

**CHAPTER 6400**  
**BOARD OF EXAMINERS FOR NURSING HOME**  
**ADMINISTRATORS**  
**LICENSING OF NURSING HOME**  
**ADMINISTRATORS**

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**6400.0600 LICENSE REQUIREMENTS.**

No initial license shall be issued to a person as a nursing home administrator unless the individual:

A. Is at least 18 years of age.

B. Is of sound mental health. For the purposes of this part, mental health means the absence of any mental impairment that would be likely to interfere with the performance of the duties of a nursing home administrator.

C. Is of good moral character and otherwise suitable. For the purposes of this part, moral character means the individual's ability to distinguish between right and wrong and act accordingly.

D. Has furnished satisfactory evidence, as required by the board, that the individual possesses the general administrative abilities needed to satisfactorily administer a nursing home and possesses the ability to relate the administration of a nursing home to the physical, psychological, spiritual, emotional, and social needs of patients and to create a compassionate and helpful environment.

E. Has paid the following licensure and examination fees as established by the board:

- (1) an original application fee, not to exceed \$100;
- (2) a state examination fee, not to exceed \$75; and
- (3) a national examination fee, not to exceed \$125.

Board adjustments to fees within the ranges noted in the rules will be subject to review and approval by the commissioner of finance each time the fees are adjusted. Information about the exact fees is available from the board office.

F. Has achieved a passing score of at least 75 percent, on all required examinations.

G. Has a baccalaureate or higher degree from an accredited institution and has satisfactorily completed an approved academic course in each of the following areas:

(1) A course in the principles of health care management that delineates the role, function, and process of top level management. This course shall include:

- (a) the management process of planning, staffing, organizing, controlling, delegating, and evaluating outcomes;
- (b) business technology and theory of application;
- (c) executive role of administrator;
- (d) the art versus the science of administration; and

(e) board-administrator relationships, functions, and authority.

(2) Both an introductory accounting course and an advanced managerial accounting course that includes accounting analysis and reports for managerial decisions, planning, and controlling of operations.

(3) A course in gerontology identifying the aging process in terms of biological, social, and psychological aspects. This course shall include the following objectives:

(a) knowledge of the physical, social, spiritual, economic, and emotional needs of long-term care residents; and

(b) programs and services necessary to meet the needs of the elderly as a population, and those necessary for specific subpopulations.

(4) A course providing a study of issues and trends in long-term health care. This course shall include the following topics:

(a) history of and current trends in long-term health care;

(b) alternative modes for delivery of long-term care services;

(c) consumer issues such as patient rights and the right to die;

(d) corporation relationships; and

(e) health care policy issues such as government and society.

(5) A course in health care law that examines case law and legislation affecting long-term health care facilities. This course shall include the following topics:

(a) guardianship and conservatorship;

(b) professional negligence;

(c) duty to provide appropriate patient care;

(d) biomedical ethics;

(e) concern for confidentiality of information;

(f) corporate responsibility;

(g) patient bill of rights; and

(h) law on the protection of residents from abuse or neglect.

(6) A course studying delivery of all services required by residents of long-term health care facilities. This course shall include the following topics:

(a) function and role of professional and nonprofessional staff and nonemployee staff;

(b) departmental operations and functions;

(c) ethics;

(d) policy development; and

(e) programs necessary for residents' health and safety.

(7) A human resource or personnel management course. This course shall include the following topics:

(a) recruitment, screening, and selection process;

(b) job descriptions and job evaluations;

(c) personnel policies and development of policies;

(d) wage and salary administration;

(e) federal and state regulations on employment and employment opportunities;

(f) group dynamics;

(g) labor relations and negotiations; and

(h) administration of disciplinary policy and procedure.

(8) A course in medical terminology, including a study of commonly accepted medical terms used in long-term care.

(9) A course in the development and application of management information systems. This course shall include the following areas of study:

- (a) management of data bases;
- (b) computerization of patient records and care plans;
- (c) budgeting and spread sheet analysis;
- (d) survey of currently available systems;
- (e) applications such as integrated software, spreadsheet construction, data structuring, local area network design, networks and installation linkages and options;
- (f) security risks; and
- (g) data management and automated systems.

This subitem is waived for all applicants who apply for licensure before July 1, 1989. All applicants for whom this subitem is waived between May 8, 1989, and July 1, 1989, must submit evidence of satisfactory completion of the course required by that rule as a condition for relicensure in 1990 pursuant to part 6400.1700. Evidence of satisfactory completion is written verification from the academic institution offering the course. The written verification must state that the course was completed with a passing grade and must give the date of completion of the course.

(10) A course in the funding mechanisms and regulatory compliance aspects currently in force for the long-term care industry. This course shall include the following topics:

- (a) systems of payment by:
  - (i) Medicare;
  - (ii) Medicaid;
  - (iii) third party payors; and
  - (iv) private health care coverage;
- (b) utilization review;
- (c) survey and compliance;
- (d) quality assurance and review;
- (e) sanitation and food service regulations;
- (f) life safety code;
- (g) Occupational Safety and Health Administration (OSHA);
- (h) Joint Commission on Accreditation of Health Care Organizations;
- (i) peer review;
- (j) roles of professional and trade organizations; and
- (k) regulatory compliance.

(11) A board preapproved practicum course that applies knowledge from required courses to the practice of long-term health care administration. The course shall be a minimum of 400 clock hours and shall be jointly supervised by a licensed nursing home administrator and a faculty member of the approved educational institution. Upon mutual agreement of the educational facility and nursing home preceptor, a licensed nursing home may serve as the practicum site for an applicant who is employed by the nursing home. This course shall include the following topics:

- (a) the opportunity to observe the integrative and administrative role of an administrator;
- (b) the study of and involvement in each operating department of the facility;
- (c) relationships between the facility and community and other health care providers and organizations;

(d) opportunity to participate in or review the findings and results of past regulatory inspections of a facility; and

(e) a major project study, research paper, or similar report on a topic relevant to the operations of the nursing home.

H. Applicants with a degree in health care administration rather than long-term health care administration need only satisfy the practicum requirement of item G, subitem (11), and satisfactorily complete the courses described in item G, subitems (3) and (6).

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

#### 6400.0700 WAIVER PROVISIONS.

**Subpart 1. Waiver of degree.** The board shall waive part 6400.0600, items G and H if the applicant submits satisfactory evidence of having actively served full time as the licensed nursing home administrator and chief executive officer of a nursing home in another state for a minimum of two continuous years within the immediate past five licensure years and meets all other licensure requirements.

**Subp. 2. Waiver of practicum course.** The board shall waive part 6400.0600, item G, subitem (11) if the applicant submits evidence of having completed satisfactorily one year continuous, full-time employment in the role of administrator or in a position as an assistant administrator in an acute care, skilled care, or nursing home intermediate care facility, or two years as a director of nursing services in a skilled or nursing home intermediate care facility.

*[For text of subps 3 to 5, see M.R.]*

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

#### 6400.0800 APPLICATION.

**Subpart 1. Content; time of submission and validity.** Application for licensure shall be made on forms provided by the board and shall be accompanied by all the required supportive information and documents. Completed applications shall be received by the board no less than 45 days in advance of an examination date. Applications become void one year after the application form is filed with the licensure board.

*[For text of subps 2 to 5, see M.R.]*

**Subp. 6. Fees not refunded.** A fee paid to the board cannot be refunded.

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

#### 6400.0900 EXAMINATION.

**Subpart 1. Examination content.** Each examination shall consist of one or more written and/or oral tests and may include such other evaluative techniques as the board may employ. Each examination shall include, but shall not be limited to, the following subjects:

- A. applicable standards of environmental health and safety;
- B. local health and safety regulations;
- C. general administration;
- D. psychology of patient care;
- E. general principles of medical care;
- F. personal and social care; and
- G. therapeutic and supportive care and services in long-term care.

Subp. 2. **Applicant examination void.** Examination results are considered void two years after the date the examination is taken if the applicant has not become fully licensed.

Subp. 3. **Examination void.** For holders of a lapsed license, all previous examination results are considered void if the license has been lapsed for two years or longer.

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

#### **6400.1300 ACTING ADMINISTRATOR.**

An applicant for an acting nursing home administrator's license must furnish satisfactory evidence that the applicant:

A. has graduated from high school or holds a general education development (GED) certificate of equivalent competency;

B. is at least 18 years of age;

C. is of good moral character and otherwise suitable. For the purposes of this part, moral character means the individual's ability to distinguish between right and wrong and act accordingly; and

D. is suitable and fit to be licensed as an acting nursing home administrator as evidenced by:

(1) absence of any mental impairment that would be likely to interfere with the performance of the duties of a temporary nursing home administrator;

(2) the ability to understand and communicate general and technical information necessary to the temporary administration and operation of a nursing home;

(3) the ability to assume responsibilities for the temporary administration of a nursing home as evidenced by prior activities and prior service in the management of a nursing home;

(4) the ability to relate the physical, psychological, spiritual, emotional, and social needs of the patients to the temporary administration of a nursing home, and to create a climate necessary to meet the needs of the patients; and

(5) the ability to demonstrate adequate knowledge about Minnesota's state health and safety rules by passing the board's state examination based on the Department of Health Nursing and Boarding Care rules and the applicable Life Safety Code regulations with a passing score of at least 75 percent.

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para.(b)*

**History:** *13 SR 2686*

#### **6400.1400 RECIPROCITY.**

Subpart 1. **General requirements.** The board, subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for nursing home administrator license, may endorse, without examination, a nursing home administrator license issued by the proper authorities of any other state or political subdivision of the United States provided:

A. that the other state or subdivision of the United States maintains a system and standard of qualification examination for nursing home administrator licensure which is substantially equivalent to those required in Minnesota under parts 6400.0600 and 6400.0700;

B. that the applicant for endorsement is familiar with Minnesota's state and local health and safety regulations related to nursing homes and has successfully passed the board's examination on state rules;

C. that the applicant for endorsement is in good standing as a nursing

home administrator in each state or subdivision of the United States from which the applicant has ever received a nursing home administrator license or reciprocal endorsement; and

D. that an applicant who seeks licensure by reciprocity shall pay a service fee, as established by the board not to exceed \$75.

**Subp. 2. Reciprocity of revocation.** The board shall have power and after due notice an opportunity to be heard at a formal hearing pursuant to the Administrative Procedure Act, Minnesota Statutes, chapter 14, to revoke or suspend the endorsement of a nursing home administrator license issued to any person on evidence satisfactory to the board that the duly constituted authorities of any state have lawfully revoked or suspended the nursing home administrator license issued to that person by the state.

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

#### 6400.1700 RENEWAL OF LICENSE.

**Subpart 1. Forms from board.** Every person who holds a valid license as a nursing home administrator issued by the board shall annually apply to the board on or before June 1, for relicensure and report any information considered pertinent and requested by the board on forms provided for that purpose.

If the application for relicensure has not been received by June 30 of each year, the license will lapse and the holder of a lapsed license will be subject to the reinstatement procedure.

A nursing home administrator need not be actively practicing as a nursing home administrator in order to renew a license.

**Subp. 1a. Reinstatement.** A nursing home administrator duly licensed in this state, whose license has not been revoked or suspended, and whose license has lapsed, may apply for reinstatement of a license upon filing with the board an affidavit stating that the license has lapsed. The board may reissue the license if the applicant satisfies all past continuing education relicensure requirements and pays all required fees. A holder of a license that has been lapsed for five years or longer shall be regarded as having forfeited all rights and privileges for reinstatement of the lapsed license.

**Subp. 2. Fees; time for renewal.** Upon making an application for relicensure the licensee shall pay the annual fee as established by the board, not to exceed \$150. Relicensure applications received after July 1 shall pay the late filing fees as established by the board not to exceed \$50 for the first six months and \$75 for the second six months. The applicant shall submit evidence satisfactory to the board that during the annual period immediately preceding the application the applicant has complied with the rules of this board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for relicensure. Nonacademic continuing education requirements for relicensure shall be completed by May 1 of each year for the ensuing licensure year; however, upon presentation of a written petition, licensees may be granted an extension for an appropriate period of time. Extensions will only be granted in unusual circumstances. Applicants granted extensions are required to make payment of applicable late filing fees.

**Subp. 3. Waiting period.** An applicant whose nursing home administrator license has been revoked is not eligible for licensure again for at least six months.

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

#### 6400.1800 CONTINUING EDUCATION REQUIREMENTS.

Licensees, in order to be eligible for consideration for renewal of their license, shall be required to satisfy the following continuing educational requirements:

A. annual attendance at licensure board-approved seminars, institutes, or workshops totaling at least 20 clock hours; and

B. satisfactory completion during each three-year license renewal period of an additional 30 clock hours of board-approved seminars, institutes, or workshops.

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

#### 6400.1900 SPONSORS FOR CONTINUING EDUCATION.

*[For text of subpart 1, see M.R.]*

**Subp. 1a. In-house educational courses.** An in-house educational course is one sponsored by a single health care facility or corporation or a single federal, state, or local government agency for licensed nursing home administrators who are members or employees of the facility, corporation, or agency. An approved in-house course must meet the following requirements:

A. It must comply with subpart 1 and other applicable board rules.

B. At least 25 percent of the hours of approved instruction must be taught by instructors not employed with the sponsoring facility, corporation, or agency.

C. It must be made available to enough outside licensed nursing home administrators so that the audience may be composed of at least 25 percent participants who are not administrators working in or for the facility, corporation, or agency.

D. Information concerning the course must be adequately communicated to outside administrators so they will have reasonable opportunity to attend.

*[For text of subp 2, see M.R.]*

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

#### 6400.2000 DETERMINATION OF CREDIT HOURS FOR CONTINUING EDUCATION.

Seminars, institutes, or workshops shall be evaluated for clock hour credits on the following dual-level basis:

A. Seminars, institutes, or workshops shall receive full clock hour credit upon meeting the following criteria:

(1) subject matter specifically related to the primary administrator functions and responsibilities of long-term health care;

(2) the seminar is designed specifically for administrators and the development of their administrative skills in long-term health care administration; and

(3) instructors have documented academic background sufficient to demonstrate competence and expertise in involved subject.

*[For text of item B, see M.R.]*

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

6400.2100 [Repealed, 13 SR 2686]

#### 6400.2200 REVOCATION, SUSPENSION, REFUSAL.

**Subpart 1. Criteria.** The board may suspend or revoke a license or refuse to

renew a license of a nursing home administrator after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that the person:

A. has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules of the board pertaining to the licensing of nursing home administrators; or

B. is not eligible to be employed as a nursing home administrator under Minnesota Statutes, section 144A.04, subdivision 6;

C. has practiced fraud, deceit, or misrepresentation in securing or procuring a nursing home administrator license; or

D. is found by the board to be incompetent to practice as a nursing home administrator. For purposes of this part, incompetence means that the licensee:

(1) has practiced fraud, deceit, or misrepresentation as a nursing home administrator; or

(2) has committed acts of misconduct in the operation of a nursing home under the licensee's jurisdiction; or

(3) has practiced without annual licensure; or

(4) has wrongfully transmitted or surrendered possession of the licensee's license to any other person, either temporarily or permanently; or

(5) has paid, given, has caused to be paid or given, or offered to pay or give to any person, a commission or other consideration for solicitation or procurement either directly or indirectly for nursing home patronage. Nothing herein shall be construed to limit or restrict commercial advertisement; or

(6) has practiced fraudulent, misleading, or deceptive advertising with respect to the institution of which the licensee has charge; or

(7) has falsely impersonated another licensee of a like or different name; or

(8) has failed to exercise true regard for the safety, health, or life of a patient; or

(9) has willfully permitted unauthorized disclosure of information relating to a patient or the patient's record; or

(10) has discriminated with respect to patients, employees, or staff on account of age, race, sex, religion, color, national origin, marital status, status with regard to public assistance, or disability; or

(11) has abused or is dependent on habit-forming drugs, including alcohol, a legend drug as defined in Minnesota Statutes, chapter 151, a chemical as defined in Minnesota Statutes, chapter 151, or a controlled substance as defined in Minnesota Statutes, chapter 152, and this abuse or dependency has affected the performance of the licensee's duties. In reviewing this disciplinary matter, the board shall consider any attempts the licensee has made toward rehabilitation; or

(12) has failed to comply with Minnesota Statutes, section 626.557.

Subp. 2. [Repealed, 13 SR 2686]

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

**6400.2300** [Repealed, 13 SR 2686]

#### **6400.2400 PROGRAM APPROVAL.**

**Subpart 1. Approval of programs for licensure.** A program of study offered by an accredited educational institution must have prior approval of the board in order to be acceptable for meeting nursing home administrator licensure requirements. The board shall approve programs of study that include courses in the areas described in part 6400.0600, item G, subitems (1) to (7) and (9), upon payment of a service fee as established by the board, not to exceed \$50 per program.



*[For text of subp 2, see M.R.]*

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

**6400.2500 APPLICANT RESPONSIBILITY.**

The applicant is responsible for providing to the board all data, reports, or information required by the board for licensure or relicensure.

**Statutory Authority:** *MS s 144A.21; 144A.24; 214.06; 626.557 subd 16 para (b)*

**History:** *13 SR 2686*

**6400.2700** [Repealed, 13 SR 2686]

**6400.2800** [Repealed, 13 SR 2686]