

ALABAMA BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

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ALABAMA BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

RULES AND REGULATIONS

Chapter 1. Authority and Title

620-X-1-.01 Source of Authority, Title, Short Title.

(1) The following rules and regulations are hereby made, declared, and promulgated by the Board of Examiners of Nursing Administrators of the State of Alabama under the authority of and pursuant to Act. 986 of the 1969 Acts of Alabama, which is codified as Section 34-20-1 to 34-20-16 of the 1975 Code of Alabama.

(2) These rules and regulations shall be known as "The Rules of the Board of Examiners of Nursing Home Administrators" and may be cited as such.

(3) The Rules of the Board of Examiners of Nursing Home Administrators may be referred to or cited as: RENA. For example, this section may be cited as thus RENA Rule No. 620-X-1-.01 paragraph (3).

Chapter 2. General Definitions

620-X-2-.01 Definitions.

Whenever used in these rules and regulations, unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated.

(a) "Acting Administrator" means a person, other than a licensed nursing home administrator, who administers a nursing home immediately after the unexpected death, incapacitation, or resignation of the licensed nursing home administrator who was administering the nursing home.

(b) "Applicant" means one who has applied for and is fulfilling the requirements for licensure as a nursing home administrator.

(c) "Accredited College or University" means a college or university that appears in the accredited post secondary institution database by the United States Department of Education (www.ope.ed.gov/accreditation/).

(d) "Board" means the Board of Examiners of Nursing Home Administrators of the State of Alabama.

(e) "Examiner" means a member of the Board of Examiners of Nursing Home Administrators of the State of Alabama.

(f) "Nursing Home" means any institution or facility defined as such for licensing purposes under the state law.

(g) "Nursing Home Administrator" means any individual who is charged with the general administration of a nursing home whether or not such individual has an ownership interest in such home, and whether or not his function and duties are shared with one or more other individuals.

(h) "Person" means an individual and does not include the term firm, corporation, association, partnership, institution, public body, joint stock association, or any other group of individuals.

(i) "Petty Traffic Offense" means any misdemeanor arising out of the operation of a motor vehicle except: driving while under the influence of liquors, narcotics, or hallucinating drugs; leaving the scene of an accident; and manslaughter resulting from the operation of a motor vehicle.

(j) "Practice of Nursing Home Administration" means the planning, organizing, directing, and control of the operation of a nursing home.

(k) "Secretary" means the Secretary of the Board of Examiners of Nursing Home Administrators of the State of Alabama.

Chapter 3. Meetings

620-X-3-.01 Meetings of the Board.

(1) The Board shall hold not less than four meetings each year.

(2) The date, time and place of each meeting of the Board shall be determined by resolution approved by a simple majority of the members of the Board present at a prior meeting; however, if the meeting is called by the chairman or a simple majority of the members of the Board, then the date, time and place of the meeting shall be determined by the person or persons calling the meeting.

(3) Written notice indicating the date, time and place of each meeting shall be sent to each member of the Board not less than seven (7) days prior to said meeting by the Secretary, Chairman, Vice-Chairman, or any member of the Board. Provided, however, that any member of the Board may waive his right to such notice and such waiver may be oral, by telephone, or by any such means of communication.

Chapter 4. General Powers of the Board

620-X-4-.01 General Powers.

(1) The Board shall exercise all of the powers conferred on it by the laws of the State of Alabama and shall fulfill all duties imposed on it by law.

(2) All actions taken by the Board shall be by majority vote of those present at a meeting of the Board except where the contrary is expressed or implied by law or by these rules and regulations.

(3) The chairman shall preside at all meetings of the Board and shall sign all official documents of the Board. In the absence of the chairman, the vice-chairman shall preside at meetings and perform all duties usually performed by the chairman.

(4) The secretary shall be appointed by the chairman; however, as provided in paragraph (6) hereof, such appointment shall have no force or effect until such appointment shall be approved by a majority of the Board.

(5) The secretary shall serve until dismissed or replaced by a simple majority vote of the Board.

(6) In the event that the office of secretary shall become vacant, the chairman may, in his discretion, appoint an acting secretary who shall serve until the next meeting of the Board at which time an appointment to the office of secretary will be made by the chairman and approved by the Board.

(7) The salary of the secretary shall be set by resolution approved by a majority of the Board.

(8) In addition to the duties imposed by law, the secretary 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; maintain the records pertaining to licensees and registrants and these rules and regulations; countersign all licenses and other certificates, and official certificates of approval and certification issued by the Board, unless the same are countersigned by the vice-chairman of the Board.

(9) The secretary shall conduct all routine correspondence for the Board, shall issue all notices of meetings and hearings, shall have custody of all books, records, and property of the Board, and shall perform all duties pertaining to the office of secretary.

(10) The secretary shall receive all monies payable to the Board and shall pay the same to the comptroller (or treasurer or other officer) of the state as provided by law and keep such financial records as are approved by the Board and the fiscal authorities of the state.

(11) The Board shall have a seal with which to authenticate its acts.

Chapter 5. Examination Information

620-X-5-.01 Examinations.

(1) The Board shall determine the subjects of examinations for applicants for licensure as nursing home administrators, and the scope, content, and format of such examinations, which in any examination shall be the same for all candidates. Each examination shall require the examinee or applicant to demonstrate his proficiency in the rules and regulations of health and safety. But nothing herein shall prevent the Board from making minor changes or updating the examination.

(2) Examinations shall be held at least four times a year at such times and places as shall be designated by the Board.

(3) Official documents and records of the Board shall be retained; however, at the discretion of the Board may be reduced to microfilm or other appropriate methods of retention.

620-X-5-.02 Pre-Examination Requirements and Conditions Precedent.

(1) Except as otherwise provided in paragraph (3) hereof, no person shall be admitted to or be permitted to take an examination for license as a nursing home administrator unless he/she shall have submitted evidence satisfactory to the Board:

(a) that he/she is at least nineteen (19) years of age;

(b) that he/she is a citizen of the United States of America or that he/she has duly declared their intention of becoming a citizen of the United States of America;

(c) that he/she is of good moral character;

(d) that he/she is suitable and fit to be licensed and to practice as a nursing home administrator; and

(e) that he/she has satisfactorily completed a course of study and has been graduated from a high school or secondary school approved and recognized by the educational authorities of the state in which such school is located or a political subdivision thereof, or has submitted a certificate indicating that he/she has obtained high school, GED, or secondary school equivalency, such certificate being duly certified by a state educational authority or a political subdivision thereof; and

1. Holds an associate degree from an accredited college or university; and

Has worked in a supervisory capacity (supervisory capacity means a department head or licensed professional supervising one or more individuals) at a licensed nursing home for a minimum of four years (two years of work experience equals one year of college); and

Has fulfilled the requirements of an approved 2,000-hour nursing home administrator-in-training program prescribed by the Board; or

2. Holds a baccalaureate degree from an accredited college or university; and

Has fulfilled the requirements of an approved 1,000-hour nursing home administrator-in-training program prescribed by the board; or

3. Holds a baccalaureate degree from an accredited college or university and majored in health care administration; and

Has fulfilled the requirements of a university affiliated or college-affiliated internship in Nursing Home Administration or of an approved 500-hour nursing home administrator-in-training program prescribed by the Board; or

4. Holds a masters degree from an accredited college or university and majored in healthcare administration or hospital administration; and

Has fulfilled the requirements of a university affiliated or college-affiliated internship in Nursing Home Administration or of an approved 200-hour nursing home administrator-in-training program prescribed by the Board; or

5. As a minimum has met the applicable requirements defined in 620-X-5-.02 (f) 1-3 of these Rules and Regulations and the Final Rules of the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, Sections 1819(f)(4) and 1919(f)(4) as published in the Federal Register, as it applies to Qualifications of Nursing Home Administrators.

6. Has completed a National Association of Boards of Examiners of Long Term Care Administrators Academic University Approved Program.

(2) Examinations given under this section shall be given provisionally; and, should it later appear that the applicant does not meet the requirements or did not exercise reasonable diligence in filing his application, or was the cause of his failure to comply with the requirements for examination, then the examination and its results shall be void.

(3) In the event an examination or an examination's results are void under paragraph (4) hereof, all fees and other monies paid to the Board by the applicant or which are due and payable to the Board by the applicant, are forfeited.

620-X-5-.03 Application for Examination.

(1) An applicant for examination and qualification for a license as a nursing home administrator shall make application therefore in writing on the forms provided therefore by the Board, and shall furnish evidence satisfactory to the Board that he/she has met the pre-examination requirements as provided for in the State licensing statutes and Rule No. 620-X-5-.02 of these Rules and Regulations, and paid the required examination fee as determined by the Board.

(2) A candidate for examination shall submit with his/her application three letters from individuals engaged in either business, or professional work, who shall certify to the good moral character of the applicant.

The applicant shall also submit satisfactory evidence that he/she has met the requirements as defined in 620-X-5-.02 (f) of these Rules and Regulations.

(3) An applicant for examination who has been convicted of a felony by any court in this state, or by any court of the United States, shall not be admitted to or be permitted to take the examination provided for herein unless he/she shall first submit to and file with the Board, a certificate of good conduct granted by the Board of Parole or, in the case of a conviction in any jurisdiction wherein the laws do not provide for the issuance of a certificate of good conduct, an equivalent written statement or document.

(4) An applicant for examination who has been convicted of a misdemeanor, except a petty traffic offense, shall not be admitted to or be permitted to take the examination provided for herein unless he/she shall first submit to, and file with the Board a certificate or letter of good conduct from the proper parole, probation, court, or police authorities wherein such conviction was had, or submit an equivalent written statement or document. For the purpose of this paragraph, a petty traffic offense shall be any and every misdemeanor relating to the operation of motor vehicles except: Driving while under the influence of intoxicating liquors, narcotics, stimulating or hallucinating drugs; leaving the scene of an accident; and manslaughter resulting from the operation of a motor vehicle.

(5) To establish suitability and fitness to qualify for a license for nursing home administrator, as required by the State licensing statute, prior to being permitted to take the examination for license as a nursing home administrator, the applicant may be required to furnish evidence satisfactory to the Board of:

(a) good health and freedom from contagious disease;

(b) absence of any mental impairment that would appear to the Board to be likely to interfere with the performance of a nursing home administrator;

(c) an understanding of the general and technical information necessary to the administration and operation of a nursing home, (i.e. applicable health and safety regulations);

(d) ability to assume responsibilities for the administration of a nursing home as evidenced by prior accredited activities and evaluation of prior services and evidence secured by the Board; and

(e) ability to relate the physical, psychological, spiritual, emotional, and social needs of ill and/or aged individuals to the administration of a nursing home, including executives of the nursing home, and to create the compassionate climate necessary to meet the needs of the residents therein.

(6) The basic requirements for suitability set forth herein are to be considered minimal and may not be waived.

(7) The applicant shall attach to his/her application a finished unmounted photograph of himself/herself, which shall have been taken within three months prior to the date of such application.

(8) The Board may designate a time and place at which an applicant may be required to present himself/herself for inquiry as to his/her suitability as provided for herein.

(9) An applicant who is approved to take the examination must do so within one (1) year of being approved by the Board.

620-X-5-.04 Conditional Admission to Examination: Disqualification Re-examination.

(1) An applicant for examination, who has been disqualified shall be given written notification by the Board of his/her disqualification, and the reasons therefore, and of his/her right to a hearing as provided for under Rule No. 620-X-7.04 hereof.

(2) An applicant for examination who has been disqualified may petition the Board in writing, within thirty (30) days of notification or disqualification for a hearing and a review of his application.

(3) Where an applicant for examination has been disqualified, he/she may submit a new application for qualification for examination, provided however, that he/she shall be required to meet the requirements for licensing as shall be in force at the time of such re-application.

620-X-5-.05 Subjects for Examination.

(1) Every applicant, after having met the requirements for qualification for examination as set forth in Rule No. 620-X-5-.02 of these Rules and Regulations, must successfully pass a written examination as required by the State licensing statute and these regulations.

620-X-5-.06 Grading Examinations.

(1) Every candidate for a nursing home administrator's license shall be required to pass the examination for such licenses with a grade as determined by the Board. The Board has determined that the NAB Examination will be used for the written examination administered to all applicants not applying through reciprocity, and the candidate must obtain a score of at least 113 scale score on both the NAB Core of Knowledge Examination and the NAB Nursing Home Administrator Line of Service Examination. All applicants who apply through reciprocity will be required to take a State written examination, and the candidate must obtain a score of at least 75% on the State examination.

(2) The Board shall determine a method of grading each section of the examination separately and shall apply such method uniformly to all candidates that are examined.

620-X-5-.07 Administrator-in-Training

General Information

(1) An Administrator-in-Training is a supervised internship during which the Administrator-in-Training (the AIT) works under the guidance and supervision of a preceptor, a licensed administrator meeting the qualifications set out in the requirements for preceptors. The internship is a unique phase of education consisting of the supervised practice of nursing home administration in the environment of the nursing home, with continued instruction in the skills and are of nursing home administration. In keeping with the philosophy of continued improvement in the quality of professionalism in the field of nursing home administration, the internship is considered an essential part of the education of a Nursing Home Administrator. With this concept in mind, it is evident that the internship can be conducted only in those nursing homes in which the educational benefits to the intern are considered of paramount importance, with the service benefits to the nursing home of secondary importance.

(2) The satisfactory completion of a 1,000 hour AIT program will satisfy the experience requirement set forth in rule 620-X-5-.02 (f).

(3) An applicant for the AIT program must meet those qualifications established by Code of Alabama 1975 Section 34-20-9, which are in effect at the time of application, and pay the application fee as determined by the Board.

(4) Preceptors must submit an outline of their proposed AIT program for review and approval by the Board.

(5) The Board must approve each facility at which the training will take place.

(6) The training must be under the full-time supervision of the preceptor.

(7) The AIT shall serve his/her training in a normal workweek, containing a minimum of 20 hours, with not less than eight hours to be served daily between the hours of 7:00 a.m. and 10:00 p.m., except that during the year a minimum of 40 hours and a maximum of 160 hours are to be served between 10:00 p.m. and 7:00 a.m.

(8) The AIT program shall begin on the first day of the month following the approval of the Board.

(9) The AIT and the Preceptor shall sign an agreement acknowledging to each other and the Board that the training shall be in accordance with these rules. The agreement shall contain any other agreements between the AIT and the Preceptor concerning the training.

(10) The AIT shall be allowed two weeks leave for military training, two weeks leave for vacation, and reasonable sick leave.

(11) The Board may approve a temporary discontinuance of the training for up to one year, but the AIT shall only retain credit for those quarters completed and for which reports have been submitted and approved by a Board representative. If for any reason the approved preceptor is no longer able to supervise the AIT at the facility, the AIT may petition the Board for the appointment of an interim preceptor pending the approval of a new preceptor by the Board.

(12) The Board will approve an interruption of an AIT program for the compulsory service of the AIT in the armed forces of the United States. The AIT may resume his/her training at any time within one year of his/her discharge from active duty.

(13) The AIT and the Preceptor must report any discontinuance of training to the Board within ten (10) days.

(14) A rotation through the various departments and duties in the nursing home are essential to the proper completion of the training. An AIT shall not, during the normal working hours of his/her program, fill a specific, specialized position in the nursing home.

(15) A Board representative may visit a nursing home for the purpose of surveying the AIT program. The Board may require the AIT to do further work toward meeting objectives or attaining the core of knowledge, or to work with a different Preceptor, if reports and progress in the program are inadequate.

(16) No credit shall be given by the Board for time served by an individual in an unapproved AIT program, or for time served under the supervision of a preceptor who has not been approved by the Board, or for time spent in an approved program under an approved preceptor until such time as the applications have been properly filed with the Board.

Preceptor

(1) The Board will approve persons to act as preceptors in AIT programs based on information submitted to the Board. The approval shall be effective for a period of three years, after which the preceptor must reapply.

However, the Board may disapprove a preceptor for a training program who has failed to remain in compliance with these requirements. The Board may disapprove a preceptor at any time for good cause.

(2) Each person desiring to be a preceptor must submit an application showing:

(a) his/her name, address, and age;

(b) that he/she has been a licensed and practicing nursing home administrator in Alabama for at least three years, or has been a licensed nursing home administrator for at least two years in another state and has been licensed and practicing in Alabama for at least one year, and that no disciplinary action has been taken against him/her in the last three years;

(c) the states and dates of issuance of all his/her professional licenses, including those as a nursing home administrator; and

(d) the nursing home facilities at which the applicant has been in direct management control as administrator within the last three years.

(3) The preceptor-applicant must show that his/her education, experience, and knowledge qualify him/her to supervise the training of an AIT. The preceptor-applicant must attend a preceptor training seminar approved by the board prior to becoming a preceptor. The preceptor-applicant's certificate of attendance for the preceptor training program must not be more than one year old before applying to become a preceptor.

(4) The preceptor shall be of good moral character.

(5) A preceptor may supervise training of a member of his/her immediate family if they receive Board approval prior to the start of the program.

(6) A preceptor must be in direct management control of the facility or facilities at which the training is to take place.

(7) A person desiring to be a preceptor must apply and qualify under the terms of this rule, notwithstanding an approval under previous rules.

Facility at Which Training Takes Place

(1) Each application for approval of a training program shall include an application for approval of each facility at which the training will take place.

(2) The application form will request general information about the facility which will include its address, the names, employment dates, work hours, and the license numbers of registered or licensed professionals which head the various departments, and the licensed bed capacity.

(3) The application must include a copy of the latest survey report and any plans for correction. The survey report must show that the facility is currently licensed by the Department of Health, Division of Licensure and Certification and a nursing facility and has no serious operating deficiencies.

(4) The facility teaching staff shall be composed of personnel whose professional and moral integrity are unquestioned, who are proficient in the field of practice to which they devote themselves, who give careful attention to their duties and who are willing to assume responsibility individually and as a group for providing ample instruction to the AIT and to assist them in their work.

Domains of Practice, Objectives, Reports

The Administrator-in-Training Program shall cover the domains of practice, as established by the National Association of Boards of Examiners for Nursing Home Administrators, Inc. (NAB).

(1) The training plan for the program shall be prepared by the preceptor and the trainee prior to the start of the program. This training plan shall include:

(a) An individualized schedule showing time allotted for each department of the nursing home facility (i.e., nursing, dietary, housekeeping, business office, management and supervisory techniques, etc.).

(b) Time allotted for the AIT's participation in council meetings, state association meetings, staff meetings, etc.

(2) The preceptor and the trainee must file quarterly reports with the Board. Each report shall be co-signed by the preceptor and the trainee, and should be filed one week after the completion of each 25% segment of the program. The quarterly reports should contain a synopsis of the areas covered in the program and any relevant learning experiences. The reports should show how the trainee used the following methods to further his/her training.

(a) On-the-job experience;

(b) meetings attended;

(c) surveys completed;

(d) written reports;

(e) visits to other facilities; and

(f) educational seminars.

(3) Nothing in this rule is intended to preclude any preceptor from requiring any additional areas in the program, objectives or reports.

(4) At the completion of his/her AIT program, the facility shall furnish the intern with a certificate of service, attesting to the satisfactory completion of his/her training program. A copy of the certificate shall be forwarded to the Board. The nursing home facility may withhold such certificate only if the AIT fails to complete his/her AIT program or if his/her performance has been such as to indicate that he/she is unfit to practice as a nursing home administrator.

(5) It shall be the duty of the AIT to inform the Board of any violation by the facility of any provision of the program approved by the Board or any violation of the laws or rules of the Board governing nursing home administrators. Failure to so inform the Board may result in the disapproval of the AIT's application for licensure as a nursing home administrator.

620-X-5-.08

University Affiliated or College Affiliated Internship

(1) All colleges or universities desiring to have their affiliated internships approved by the Board must submit curriculum information to the Board for review.

(2) The Board will review all information submitted by the college or university and notify the institution of their decision for approval or disapproval.

(3) A college or university who has been disapproved shall be given written notification by the Board of their disapproval, and the reasons therefore, and of their right to a hearing.

(4) A college or university who has been disapproved may petition the Board in writing, within thirty (30) days of notification of disapproval for a hearing and a review of their application.

(5) The college or university who has received Board approval for an affiliated internship program must submit the student's name, facility name and preceptor's name to the Board prior to start in the internship program for each student.

(6) The college or university who has received Board approval for an affiliated internship program must provide to the student upon completion of the program a certificate indicating the completion of the approved internship program and the date of completion.

(7) The Board may disapprove a college or university affiliated program at any time for good cause.

Chapter 6. Continuing Education

620-X-6-.01 Continuing Education Programs of Study.

(1) A program of study designed to meet the requirements and qualifications for licensure renewal of a nursing home administrator under and pursuant to the State licensing statute, and these rules and regulations shall:

(a) contain a minimum of 24 equivalent hours of academic work per year. A limit of no more than 10 hours of CEU per day will be accepted.

(b) include subject areas as determined by the Board

(2) Upon completion of an approved program of study, the sponsor or sponsors of the program shall issue certificates of attendance or other evidence of attendance satisfactory to the Board.

(3) Nothing contained in this Rule shall preclude the Board from providing for any program of study which excludes subjects which shall be in derogation of, or in conflict with the teachings and practice of any recognized religious faith, provided however, any applicant seeking to be entitled to be admitted to such program of study hereunder shall submit evidence satisfactory to the Board that he/she is in fact an adherent to such recognized religious faith.

(4) If the Board finds that programs of training and instruction conducted within the State are not sufficient in number or content to enable nursing home administrators to meet requirements established by law and these rules, it may institute and conduct or arrange with others to conduct one or more such programs, and shall make provisions for their accessibility to residents of this state. The Board may approve programs conducted within and without this state as sufficient to meet education requirements established by law and these rules. For the purpose of this paragraph, the Board shall have the authority to receive funds in a manner consistent with the requirements of the Federal Government in order for the courses to qualify for Federal financial participation.

(5) Any course of study offered by an educational institution, association, professional society, or organization for the purpose of providing continuing education for nursing home administrators shall be submitted to the Board for approval on forms provided by the Board.

Chapter 7. License Information

620-X-7-.01 Licenses.

(1) Every individual who holds a valid current license as a nursing home administrator issued by the Board under this Chapter shall immediately upon issuance have the right and privilege of acting and serving as a nursing home administrator and of using the abbreviation "N.H.A." after their name. Thereafter, the individual shall annually be required to make application to the Board for a renewal of license and to report any facts requested by the Board on forms provided for such purposes. All license renewals will be issued and are due on the last day of the month in which the license expires, and all requirements must be met by that date.

(2) Upon making an application for a renewal of license, the individual shall pay an annual fee as determined by the board, and at the same time shall submit evidence satisfactory to the Board that during the year immediately preceding application for renewal, he or she has complied with the requirements of the Board concerning the continuing education of nursing home administrators as provided in Rule No. 620-X-6-.01, paragraph (1) of these Rules and Regulations. The required continuing education hours must be completed by the renewal date of the license. It is the responsibility of the licensee to keep a current address and email address with the Board.

(3) Upon receipt of the application for renewal of license, the renewal fee, and the evidence required with respect to continuing education, the Board shall issue a letter and renewal card to the nursing home administrator.

(4) Failure to secure an annual renewal of a license based on a failure to meet the continuing education requirements, shall result in the expiration of the license. All persons holding an expired license and wishing to reactive the license shall be required to submit a new application, have 24 hours of current (no more than one year old at the time of reactivation) continuing education credit approved by the Board prior to the reactivation of the license and pass a written state examination for licensure.

(5) A licensee who complies with the continuing education requirements but who does not renew within 90 days following its due date shall be deemed delinquent and may renew within the 90 day period by paying a late renewal fee established by the board. A license that is not renewed within the 90 day period shall be deemed expired, and is subject to reapplication as provided in Rule No. 620-X-7-.01, paragraph (4) of these rules and regulations.

(6) A licensee who holds a current license and who is not practicing as a nursing home administrator may place that license into an "inactive status" upon written application to the board. Any licensee whose license has been placed on inactive status may not engage in the practice of nursing home administration. A licensee whose license is on an inactive status who wishes to "reactivate" that license may do so by making application to the board. The applicant shall attach proof of having completed 24 hours of approved continuing education credits within one year of making application for license reactivation, and shall pay a reactivation fee established by the board. A licensee may not have his/her license in inactive status for more than five years. After five years in inactive status, the license automatically becomes expired.

(7) Only an individual who has qualified as a licensed and registered nursing home administrator who holds a current license shall have the right and privilege of using the title "Nursing Home Administrator", and have the right and privilege of using the abbreviation "NHA" after their name. No other person shall use or shall be designated by such title or such abbreviation or any other words, letters, signs, cards, or device tending to or intended to indicate that such person is a licensed nursing home administrator.

(8) The Board shall maintain a file of all applications for licensure that includes the following information on each applicant: residence, name, age, the name and address of his/her employer or business connection, the

date of application, educational and experience qualifications, action taken by the Board, serial numbers of licenses issued to the applicant, and the date on which the Board acted on or reviewed the application.

(9) The Board shall maintain a list of current licensees of the board, and shall furnish the list on demand to any person who pays a fee established by the board.

620-X-7-.02 Refusal, Suspension, Revocation of license, and Disciplinary Proceedings.

(l) The license or the emergency permit of any persons practicing or offering to practice nursing home administration may be revoked or suspended by the Board, or such person may be reprimanded, censured, or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

(a) Upon proof that such person has willfully or repeatedly violated any of the provisions of these rules and regulations, or the laws enacted in accordance therewith; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the residents of the home in which he/she is administrator;

(b) Upon proof that such person's conduct is immoral, unprofessional or dishonorable;

(c) Upon proof that that such person is guilty of fraud or deceit in the practice of nursing home administration, or in his or her admission to such practice;

(d) Upon proof that such person has been convicted in a court of competent jurisdiction, either within or without the state, of a crime involving moral turpitude;

(e) Was not or is not entitled to license or certificate of registration or;

(f) Has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules and regulations of the Board pertaining thereto;

(g) Has willfully violated any of the provisions of the law, code, rules or regulations of the licensing or supervising authority or agency of the State or political subdivision thereof having jurisdiction of the operation and licensing of nursing homes;

(h) Has been convicted of a crime, except a petty traffic offense as defined in Rule No. 620-X-5-.03, paragraph (4) of these rules and regulations;

(i) Is incompetent to engage in the practice of nursing home administration or to act as a nursing home administrator;

(j) Is addicted or dependent upon the use of alcohol, morphine, opium, cocaine, or other drugs recognized as resulting in an abnormal effect;

(k) Has paid, given or caused to be paid or given, or offered to pay or to give any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home patronage;

(l) Has been guilty of fraudulent, misleading, or deceptive advertising;

(m) Has failed to exercise true regard for the safety, health and life of the resident;

(n) Has willfully permitted unauthorized disclosure of information relating to a resident or his/her records;

(o) Has discriminated in respect to residents, employees, or staff on account of race, gender, religion, or national origin;

(p) Has given false or untrue information to the Board or its officers or agents in his/her initial application for licensure or application for renewal, or has given false or untrue information to the Board or its officers or agents regarding matters before the Board, or its officers or agents or has refused to give information when lawfully required to do so by the Board or its officers or agents.

(2) The Board shall have the jurisdiction to hear all charges brought under the provisions of this section against any person having been issued a license as a nursing home administrator or having been issued a license as a provisional nursing home administrator; and upon such hearings shall determine the charges upon their merits. If the Board determines that disciplinary measures should be taken, the Board may revoke his or her license, suspend him or her from practice or reprimand, censure or otherwise discipline such person.

(3) All proceedings under this section shall be heard by the Board with at least two thirds of its members present, and decisions to discipline any licensee shall require a vote of two thirds of the membership of the entire Board; provided, that the Board may designate three or more of its membership to comprise a hearing committee for the purpose of determining whether charges brought justify a hearing by the Board, and with the authority to dismiss frivolous or unfounded charges.

(4) At any hearing under this chapter, the person charged shall have the right to appear either personally or by counsel or both to produce witnesses and evidence in his/her own behalf, and to cross-examine witnesses. The Board or hearing committee shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony concerning all matters within the jurisdiction of the Board. The circuit court of the county wherein said hearing is to take place shall have the authority, on application of the Board, to enforce obedience to said subpoenas and orders of the Board concerning such testimony.

620-X-7-.03 Prohibited Acts: Penalties.

(1) It shall be a misdemeanor for any person to:

(a) Sell or fraudulently obtain or furnish any license or aid or abet therein;

(b) To practice as a nursing home administrator under cover of any license illegally or fraudulently obtained or unlawfully issued;

(c) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator unless duly licensed to so practice under the provisions of these rules and regulations;

(d) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator during the time his or her license issued under the provisions of these rules and regulations shall be expired, suspended, revoked; or

(e) Otherwise violate any of the provisions of these rules and regulations.

(2) Such misdemeanor shall be punishable by a fine of not more than \$500.00, or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment.

620-X-7-.04 Restoration of License.

The Board may, for good cause shown, upon such terms as the Board may prescribe, reissue a license to any person whose license has been revoked.

Chapter 8. Complaints

620-X-8-.01 Complaints and Inquiry Procedures.

(1) Complaints or charges against any person having been issued a license as a nursing home administrator or having been issued a license as a provisional nursing home administrator shall be in writing on forms provided by the Board, and shall be submitted to the Board.

(2) The Board, or any person or persons appointed by it for the said purpose, shall thoroughly investigate said charges, and if such investigation is not made by the Board, report its findings to the Board. The Board, upon making or receiving the findings, may dismiss the charges, inquire further, or take disciplinary action pursuant to paragraph (3) of this rule.

(3) If the Board determines that disciplinary action should be taken, it may refuse, suspend, or revoke the applicant's or licensee's license, or reprimand or otherwise discipline the applicant or licensee.

(4) Whenever the Board takes any action under paragraph (3) hereof against any licensee or applicant, such applicant or such licensee shall be informed of said action by written notice.

(5) Within thirty (30) days, computed as described in Rule No. 620-X-9-.01 paragraph (3) of the date of the Board's notice issued pursuant to paragraph (4) hereof, the applicant or licensee receiving such notice may request in writing a hearing or re-hearing before the Board.

(6) Upon receipt of a request under paragraph (5) hereof, the Board will do one of the following:

- (a) The Board may grant the request for a hearing and suspend its action until conclusion of said hearings;
- (b) The Board may grant the request for a hearing without a suspension of its action.

(7) The hearing shall be held on the date, time and place determined by the Board.

(8) Persons to whom hearings are granted shall be given at least ten (10) days notice of the date, time and place of such hearing.

(9) Persons to whom hearings are granted may appear in person or by attorney or both, and may present evidence, affidavits, arguments, and briefs.

(10) Hearings shall be held before at least a quorum of the Board as defined by statute for meetings of the Board unless the Board and the person to whom the hearing is granted mutually agree to a hearing before less than a quorum or an agent of the Board.

(11) Persons who are denied hearings under paragraph (6)(c) hereof, will be informed of such denial by the Board in writing, and persons to whom hearings are granted shall be informed in writing of the outcome of said hearings.

Chapter 9. Non-Disciplinary Refusal of Licensure

620-X-9-.01 Explanation and Action on Refusal of Licensure.

(1) This rule shall apply to the refusal by the Board to license any applicant who has failed to fulfill the requirements for license, and the provisions of this rule may be concurrent with the provisions of Rule No. 620-X-7-.02.

(2) Whenever the Board refuses to license an applicant, said applicant shall be informed by written notice of such refusal.

(3) An applicant who is refused license may, within thirty (30) days of the date of the notice issued pursuant to Paragraph (2) hereof, request in writing an administrative hearing before the Board. The first of said thirty (30) days shall be the day after the date of the notice; and, in computing said thirty (30) days, all days after the date of the notice including Sundays and holidays shall be included. Such request shall be deemed to be made on the date of its postmark if it is mailed.

(4) The Board shall determine the day, time, and place of the hearing and shall give applicant ten (10) days notice of such date, time and place.

(5) At the hearing the applicant may appear in person, or by attorney or both, and may offer evidence, affidavits, arguments, and may submit briefs in support of his/her application.

(6) All hearings shall be held before a quorum of the Board as defined by statute for meetings of the Board unless the applicant and the Board shall mutually agree to a hearing before less than a quorum or an agent of the Board.

(7) Regardless of the outcome of the hearing, the Board will inform the applicant of its decision.

(8) The Board will accept requests for administrative hearings which are made more than thirty (30) days after the date of the Board's notice, if such requests are accompanied by an affidavit explaining why the request is made later than thirty (30) days. The Board will grant such requests if its finds that the explanation justified the delay.

Chapter 10. Issuance of Emergency Permits

620-X-10-.01 Emergency Permits.

(1) In the event a nursing home administrator dies, unexpectedly resigns, becomes incapacitated, or has his/her license revoked, the person or persons then responsible for the management of the nursing home shall immediately notify the Board and the agency issuing the nursing home license and shall be allowed a reasonable period of time, not to exceed 180 days from the date of death, unexpected resignation, incapacitation or revocation of license of the nursing home administrator, in which to replace said administrator. Such nursing home must apply to the Board for an emergency permit for the person who will actually administer the nursing home until a licensed nursing home administrator can be employed. Such application shall state the acting administrator's qualifications, the circumstances creating the need for an emergency permit, and the period of time for which the emergency permit is needed, and said application shall be verified by the acting administrator and the owner of, or manager of the nursing home. The acting administrator must meet the following minimum qualifications:

A. Be actively enrolled in an AIT program and eligible to sit for the licensure examination within 5 months of their appointment as acting administrator; or

B. Eligible to be licensed by reciprocity; or

C. Has worked in an Alabama nursing facility, or management company that operates Alabama nursing homes, in a supervisory capacity for a minimum of three years prior to their appointment as acting administrator.

(2) Emergency permits will be issued by the Board if the Board approves of the applicant's qualifications, and determines that the nursing home requires the services of a temporarily licensed administrator.

(3) Emergency permits shall be issued for a stated period not to exceed 180 days and will permit the holder to practice only at the nursing home for which the emergency permit and license is issued. No additional time will be given to a facility to replace the Administrator.

Chapter 11. Required Personal and Business Information

620-X-11-.01 Residence Address, Telephone and Business Changes.

(1) All applications, requests, notices, correspondence, and any other matter which is directed to the Board shall be sent to the secretary of the Board; and the secretary shall accept these for the Board.

(2) Each nursing home administrator shall keep on file with the Board his or her name, home address, and telephone number and the name, address, and telephone number of any nursing home which he or she is administering and, if he or she is administering no nursing home, a statement to this effect.

(3) Whenever any of the information required by paragraph (2) hereof changes, the nursing home administrator should immediately notify the Board.

(4) The Board will address all notices, orders, correspondence, and any other matters to each nursing home administrator at his home address as it appears in the records of the Board.

620-X-11-.02 Public Records

(1) Public records may be requested in writing using the Board's public records request form. Questions may be directed to the Executive Secretary. The public request form will be made available on the Board's website.

(2) A fee shall be assessed for costs incurred for searching and producing records as described in rule 620-X-13-.01.

(3) Records request will be categorized as either Standard records or Time-intensive records. The Board shall acknowledge all requests within two (2) business days of receipt. The Board will provide records, provided that the request has been submitted on the Board approved form and all fees are paid in full. The Board reserves the right to review and/or deny any records request that compromises legally protected information or to which the release of said records would be detrimental to the public.

- a. Standard Records – are designated as public records that are easily made available to the public with little or no preparation time and with limited redaction needed to withhold legally protected information. These requests should be processed within fifteen (15) days of receipt. If the Board is unable to process the request within fifteen (15) days, the requestor will be notified by the Board within fifteen (15) days.
- b. Time-Intensive Records – are designated as records that would involve more than eight (8) hours of preparation with need for review and redaction with regards to legally protected information. These requests should be processed within forty-five (45) days of receipt. If the Board is unable to process the request within forty-five (45) days, the requestor will be notified by the Board within forty-five (45) days.

Chapter 12. Reciprocal Licensure.

620-X-12-.01 Reciprocity.

The Board, in its discretion, and otherwise subject to the provisions of the law, and the rules and regulations of the Board prescribing the qualifications for a nursing home administrator license, may issue a license to a nursing home administrator who has been issued a license by the proper authorities of any state or issued a certificate of qualification by any national organization, upon payment of the required fee and upon submission of evidence satisfactory to the Board, which shall include successfully passing a written examination as required by these Rules and Regulations.

- (a) That such other state or national organization maintained a system and standards of qualification and examinations for nursing home administrator license or certificate which were substantially equivalent to those required in this state at the time such other license or certificate was issued by such other state or national organization; and
- (b) That such other state gives similar recognition and endorsement to nursing home administrator licenses of this state.

Chapter 13. Fees

620-X-13-.01 Fees.

The fee requirements of this chapter shall apply to all nursing home administrators. In accordance with the Military Family Jobs Opportunity Act, the Board may waive the initial licensing fee for those eligible individuals upon written request to the Board. The fees to be paid are as follows:

- (1) A state examination fee not to exceed \$700.00;
- (2) An application fee not to exceed \$300.00;
- (3) An original license fee not to exceed \$300.00;
- (4) An emergency permit fee not to exceed \$1500.00;
- (5) A renewal fee not to exceed \$300.00;
- (6) An AIT application fee (200 - 500 hour program) not to exceed \$400.00;
- (7) An AIT application fee (1000 hour program) not to exceed \$500.00;
- (8) An AIT application fee (2000 hour program) not to exceed \$700.00;
- (9) A preceptor certification and recertification fee not to exceed \$300.00;
- (10) A late renewal penalty not to exceed \$800.00;
- (11) A reciprocity questionnaire fee not to exceed \$150.00;
- (12) An inactive status reactivation fee not to exceed \$1,000.00;
- (13) Copying of records at a fee not to exceed \$3.00 per page;

(14) A Return Check fee in accordance with the maximum fee allowed by Code of Alabama 1975 §8-8-15; and

(15) Document retrieval and preparation \$20.00 per hour or any portion thereof.

Chapter 14. Effective Date of Rules and Regulations

620-X-14-.01 Effective Date.

These revised Rules and Regulations shall become effective on September 14, 2023.