formal request from the owner or manager of the nursing home explaining the emergency situation and the need for a provisional administrator.

(d) In addition to requirements listed in subsection (2) (a), (b) and (c) of this rule, an applicant must provide documentation of one of the following:

- (A) Proof of qualification under licensure pathway 2, 3, 4 or 5;**
- (B) Current employment as the nursing home's Assistant Administrator; or**
- (C) Current employment as the nursing home's Director of Nursing.**

Stat. Auth.: ORS 676.615, 678.820(2)(g)
Stats. Implemented: ORS 678.710, 678.760(5), 678.775

853-030-0020

Application for Registration as an AIT

An individual applying for an AIT registration must:

- (1) Meet the requirements of OAR 331 division 30;**
- (2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.**

Stat. Auth.: ORS 676.615, 678.820(2)(g)
Stat. Implemented: 678.730

853-030-0030

Application for Registration as a Preceptor

An individual applying for a Preceptor registration must:

- (1) Meet the requirements of OAR 331 division 30;**
- (2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.**
- (3) In addition to requirements listed in subsection (1) and (2) of this rule, a preceptor must:**
 - (a) Hold a current Oregon nursing home administrator license with no current or pending disciplinary action, and with no fines, fees, or civil penalties owing to the Agency;**

(b) Have been a licensed nursing home administrator for the least three years; and

(c) Have attended a Board-approved workshop for preceptors in Oregon within three years preceding the date of application for registration.

(4) In order to maintain current registration as a Preceptor with the agency;

(a) For a preceptor registered before January 1, 2012 the preceptor must attend a Board-approved workshop for preceptors in Oregon by December 31, 2012.

(b) A preceptor must attend a Board-approved workshop for preceptors in Oregon every three years.

Stat. Auth.: ORS 676.615, 678.820(2)(g)
Stats. Implemented: 678.730, 678.760, 678.775, 678.820

853-030-0040

AIT Program

The AIT program consists of 960 hours of training under the supervision of a preceptor. The training program documentation can be reviewed at www.oregon.gov/OHLA/NHAB.

(1) An AIT program applicant must apply for and be granted registration pursuant to OAR 853-030-0020 prior to beginning the AIT program.

(2) An AIT registered after January 1, 2012:

(a) Must complete the AIT program in no less than six months and no more than two years after beginning the program. An AIT failing to complete the program within two years after beginning the program must reapply and, if accepted, must begin the program again;

(b) May apply for a waiver of up to 80 hours of the AIT program pertaining to resident care and quality of life if the AIT submits:

(A) Proof of current CNA certification with no current or pending disciplinary actions and with no fines, fees, or civil penalties currently owing. Applicants must submit an affidavit of licensure pursuant to OAR 331-030-0040; or

(B) A certificate of completion from a CNA program within the last two years preceding the date of registration application;

(c) May apply for a waiver of up to 160 hours of the AIT program pertaining to resident care and quality of life if the AIT:

(A) Submits proof of current licensure as a LPN or RN in a long-term care facility, with no current or pending disciplinary actions and with no fines, fees, or civil penalties currently owing; and

(B) Has three years of experience within the last five years as a LPN or RN in a long-term care facility. Applicants must submit an affidavit of licensure pursuant to OAR 331-030-0040; and

(d) May apply for a waiver under subsection (3) or (4) of this rule, but not both.

(3) A registered preceptor must provide the AIT a minimum of four (4) hours per month of in-person consultation regarding the strengths, progress, and competency development needs of the AIT, and to suggest methods of improvement. In-person consultation must be documented on a form prescribed by the agency.

(4) A registered preceptor must:

(a) Train only one AIT at any one time;

(b) Sign the Certificate of Training completion forms;

(5) Both the AIT and preceptor registrants must notify the agency of any discontinuation of, change or interruptions in the AIT program.

(6) An AIT registered prior to January 1, 2012, may complete training under that AIT's currently approved program. The AIT must complete the AIT program in no less than six months and no more than two years after beginning the program. An AIT failing to complete the program within two years after beginning the program must reapply and, if accepted, must begin the program pursuant to OAR 853-030-0040(2);

(7) Neither AIT registration nor acceptance into an AIT program authorizes an AIT registrant to practice or offer to practice as a nursing home administrator or to use the title of or abbreviations for Nursing Home Administrator. An AIT registrant engaging in such conduct may be disqualified from all or part of the training program. See ORS 678.720(1).

853-030-0050

General Examination Information

1) The board approved examinations for a nursing home administrator license are the NAB examination with a NAB passing score and the state prepared examination administered by the agency with a board approved passing score.

(2) To take the examinations, an applicant must meet identification requirements listed under OAR 331-030-0000.

(3) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.

(4) Examination candidates may be electronically monitored during the course of testing.

(5) The Board will establish a maximum time allowance for each section of the examination.

(6) Notes, textbooks, notebooks, electronic equipment or communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(7) A candidate may be immediately disqualified before, during, or after the examination for conduct that interferes with the examination or otherwise violates this rule. At the time of disqualification, the examination may be invalidated and examination fees may be forfeited. Disqualifying conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination process;

(b) Violations of subsection (6) of this rule;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Exhibiting behavior that impedes the normal progress of the examination.

(8) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if applicant is disqualified from taking the examination.

Stat. Auth.: ORS 676.615, 678.820(2)(g)
Stats. Implemented: ORS 678.730, 678.740, 678.760, 678.775

853-030-0060

Examination Retake -- All examinations retakes are subject to examination fees and an approved examination schedule set by the agency

Stat. Auth.: ORS 676.615, 678.820(2)(g)
Stats. Implemented: ORS 678.40, 678.775

853-030-0070

Nursing Home Administrator Issuance and Renewal

(1) AUTHORIZATION AND RENEWAL: A licensee is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a license, provisions regarding authorization to practice, identification requirements, and requirements for issuance of a duplicate license.

(2) AUTHORIZATION RENEWAL: To avoid delinquency penalties, license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to 853-040-0000; and

(c) Documentation of having obtained required annual continuing education under OAR 853-050-0000, on a form prescribed by the agency.

(3) INACTIVE AUTHORIZATION: A license may be inactive for up to three years. When renewing after entering inactive status, the licensee must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and license fees pursuant to OAR 853-040-0000;

(c) Documentation of having obtained required annual continuing education under OAR 853-050-0000, on a form prescribed by the agency, whether license has been current or inactive;

(4) EXPIRED AUTHORIZATION: A license that has been inactive for more than three years is expired and the licensee must reapply and meet the requirements listed in OAR 853-030-0000.

(5) A licensee failing to meet continuing education requirements listed under OAR 853-050-0000 is expired and must reapply and meet requirements pursuant to OAR 853-030-0000.

(6) A licensee may not practice with an inactive or expired license.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.730, 678.740, 678.760, 678.775, 678.820

DIVISION 40

Fees

853-040-0000

Fees

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License (including by reciprocity): \$100

(B) Provisional license: \$50

(C) AIT registration: \$100

(D) Preceptor registration: \$100

(b) State examination: \$125

(c) Original issuance:

(A) License (including by reciprocity): \$130 for one year

(B) Provisional license: \$50 for six months

(d) Renewal of license: \$130 for one year

(e) Other administrative fees:

(A) Delinquency fee: \$50 for each year in inactive status up to three years.

(B) Replacement of license, including name change: \$25

(C) Affidavit of licensure: \$50

(D) Information Packet: \$10

(E) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.615, 678.775, 678.820(2)(g)
Stat. Implemented: ORS 678.775

DIVISION 50

CONTINUING EDUCATION REQUIREMENTS FOR NURSING HOME ADMINISTRATORS

853-050-0000

Continuing Education Requirements

(1) To maintain licensure, nursing home administrators must complete a minimum of 2.0 credits or 20 hours every year. Credit hours obtained in excess of those required for the one-year reporting period shall not be carried forward.

(2) Each licensee shall document compliance with the continuing education requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 853-050-0010 pertaining to periodic audit of continuing education.

(3) Continuing education must be obtained by participation in or attendance at a course provided by an accredited college or university, a course or program approved by NAB, or an agency pre-approved course or program.

(4) Continuing education must address subject matter related to nursing home administration in accordance with ORS 678.710(3) and OAR 853-020-0000(3).

(5) CEU credit will be awarded based on the following criteria:

(a) Completion and passing of academic courses taken from an accredited college or university at the same rate of credit established by that institution;

(b) Completion of professional courses which meet academic course requirements in content, instruction and evaluation will be assigned CEU credit at the same rate as academic courses.

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may receive credit at the rate of 1.0 CEU for each ten hours of attendance.

(6) Documentation supporting compliance with continuing education requirements must be maintained for a period of two years following renewal, and must be available to the agency upon request.

853-050-0010

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a percentage of licensees, as determined by the Board, to verify compliance with continuing education requirements of this rule.

(2) Licensees notified of selection for audit of continuing education attestation shall submit to the agency, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 853-050-0000.

(3) If selected for audit, the registrant must provide documentation of the required continuing education, which must include:

(a) For courses provided by an accredited college or university – An official transcript from the accredited college or university;

(b) For NAB approved programs or courses – A certificate of completion that includes the NAB approval number; or

(c) For agency pre-approved programs or courses – A certificate of completion or other agency approved documentation that includes the agency pre-approval number.

(4) For courses or programs attended prior to March 1, 2012 that are provided by organizations previously granted blanket program approval by the board, no documentation of NAB approval or agency pre-approval is required.

(5) If documentation of continuing education is incomplete, the registrant has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(6) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the license.

DIVISION 60

STANDARD OF PRACTICE AND PROFESSIONAL CONDUCT

853-060-0000

Standards of Practice

The board adopts the following standards of practice to establish and maintain a high standard of integrity and dignity in the profession of nursing home administrators. A licensee must:

- (1) Develop policies which govern the continuing care and related medical and other services provided by the facility which reflects the facility's person-centered philosophy;**
- (2) Maintain a clean and safe environment to ensure the health, safety, and welfare of residents and staff in the licensee's facility;**
- (3) Ensure a quality of care and quality of life that is consistent with the health and safety of the residents in the facility. This includes, but is not limited to, the promotion of care, related medical and other services provided by the facility to assist each resident to attain or maintain the highest practicable mental, physical, and psychosocial well being to the extent it is consistent with the resident's wishes;**
- (4) Participate with the ownership, management, or facility governing board to plan, implement, and evaluate written policies and procedures to promote facility systems to function properly and ensure compliance with all local, state, and federal laws and regulations;**
- (5) Communicate and problem solve regularly with the governing body, department heads, facility staff and residents to allocate resources properly. The nursing home administrator must foster effective communication and problem solving between management, staff, residents, family, community, and all parties involved to ensure appropriate management and operation of the facility and to provide for residents' rights, health, safety, and welfare; and**
- (6) Plan, implement, and evaluate an integrated financial program for the facility which ensures compliance with all local, state, and federal laws and regulations; quality of care and life; and appropriate and accurate billing for services.**

853-060-0010

Standards of Professional Conduct

The Board adopts the following standards of professional conduct to protect the public against unprofessional conduct on the part of nursing home administrators. A licensee must:

- (1) Comply with all local, state, and federal laws and regulations concerning the operation and reimbursement of nursing homes and/or nursing home administrators. The licensed nursing home administrator shall cooperate with any investigation of these regulatory bodies;**
- (2) Exercise appropriate supervision and responsibility over the activities of nursing home personnel;**
- (3) Protect resident rights as required by state and federal laws including, but not limited to, the protection against abuse, neglect, and other mistreatment pursuant to ORS 676.150 and 678.725;**
- (4) Possess and maintain the competencies necessary to effectively perform the responsibilities as a nursing home administrator, including but not limited to:
 - (a) Exercising ethical and professional decision making and judgment;**
 - (b) Assuming leadership in the facility;**
 - (c) Exemplifying an administrative philosophy congruent with the mission and goals of the organization as well as generally accepted standards;**
 - (d) Planning, organizing, and directing those responsibilities delegated to the administrator by the ownership, management, or governing board of the facility and inherent in the role of an administrator;**
 - (e) Abiding by and keeping confidential resident information; and**
 - (f) Keeping current with standards of practice; and****
- (5) Take appropriate steps to avoid discrimination against residents on basis of race, color, sex, religion, age, national origin, disability, marital status, ancestry, sexual orientation or any other factor that may be discriminatory or not related to bona fide requirements of quality care.**

Items for Board Action

Public Comment

Other Board Business



Board Interest File

Executive Session

