

Statutes and Regulations **Nursing Home** **Administrators**

December 2010

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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TABLE OF CONTENTS

Section	Page
1. Nursing Home Administrator Statutes (AS 08.70).....	1
2. Nursing Home Administrator Regulations (12 AAC 46)	3
3. APPENDIX: Transitional Provisions	6

**CHAPTER 70.
NURSING HOME ADMINISTRATORS.**

Section

- 50. Regulation by department**
- 80. License required**
- 90. Application**
- 110. Licensing**
- 120. Examination**
- 130. Provisional licenses**
- 140. Expired licenses**
- 150. Fees**
- 155. Grounds for imposition of disciplinary sanctions**
- 170. Penalties**
- 175. Facilities operated by religious organizations**
- 180. Definitions**

Sec. 08.70.050. Regulation by department. (a) The department shall

(1) adopt standards for licensing nursing home administrators to ensure that licensees have knowledge and experience in health care and institutional administration necessary for competent administrators, and update the standards when necessary;

(2) examine, approve issuance of licenses to and renewal of licenses of qualified persons;

(3) establish procedures to ensure that licensees continue to uphold the department's standards; impose disciplinary sanctions upon persons who fail to uphold the standards;

(4) adopt criteria for educational programs for persons preparing for the licensing examination and for the continuing education of licensees; review the educational programs available in the state and accredit the programs meeting the criteria;

(5) adopt regulations ensuring that renewal of a license is contingent upon proof of continued competency by the licensee.

(b) The department may adopt regulations necessary for the performance of its duties and to meet the requirements of Title 19 of the Social Security Act, the federal regulations adopted under it, and other federal requirements.

Sec. 08.70.080. License required. Only a licensed nursing home administrator may manage, supervise, or be generally in charge of a nursing home. The care provided by a nursing home or a licensed hospital providing nursing home care through the use of skilled nursing beds or intermediate care beds shall be supervised by a licensed nursing home administrator or by a person exempted from licensure requirements under this section. This section does not apply to persons engaged on July 1, 1980 in managing or administering an Alaska Pioneers' Home or a hospital with skilled nursing beds or intermediate care beds.

Sec. 08.70.090. Application. Applicants shall file applications with the Department of Commerce, Community, and Economic Development on forms provided by the department. Information requested on the forms shall be given under oath.

Sec. 08.70.110. Licensing. (a) The department shall license

(1) applicants who pass the written examination administered by the department and meet the standards established by the department under AS 08.70.050;

(2) persons licensed under emergency regulations 7 AAC 12.045 promulgated in Register 51, July 8, 1974, who have practiced as administrators since licensing.

(b) The department may issue a license without examination to a person holding a current license as a nursing home administrator from another jurisdiction, if the department finds that the standards for licensing in the other jurisdiction are substantially equivalent to those in this state, and the person is otherwise qualified.

(c) Notwithstanding other provisions of this chapter, the department may refuse to issue a license to a person

(1) who attempts to secure the license through deceit, fraud, or intentional misrepresentation; or

(2) for a reason for which it may impose disciplinary sanctions under AS 08.70.155.

Sec. 08.70.120. Examination. The purpose of the examination is to test the applicant's knowledge of the health and safety standards of the state and the applicant's experience in the practice of health care. The department shall determine the content, scope, format, and grading procedure. Examinations shall be given at least annually, at the time and place chosen by the department.

Sec. 08.70.130. Provisional licenses. (a) A provisional license may be granted without examination to a person who meets the standards adopted by the department under AS 08.70.050 and who is needed to fill a vacancy in an administrative position.

(b) The provisional license is valid for six months and is nonrenewable.

Sec. 08.70.140. Expired licenses. A person whose license has expired for a period of 24 months or more shall apply for a license in the same manner as an applicant who has not been licensed before.

Sec. 08.70.150. Fees. The department shall set fees under AS 08.01.065 for examination and investigation of persons applying for a license, initial license, and license renewal.

Sec. 08.70.155. Grounds for imposition of disciplinary sanctions. The department may impose the disciplinary sanctions authorized for boards under AS 08.01.075 or otherwise authorized for the department under AS 08.01 when it finds that a licensee

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) intentionally or negligently engaged in or permitted the performance of patient care by persons under the licensee's supervision which does not conform to minimum professional standards regardless of whether actual injury to the patient occurred;
- (5) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the department;
- (6) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) addiction or severe dependency on alcohol or other drugs that impairs the licensee's ability to practice safely;
 - (C) physical or mental disability;
- (7) sold or furnished a license to another;
- (8) practiced as a nursing home administrator or used a designation tending to imply that the licensee is a nursing home administrator without a license issued under this chapter unless exempted from licensure requirements under AS 08.70.080.

Sec. 08.70.170. Penalties. A person convicted of violating a provision of this chapter is guilty of a class B misdemeanor.

Sec. 08.70.175. Facilities operated by religious organizations. Nothing in this chapter or the regulations under this chapter is to be construed as requiring a person who applies for a license as administrator of a facility operated by a religious organization relying on spiritual means alone for healing to have skills in medical techniques or educational qualifications that are not in accord with the care and treatment provided in the facility.

Sec. 08.70.180. Definitions. In this chapter,

- (1) "department" means the Department of Commerce, Community, and Economic Development;
- (2) "license" means the certificate awarded by the department to a qualified person that entitles the person to be a nursing home administrator in this state;
- (3) "licensee" means a person who has been granted a license to be a nursing home administrator in this state by the department;
- (4) "nursing home" means a facility which is operated in connection with a hospital or in which nursing care, intermediate care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery within the state for the accommodation of convalescents or other persons who are not acutely ill but who do require skilled or intermediate nursing care and related medical services; the term "nursing home" is restricted to those facilities the purpose of which is to provide skilled or intermediate nursing care and related medical services for a period of not less than 24 hours a day to individuals admitted because of illness, disease or physical or mental infirmity;
- (5) "nursing home administrator" means a person who manages, supervises, or is in general charge of a nursing home, even though the duties are shared with another person; a member of a board of directors of a nursing home is an administrator only if the board member also serves in the administrative capacity defined in this paragraph.

CHAPTER 46.
NURSING HOME ADMINISTRATORS.

Section

- 10. Eligibility for a nursing home administrator license**
- 20. Application for initial license**
- 30. Examination of requirements**
- 41. Nursing home administrator-in-training program**
- 51. Administrator-in-training preceptor requirements**
- 70. Application for license renewal**
- 900. Definitions.**

12 AAC 46.010. ELIGIBILITY FOR A NURSING HOME ADMINISTRATOR LICENSE. (a) To be eligible for an initial license as a nursing home administrator, an applicant must

(1) be at least 19 years of age;

(2) have a baccalaureate or higher degree in a health-care or business related field from a college or university that is accredited by a national or regional accrediting association recognized by the United States Secretary of Education;

(3) meet the experience and training requirements of (b) of this section;

(4) pass the examination required in 12 AAC 46.030; and

(5) demonstrate to the satisfaction of the department that the licensee is fit to practice as a nursing home administrator, by showing that the applicant has not engaged in any conduct listed in AS 08.70.110(c) or 08.70.155.

(b) To meet the experience and training requirements for an initial license as a nursing home administrator, an applicant must have completed either

(1) a minimum of 12 months of experience in health care facility management that meets the requirements of (c) of this section; the 12 months of experience need not be consecutive; or

(2) an administrator-in-training (AIT) program that meets the requirements in 12 AAC 46.041 or an AIT program approved by another licensing jurisdiction.

(c) The department will only credit experience under (b)(1) of this section for a month, if

(1) the applicant earned at least 40 hours of experience during that month;

(2) the experience was earned under the supervision of a health care facility administrator who can verify the applicant's experience; and

(3) the applicant's experience was in institutional management in a health care facility, including general administration techniques, fiscal management, personnel management, client care issues, physical facility management, federal and state regulations, and public relations.

Authority: AS 08.70.050

12AAC 46.020. APPLICATION FOR INITIAL LICENSE. (a) An applicant for an initial nursing home administrator license by examination shall submit

- (1) a completed application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.290;
- (3) official college or university transcripts verifying the applicant's education;
- (4) verification of the experience required by 12 AAC 46.010(b);
- (5) information on any licensing action in another jurisdiction, including
 - (A) action to revoke or suspend a license;
 - (B) any unresolved complaint, review procedure, or disciplinary proceeding; or
 - (C) a license surrendered while under investigation;
- (6) information regarding conviction of a crime related to the grounds for license denial or imposition of disciplinary sanctions in AS 08.70.110(c) and 08.70.155; and
- (7) responses to questions, on the form provided by the department, regarding the applicant's professional history, and mental and physical fitness to practice as a nursing home administrator, under the standards established for license denial or imposition of disciplinary sanctions in AS 08.70.110(c) and 08.70.155.

(b) To be scheduled for an examination, an applicant shall file with the department the items listed in (a) of this section at least 45 days before the date set for that examination.

(c) An applicant for an initial nursing home administrator license without examination as provided in AS 08.70.110(b) shall submit the items listed in (a) of this section and arrange for the submission of

(1) evidence, directly from the Professional Examination Service, that the applicant has passed the licensing examination required by 12 AAC 46.030 with a score at least equivalent to the score recommended by the National Association of Boards of Examiners of Long Term Care Administrators (NAB) as the passing point for that administration of the examination; and

(2) verification that the applicant holds a current nursing home administrator license in good standing in another licensing jurisdiction that was issued based upon standards at least equivalent to those in 12 AAC 46.010; verification must be sent to the department directly from the licensing agency in that jurisdiction.

Authority: AS 08.70.050 AS 08.70.090 AS 08.70.110

Editor's note: Information about reporting of examination scores by the Professional Examination Service may be obtained from the Professional Examination Service, 475 Riverside Drive, New York, NY 10115.

12AAC 46.030. EXAMINATION REQUIREMENTS. (a) The examination required for licensure as a nursing home administrator is the Nursing Home Administration Licensing Examination of the NAB.

(b) To pass the examination for licensure, an individual must receive at least a scaled score of 113, as reported by NAB.

Authority: AS 08.70.050 AS 08.70.120

Editor's note: Information about the examination required under 12 AAC 46.030 may be obtained from the National Association of Boards of Examiners of Long Term Care Administrators, 1444 I Street NW, Suite 700, Washington, DC 20005-2210.

12AAC 46.041. NURSING HOME ADMINISTRATOR-IN-TRAINING PROGRAM. (a) An applicant for a nursing home administrator license may meet the experience and training requirements of 12 AAC 46.010 by satisfactorily completing an administrator-in-training (AIT) program that meets the requirements of this section.

(b) An acceptable AIT program must

(1) be conducted under the guidance and supervision of a preceptor who meets the requirements of 12 AAC 46.051;

(2) require completion of all of the activities and forms provided in the *NAB Five-Step Program Administrator in Training Internship Manual (1997 Edition)*, which is adopted by reference;

(3) be a minimum of six months in duration; and

(4) be completed within two years of the date that the AIT program proposal is submitted to the department under (c) of this section.

(c) Before beginning an AIT program, an individual shall submit

(1) a completed form for application for a nursing home administrator license;

(2) the application fee required in 12 AAC 02.290; and

(3) a complete AIT program proposal, on a form provided by the department, that

(A) shows the anticipated dates of completion of each AIT activity;

(B) lists the qualifications of the applicant's preceptor; and

(C) is signed by both the applicant and the preceptor.

Authority: AS 08.70.050

Editor's note: The *NAB Five-Step Program Administrator in Training Internship Manual* referenced in 12 AAC 46.041 is available from NAB Publications, 808 17th Street, NW, Suite 200, Washington, DC 20006.

12AAC 46.051. ADMINISTRATOR-IN-TRAINING PRECEPTOR REQUIREMENTS. (a) To serve as an administrator-in-training (AIT) preceptor, an individual must

(1) be currently licensed as a nursing home administrator in the jurisdiction where the AIT is completing the training activities;

(2) be currently employed in an administrative position in the nursing home where the AIT is completing the training activities;

(3) agree, in writing, to fulfill the duties and responsibilities of a preceptor, as outlined in the *NAB Five-Step Program Administrator in Training Internship Manual (1997 Edition)*, which is adopted by reference.

(b) A preceptor shall conduct a weekly supervisory conference with the AIT to monitor the education and activities of the AIT.

Authority: AS 08.70.050

Editor's note: The *NAB Five-Step Program Administrator in Training Internship Manual* referenced in 12 AAC 46.051 is available from NAB Publications, 808 17th Street, NW, Suite 200, Washington, DC 20006.

12AAC 46.070. APPLICATION FOR LICENSE RENEWAL. A licensee applying for renewal of a nursing home administrator license shall submit to the department

(1) a completed license renewal application form;

(2) proof of continued competence consisting of a signed statement completed by the licensee, on a form provided by the department, responding to questions about any violations of the licensee of the provisions of AS 08.70.155 and providing an explanation of those responses that demonstrates to the satisfaction of the department that the licensee is fit to practice as a nursing home administrator; and

(3) the biennial license renewal fee established in 12 AAC 02.290.

Authority: AS 08.70.050 AS 08.70.155

12AAC 46.900. DEFINITIONS. In this chapter

- (1) “department” means the Department of Commerce, Community, and Economic Development;
- (2) “health care facility” means a place devoted primarily to the inpatient diagnosis, treatment, or care of two or more unrelated individuals suffering from illness, disease, injury, or physical or mental disability;
- (3) “NAB” means the National Association of Boards of Examiners for Nursing Home Administrators, Inc.;
- (4) “nursing home” has the meaning given in AS 08.70.180.

Authority: AS 08.70.050

**APPENDIX:
TRANSITIONAL PROVISIONS**

The Legislature of the State of Alaska enacted ch. 91, SLA 1995 abolishing the Board of Nursing Home Administrators and transferring the regulation of nursing home administrators to the Department of Commerce, Community, and Economic Development. The Legislature included the following provisions in the Act:

***Sec. 13. TRANSITION.** (a) A regulation adopted by the Board of Nursing Home Administrators and in effect on the effective date of this Act remains in effect and shall be implemented and enforced by the Department of Commerce, Community, and Economic Development after the effective date of this Act until the department amends the regulation. To be consistent with the changes made by this Act, wherever in the regulations adopted by the Board of Nursing Home Administrators the board is identified, that reference shall be read as referring to the Department of Commerce, Community, and Economic Development. Under AS 44.62.125(b)(6), the regulations attorney shall implement this subsection in the administrative regulations.

(b) All litigation, hearings, investigations, and other proceedings pending under a law amended or repealed by this Act, or in connection with functions transferred by this Act, continue in effect and may be continued and completed notwithstanding a transfer or amendment or repeal provided for in this Act. Licenses and orders issued under authority of a law amended or repealed by this Act remain in effect for the term issued, or until revoked, vacated, or otherwise modified under the provisions of this Act. All contracts, rights, liabilities, and obligations created by or under a law amended or repealed by this Act, and in effect on the effective date of this Act remain in effect notwithstanding this Act's taking effect. Records, equipment, and other property of the Board of Nursing Home Administrators are transferred to the Department of Commerce, Community, and Economic Development.

***Sec. 14.** This Act takes effect immediately [June 29, 1995] under AS 01.10.070(c).