

**PROPOSED REGULATION OF THE
NEVADA STATE BOARD OF EXAMINERS FOR
ADMINISTRATORS OF FACILITIES FOR LONG-TERM CARE**

LCB File No. R187-97

December 9, 1997

EXPLANATION - Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§2, 3 and 4, NRS 654.110; §5, NRS 654.110 and 654.150; § 6, NRS 654.110, 654.140 and 654.150; §7, NRS 654.110, 654.150 and 654.170; § 8, NRS 654.110, 654.140 and 654.170; § 9, NRS 654.110 and 654.155; § 10, NRS 654.110 and 654.155; §§ 11-15, NRS 654.110.

Section 1. Chapter 654 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Continuing education unit” means 1 full hour devoted to approved continuing education, consisting of accredited or acceptable material.*

Sec. 3. *A licensee who holds both a license as a nursing facility administrator and a license as an administrator of a residential facility for groups may renew his license as a nursing facility administrator and his license as an administrator of a residential facility for groups if he has completed a total of 30 continuing education units in programs approved by the board pursuant to NAC 654.130 or 654.152.*

Sec. 4. NAC 654.010 is hereby amended to read as follows:

654.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 654.020 to 654.055, inclusive, *and section 2 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 5. NAC 654.100 is hereby amended to read as follows:

654.100 1. In addition to requirements set forth in NRS 654.150, a person may not be permitted to take an examination for a license as a nursing facility administrator unless he has submitted evidence satisfactory to the board that he:

(a) Is 21 years of age or older; and

(b) Has one of the following:

(1) A master's degree in the administration of nursing facilities or a related field of health administration from a college or university recognized by the United States Department of Education or approved by the superintendent of public instruction, if the master's program included a requirement for an internship or residency in a facility providing long-term nursing care;

(2) A baccalaureate degree from a college or university recognized by the United States Department of Education or approved by the superintendent of public instruction and, if he has not completed an internship or residency in a facility providing long-term nursing care, has successfully completed at least 1,000 hours in a program for training administrators, approved by the board; or

(3) A high school diploma [or] , general equivalency diploma [,] *or degree from an accredited institution of higher learning*, has successfully completed 1,000 hours in a program for training administrators approved by the board and was a director of nursing or an assistant administrator for 3 of the 5 years immediately preceding the date of application, with the responsibility for planning, coordinating, directing and carrying out the normal operating functions of the nursing facility.

2. If an applicant seeks to qualify pursuant to subparagraph (3) of subsection 1, he must provide the board with a statement from at least one licensed nursing facility administrator verifying the applicant's work in a nursing facility.

3. The educational requirements for an initial license or for continuing education pursuant to NAC 654.130 may be satisfied by completing a program of study in the following subjects:

- (a) The management of nursing facilities;
- (b) The management of the employees of nursing facilities;
- (c) The management of the finances of nursing facilities;
- (d) The management of the environment in nursing facilities; and
- (e) State and federal statutes and regulations relating to the operation of nursing facilities.

A program of study must be approved in advance by the board.

4. A program of study completed in another state must be equivalent to those approved in this state.

Sec. 6. NAC 654.110 is hereby amended to read as follows:

654.110 1. In addition to the requirements of NRS 654.150 and NAC 654.100, an applicant for a license as a nursing facility administrator must:

(a) Provide [~~proof that he has submitted to a physical examination within 12 months before the date he submits his application and~~] *a statement to the board indicating that to the best of his knowledge he* is of good health and free from contagious disease;

(b) Indicate whether he suffers from any mental impairment that would affect his ability to perform the duties of a nursing facility administrator;

(c) Provide proof that he is able to communicate adequately in the English language both verbally and in writing;

(d) Indicate whether he has been investigated for misconduct or had a license or certificate revoked, modified, limited or suspended, or whether any other disciplinary action or proceeding has been instituted against him by any authority in any state; and

(e) Provide a statement to the board indicating whether he has ever been convicted of a felony or any offense involving moral turpitude.

2. The fee for an application for a license as a nursing facility administrator is \$200. The fee accompanying the application is not refundable upon the withdrawal of an application.

Sec. 7. NAC 654.130 is hereby amended to read as follows:

654.130 1. A program of study designed to train and qualify applicants for a license as nursing facility administrators offered by any accredited university or college is acceptable and approved for such a purpose.

2. ~~Any program offered by an educational institution, except an accredited university or college, or by an association, professional society or organization, for credit to meet the educational requirements for licensing must be approved by the board and the proposed program and the faculty assignments must be submitted to the board before the program is announced and at least 3 months before the anticipated registration of students.~~

3. ~~To~~ *Except as otherwise provided in section 3 of this regulation, to* renew his license, a licensee must have completed ~~40~~ *30* hours in the 2 years immediately preceding the date for renewal of his license in a program of study for continuing education approved by the board, *the American Hospital Association, the Nevada Geriatric Education Center, the University and*

Community College System of Nevada, any agency of the State of Nevada, the American Nurses Association or the National Association of Boards, which must include [a minimum of 30 hours in] courses, workshops or seminars which meet the requirements of subsection 3 of NAC 654.100 [. At least 5 of the remaining 10] or 30 continuing education units in a program accredited pursuant to subsection 3, or a combination of both. Ten hours may be obtained by:

- (a) Publishing articles in publications concerned with national health care, with 2 hours allowed for each published article containing at least 1,500 words; or
- (b) Presenting a paper at national meetings of organizations concerned with long-term nursing care, with 2 hours allowed for each presentation of a paper.

3. The board will accredit programs for continuing education units to organizations, groups or persons sponsoring educational programs which meet certain criteria as the board may prescribe. Special forms for requesting approval must be used and are available from the office of the board. Topics for programs for continuing education units may include, without limitation:

- (a) Administration of nursing facilities;*
- (b) Clinical management of nursing facilities;*
- (c) Human resource management of nursing facilities;*
- (d) Financial management of nursing facilities;*
- (e) Environmental services; and*
- (f) Psychosocial care.*

Sec. 8. NAC 654.152 is hereby amended to read as follows:

654.152 1. [The] *Before January 1, 1999, the* fee for an application for a license as an administrator of a residential facility for groups is \$100. *On or after January 1, 1999, the fee for an application for a license as an administrator of a residential facility for groups is \$150.*

The fee accompanying the application is not refundable upon the withdrawal of an application.

2. [A] *Except as otherwise provided in section 3 of this regulation, a* licensee may renew his license if he pays a renewal fee of [~~\$100~~] *\$200* and submits evidence satisfactory to the board that he has completed 16 hours of continuing education *or has completed 16 continuing education units in a program accredited pursuant to subsection 3, or a combination of both,* in the preceding 2 years. A continuing education program must be approved by:

- (a) The board;
- (b) The American Hospital Association;
- (c) The Nevada [~~Gerontology~~] *Geriatric* Education Center;
- (d) The University and Community College System of Nevada;
- (e) Any agency of the State of Nevada;
- (f) The American Nurses Association; or
- (g) The National Association of Boards.

3. *The board will accredit programs for continuing education units to organizations, groups or persons sponsoring educational programs which meet certain criteria as the board may prescribe. Special forms for requesting approval must be used and are available from the office of the board. Topics for programs for continuing education units may include, without limitation:*

- (a) *Administration of residential facilities for groups;*

- (b) *Clinical management of residential facilities for groups;*
- (c) *Human resource management of residential facilities for groups;*
- (d) *Financial management of residential facilities for groups;*
- (e) *Environmental services; and*
- (f) *Psychosocial care.*

4. *A person who wishes to receive credit for continuing education units in a program which has not been approved by the board or approved pursuant to subsection 3 must submit a request for accreditation for such units to the board before the board will award credit for the units. A request made pursuant to this subsection must be submitted on a special form for this purpose available from the office of the board.*

Sec. 9. NAC 654.155 is hereby amended to read as follows:

654.155 [1.] In addition to the requirements of NRS 654.155, an applicant for a license as an administrator of a residential facility for groups must:

[(a) Except as otherwise provided in subsection 2, possess] 1. *Possess* a high school diploma [or] , general equivalency diploma [;

(b) Except as otherwise provided in subsection 3, pass] *or degree from an accredited institution of higher learning;*

2. *Pass* a written examination concerning the statutes and regulations relating to residential group care and any other standards of care which apply to operators of residential facilities;

[(c)] 3. Provide [proof that he has submitted to a physical examination within 12 months before the date he submits his application and] *a statement to the board indicating that to the best of his knowledge he* is of good health and free from contagious disease;

[(d)] 4. Indicate whether he suffers from any mental impairment that would affect his ability to perform the duties of an administrator of a residential facility for groups;

[(e)] 5. Provide proof that he is able to communicate adequately in the English language both verbally and in writing;

[(f)] 6. Indicate whether he has been investigated for misconduct or had a license or certificate revoked, modified, limited or suspended, or whether any other disciplinary action or proceeding has been instituted against him by any authority in any state; [and

(g)] 7. Provide a statement to the board indicating whether he has ever been convicted of a felony or any offense involving moral turpitude [.

2. The educational requirements of subsection 1 may be satisfied if the applicant provides proof satisfactory to the board that he:

(a) Has at] ; and

8. Have:

(a) At least 2 years of experience in residential caregiving within the 6-year period immediately preceding the date he submits his application; or

(b) [Has completed 40] Completed 30 hours of study in one or more programs approved by the board which provide instruction in residential group care.

[3. In lieu of the written examination, a person who applies for a license before October 31, 1995, may take an oral examination consisting of five questions if he provides evidence satisfactory to the board that he is licensed by the bureau of licensure and certification of the health division of the department of human resources.]

Sec. 10. NAC 654.162 is hereby amended to read as follows:

654.162 1. Examinations for licensure as an administrator of a residential facility for groups will be held at least twice each year at such times and places as the board designates. *[The] Before June 1, 1998, the fee for each examination is \$50. On or after June 1, 1998, the fee for each examination is \$200 or the fee established by the Professional Examination Service, whichever is higher.*

2. A grade of at least ~~[70]~~ 75 percent is required to pass the written examination. An applicant who fails the examination may obtain his score if he makes a written request to the board within 45 days after the board notifies him that he failed the examination.

3. An applicant who fails the examination may retake the examination *[. After October 1, 1995, an applicant who fails the examination may not retake the examination until 60 days after he took the examination, except that an applicant who fails the examination on two consecutive occasions must wait 1 year after the date of his last examination to apply for the examination.]* *not more than 3 times within the year after the date on which he first took the examination. An applicant must pay the fee for the examination each time he retakes the examination.*

Sec. 11. NAC 654.168 is hereby amended to read as follows:

654.168 1. An application for a license as a nursing facility administrator or an administrator of a residential facility for groups must be complete with all required documentation not less than 30 days before the date of the examination for licensure. The board will notify the applicant of the time and place of the examination at least 10 days before the examination.

2. The board may issue a provisional license to an applicant if the applicant has submitted to take the examination. Except as otherwise provided in subsection 3, the provisional license expires 90 days after the date it is issued and is renewable at the discretion of the board.

3. If the applicant fails the examination or does not submit a complete application within 90 days:

(a) The provisional license automatically expires; and

(b) The applicant must reapply for a license and pay the required fee for licensure *again* to obtain a permanent license.

4. Upon the written request of a nursing facility administrator or an administrator of a residential facility for groups who is in good standing, the board will transfer the status of his license to inactive for a time not to exceed 2 years. A **[license]** *licensee* whose license is on inactive status shall pay a fee of \$50 per year. Upon written request and approval by the board, a licensee whose license is on inactive status may transfer his license to active status if the licensee meets the requirements of continuing education and pays the fees for an active license.

Sec. 12. NAC 654.200 is hereby amended to read as follows:

654.200 After the receipt of satisfactory evidence that a license has been lost, mutilated or destroyed, the board will issue a duplicate license upon **[such conditions as the board may prescribe.]** *payment of a fee of \$25.*

Sec. 13. NAC 654.210 is hereby amended to read as follows:

654.210 In addition to the reasons set forth in NRS 654.190, a nursing facility administrator or an administrator of a residential facility for groups is subject to disciplinary action if, after notice and hearing, the board finds that the administrator:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.
2. Is guilty of unprofessional conduct, including, but not limited to:
 - (a) Providing services to a patient or resident which the licensee is not capable of providing with reasonable skill and safety because of his use of alcohol or drugs, or because of lack of adequate training, skill or knowledge;
 - (b) Gross or repeated negligence in providing services;
 - (c) Willful noncompliance with any order of the board or any other enforcement authority;
 - (d) Conviction for violation of any federal or state law or regulation governing the prescription, possession, distribution or use of a controlled substance;
 - (e) Failure to notify the board of the loss of a license issued by the bureau of licensure and certification of the health division of the department of human resources;
 - (f) Paying or giving, or causing to be paid or given, a commission or other valuable consideration for the solicitation or procurement of [patients or residents,] *a patient or resident*, if the source and amount of the commission was not fully disclosed, both verbally and in writing [:] *to the patient or resident, his family or his agent*;
 - (g) Referring a patient or resident to a facility in which the licensee is employed or otherwise has an interest, if the employment or interest was not disclosed, both verbally and in writing *to the patient or resident, his family or his agent*, by the licensee or his representative;
 - (h) Engaging in fraudulent, misleading or deceptive advertising;

(i) Receiving a conviction, in any jurisdiction, for a felony or other offense involving moral turpitude, any offense which is substantially related to the practice of an administrator or any offense for driving under the influence of intoxicating liquor or a controlled substance;

(j) Failing to protect the privacy of a resident or patient;

(k) Violating the confidentiality of a resident or patient;

(l) Failing to maintain records as required by law;

(m) Falsifying or altering the records of a resident or patient;

(n) Failing to protect the resident or patient from the incompetent, abusive or illegal practice of any person;

(o) Engaging in sexual contact with a resident or patient;

(p) Engaging in conduct which endangers the safety of the general public, patients, residents, clients or employees by making actual or implied threats of violence or carrying out such threats;

(q) Abusing or neglecting a resident or patient; or

(r) Willfully or repeatedly violating the provisions of this chapter.

Sec. 14. NAC 654.220 is hereby amended to read as follows:

654.220 1. Any person who becomes aware that a person licensed pursuant to the provisions of chapter 654 of NRS is engaged in conduct which constitutes grounds for disciplinary action may file a complaint with the board. The complaint must be in writing and signed by the complainant.

2. The board will permit the licensee to provide proof satisfactory to the board that he was not engaged in conduct which is grounds for disciplinary action.

3. [Members] *A member* of the board, or a [person appointed by the board,] *committee appointed by the board to review cases* will review each complaint and conduct an investigation to determine whether there is a reasonable basis for the complaint. [Following the investigation, the board will determine whether to take further action on the complaint, but a] *A member of the board who participated in the investigation may not participate in the decision whether to take further action on the complaint following the investigation and may not participate in any subsequent hearing or action by the board relating to the complaint.*

4. If *a member of the board or a committee appointed by the board to review cases* decides to proceed with disciplinary action, it will bring charges against the licensee and set a time and place for a formal hearing. The hearing must be conducted in compliance with the provisions of chapter 233B of NRS. [Before the formal hearing, the board, or a hearing officer appointed by the board, may hold an informal settlement conference with the licensee.]

5. If the board determines that the licensee was engaged in conduct which is grounds for disciplinary action, it may order that the licensee:

(a) Be placed on probation for a specified time with conditions that the board considers appropriate.

(b) Receive a private reprimand.

(c) Receive a public reprimand.

(d) Have restrictions placed on his practice, including, without limitation, prohibiting the licensee from transporting patients or residents by motor vehicle if the licensee has been convicted for any offense for driving under the influence of intoxicating liquor or a controlled substance.

- (e) Receive a suspension for a specified time or until further order of the board.
- (f) Have his license revoked.
- (g) Participate in a substance abuse program.
- (h) Pay an administrative fine of not more than \$2,500.

6. If the board determines that the licensee was not engaged in conduct which is grounds for disciplinary action, the board will dismiss the charges in writing and notify the licensee that the charges have been dismissed.

Sec. 15. NAC 654.250 is hereby amended to read as follows:

654.250 1. Except as otherwise provided in subsection 3, a person licensed as a nursing facility administrator may not be the administrator of record of more than one nursing facility at the same time for more than ~~[30]~~ 90 days in a calendar year.

2. Except as otherwise provided in subsection 3, a person licensed as an administrator of a residential facility for groups may be an administrator of record for not more than 150 beds located in not more than five residential facilities for groups.

3. Upon application to the board, a nursing facility administrator or an administrator of a residential facility for groups may , *at the discretion of the board*, receive a waiver *for a specified period of time* from the limitations imposed by this section.

4. As used in this section, “administrator of record” means the person named as the administrator of a nursing facility or a residential facility for groups on the license issued for the facility by the health division of the department of human resources.