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5971 LICENSING OF NURSING HOME ADMINISTRATORS 6400.0100

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

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6400.0100 DEFINITIONS.

Subpart 1. **Scope.** Whenever used in this chapter, unless expressly otherwise stated, the following terms have the meanings given them.

Subp. 1a. **Acting license.** "Acting license" means a license issued by the board to an individual who meets the statutory qualifications of Minnesota Statutes, section 144A.20.

Subp. 2. **Board.** "Board" means the Minnesota Board of Examiners for Nursing Home Administrators.

Subp. 3. **Examination.** "Examination" means any method or methods used by the board to evaluate the eligibility, background, knowledge, competence, experience, skills, or any other qualifications of an applicant for licensure.

Subp. 4. **License.** "License" means a certificate or other written evidence issued by the board to indicate that the bearer has been certified by that body to meet all the standards required of a licensed nursing home administrator.

Subp. 5. **Nursing home.** "Nursing home" means an institution or facility licensed as such under Minnesota Statutes, sections 144.50 to 144.56 by the Minnesota State Board of Health.

Subp. 6. **Nursing home administrator.** "Nursing home administrator" means a person who administers, manages, supervises, or who is in general administrative charge of a nursing home whether or not such an individual has an ownership interest in such home, and whether or not his functions and duties are shared with one or more other individuals.

Subp. 7. [Repealed by amendment, 8 SR 1480]

Subp. 8. **Person.** "Person" means an individual, and does not include the terms firm, corporation, association, partnership, institution, public body, joint stock association, or any other group of individuals.

Subp. 9. [Renumbered subp 1a]

Subp. 10. [Repealed by amendment, 8 SR 1480]

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

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6400.0200 STATUTORY AUTHORITY.

This chapter constitutes, comprises, and shall be known as the rules of the Board of Examiners for Nursing Home Administrators of the state of Minnesota and are promulgated under the authority granted to the board under Minnesota Statutes, sections 144A.19 to 144A.29 and in accordance with the Administrative Procedure Act in Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0300 MEETINGS.

The board shall have a minimum of four meetings per year. A quorum of five members entitled to vote shall be present at every meeting to conduct the business of the board.

Special meetings. The chair or other officer of the board may call special meetings when circumstances or functioning of the board require.

Roberts' Rules of Order, revised, shall govern all meetings of the board.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0400 OFFICERS.

Subpart 1. **Election.** The board shall elect annually at its first meeting in its calendar year from among its membership, a chair, vice-chair, and secretary-treasurer. Vacancies in the officer positions of the board shall be filled in like manner at any meeting.

Subp. 2. **Presiding officer.** The chair shall preside at all meetings of the board and shall sign all official documents of the board. In the absence of the chair, the vice-chair shall preside at meetings and perform the duties of the chair.

Subp. 3. **Secretary-treasurer.** In addition to the duties that may be imposed by law, the secretary-treasurer or a designee, shall attend all meetings of the board, keep a full and complete record of the minutes of said meetings, notify the members of the board of the time and place fixed for meetings of the board, and maintain records pertaining to licensees and these rules. The secretary-treasurer or designee, shall conduct all routine correspondence for the board and shall issue all notices of meetings and hearings and shall have custody of all books, records, and property of the board.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0450 COMMITTEES; APPOINTMENTS.

The board may establish any committees it deems appropriate. All standing committee appointments shall be made annually at the first meeting in the calendar year by the chair with the advice and consent of the board.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

6400.0500 RECORDS.

The board shall maintain a register of all applications for licensing of nursing home administrators which register shall show: name, address, education, and experience qualifications of each applicant; name and address of current employer or business connection; date of application; date and serial number of the license issued to the applicant; the date on which action was taken by the board; and such other information as may be pertinent in the opinion of the board.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

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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 the state examination and has achieved, on the national examination, a passing score set by the board at a pass/fail level established in a manner that is generally accepted in the psychometric community as fair and reasonable. The passing score, on the national examination, shall be determined by the Modified Angoff Scale Score method.

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:

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- (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,

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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; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 13 SR 2686; 15 SR 1078*

6400.0700 LICENSING OF NURSING HOME ADMINISTRATORS 5976**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.

Subp. 3. Waiver for a person registered as a hospital administrator on April 15, 1980. The board shall waive the requirements of part 6400.0600, items G and H for any applicant who, on April 15, 1980, was registered with the commissioner of health as a hospital administrator and who was administratively responsible on April 15, 1980, for a nursing home (convalescent and nursing care unit) attached to a hospital and had served in that capacity for a period of three or more years. Any applicant applying for licensure pursuant to parts 6400.0600 and 6400.0700 shall be required to pass the currently used written examination.

The board shall waive all, except the following, requirements of part 6400.0600, items G and H for any applicant who, on April 15, 1980, was registered with the commissioner of health as a hospital administrator and who was administratively responsible on April 15, 1980, for a nursing home (convalescent and nursing care unit) attached to a hospital and had served in that capacity for a period of less than three years: long-term care programs, gerontology. Any applicant applying for licensure pursuant to parts 6400.0600 and 6400.0700 shall be required to pass the currently used written examination.

Subp. 4. Waiver for Church of Christ, Scientist nursing homes. The board shall waive any provision of its rules requiring a demonstration of medical knowledge which is contrary to the religious beliefs of the Church of Christ, Scientist for any applicant who seeks to obtain a license restricted to administering a nursing home operated exclusively in accordance with the teachings of the Church of Christ, Scientist. Any license issued pursuant to this subpart shall be endorsed to restrict the licensee to administering such institutions.

Subp. 5. Waiver for certain administrators of nursing homes attached to hospitals. The board shall waive the requirements of part 6400.0600, items F, G, and H for any applicant who on April 15, 1980, was registered with the commissioner of health as a hospital administrator and who was administratively responsible on April 15, 1980, for a nursing home (convalescent and nursing care unit) attached to a hospital, and who is applying for a license restricted to the administration of a nursing home attached to a hospital. Any license issued pursuant to this subpart shall be endorsed to restrict the licensee to the administration of a nursing home attached to a hospital.

Statutory Authority: *MS s 144A.21; 144A.24; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 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.

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Subp. 2. **Grounds for rejection.** The board, in its discretion, may reject any application where the applicant has not shown by the application compliance with the requirements of parts 6400.0600 and 6400.0700.

Subp. 3. **Notice of rejection.** Any applicant for licensure whose application has been rejected by the board shall be given written notice of the disqualification, and the reasons therefor, and of a right to a hearing.

Subp. 4. [Repealed by amendment, 8 SR 1480]

Subp. 5. **Discrimination prohibited.** There shall be no discrimination with regard to applicants or license holders on the ground of age, race, color, sex, creed, or national origin.

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

Statutory Authority: *MS s 144A.21; 144A.24; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 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; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *13 SR 2686*

6400.1000 LICENSE ISSUANCE.

An applicant for a license as a nursing home administrator who has complied with the requirements of the licensing law and the standards provided herein shall be issued a license on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws and rules entitling him to serve, act and practice, and otherwise hold himself out as a duly licensed nursing home administrator subject to any endorsements on the license. Any license issued by the board shall be under the hand and seal of the chairperson and secretary of the board.

Statutory Authority: *MS s 144A.21*

6400.1100 [Repealed by amendment, 8 SR 1480]

6400.1200 USE OF TITLE RESTRICTED.

Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license pursuant to this chapter for the current registration period shall have the right and privilege of using the title "Licensed Nursing

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Home Administrator” and of using the abbreviation “L.N.H.A.” after his or her name.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

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; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 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

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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; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 13 SR 2686*

6400.1500 DISPLAY OF LICENSE.

Every person licensed as a nursing home administrator shall display such license in a conspicuous place in the office, place of business, or employment of such licensee.

Statutory Authority: *MS s 144A.24; 144A.29*

6400.1600 DUPLICATE LICENSES.

Upon receipt of satisfactory evidence that a license has been lost, mutilated, or destroyed, the board may issue a duplicate license upon payment of a fee established by the board, not to exceed \$25.

Statutory Authority: *MS s 144A.21 subd 2; 144A.24; 144A.29*

History: *8 SR 1480*

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

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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; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 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; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 13 SR 2686*

6400.1900 SPONSORS FOR CONTINUING EDUCATION.

Subpart 1. Conditions. Agencies wishing to sponsor educational seminars, institutes, or workshops shall submit in writing, a minimum of 30 days in advance of the presentation, the following information, so that the appropriate number of clock hours may be assigned:

A. date, time, and location of presentation;

B. presentation broken down into specific time periods, topic titles, and speakers;

C. brief biography of all faculty;

D. number of clock hours requested;

E. a statement indicating the agency's willingness to provide to the board and shall, upon request of the board, so provide:

(1) a method for accurately recording attendance at each presentation;

(2) a certificate of attendance or an appropriate record attesting to the number of clock hours actually attended for each attendee;

(3) a roster of attendees to the licensure board for which certificates of attendance forms were issued;

(4) an evaluation by all participants of the program in the following areas: relevance and appropriateness of program content; methods and procedures, instructional techniques, and material used in presentation of program content; effectiveness of faculty in presenting program material; the extent to which the purposes and objectives of the program are achieved.

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.

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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.

Subp. 2. **Exceptions.** In the event a licensed administrator attends a seminar, institute, or workshop conducted by an agency, who reasonably would not be expected to be aware of the requirements for continuing education approval, but meets the approval criteria, the board may assign a specific number of clock hours and grant appropriate credit to participants providing participants submit a written report on each of the educational offerings attended along with their registration badge or other proof of attendance. This report shall be on a form provided by the board. Such form may include but not be limited to provisions for the following information:

- A. name of seminar attended;
- B. sponsor of seminar;
- C. date and location of seminar;
- D. topic title of each presentation;
- E. name of presenter of each presentation;
- F. time period of presentation;
- G. summary of subject matter presented.

Statutory Authority: *MS s 144A.21; 144A.24; 144A.29; 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.

B. Seminars, institutes, or workshops not meeting item A, but relevant in introducing new knowledge or techniques, refresh inactive or neglected skills, or which serve to improve professional job performance in the general area of health care administration not primarily related to administrator functions or responsibilities, and which meet the following criteria, shall receive clock hour credit equal to one-half of the regular basis:

(1) subject matter related to health care administration;

(2) subject matter designed for development of administrative skills in health care administration;

(3) instructor's vitae with documented background sufficient to demonstrate competence and expertise in involved subject.

The license of a nursing home administrator who fails to comply with the provisions of parts 6400.1700 to 6400.2200 and who continues to act as a nursing

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home administrator may be suspended or revoked by the board in the manner provided by these rules.

Statutory Authority: *MS s 144A.21; 144A.24; 144A.29; 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; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: 8 SR 1480; 13 SR 2686

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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.

Subp. 2. **Approval of programs for relicensure.** Any program of study offered by an educational institution, association, professional society, individual, or organization must be approved by the board before it will qualify as sufficient to meet the education and training requirements necessary for relicensure of applicants as nursing home administrators. A program of study designed to train and qualify for relicensure as a nursing home administrator offered by any accredited university or college, individual, association, or organization shall be deemed acceptable and approved for such purposes if the information required under part 6400.1900 is provided to the board by the program sponsor.

Statutory Authority: *MS s 144A.21; 144A.24; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 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; 144A.29; 214.06; 626.557 subd 16 para (b)*

History: *8 SR 1480; 13 SR 2686*

6400.2600 [Repealed, 8 SR 1480]

6400.2700 [Repealed, 13 SR 2686]

6400.2800 [Repealed, 13 SR 2686]

6400.2900 INTERPRETATION OF RULES.

The rules of the board are intended to be consistent with applicable federal and state law and shall be construed, whenever necessary, to achieve such consistency.

Statutory Authority: *MS s 144A.24; 144A.29*

6400.3000 SEVERABILITY.

In the event that any provision of these rules is declared unconstitutional or invalid, or the application thereof to any person or circumstance is held unconstitutional or invalid, the applicability or validity of every other provision of these rules shall not be affected thereby.

Statutory Authority: *MS s 144A.24; 144A.29*

6400.3100 PENDING ACTIONS NOT AFFECTED.

These rules shall not affect pending actions or proceedings, civil or criminal, but the same may be prosecuted or defended in the same manner and with the same effect as though these rules had not been promulgated.

Statutory Authority: *MS s 144A.24; 144A.29*

6400.3200 AMENDMENTS TO RULES.

Amendments to these rules shall be made according to the applicable provisions of the Administrative Procedure Act, Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 144A.24; 144A.29*