

DEPARTMENT OR REGULATORY AGENCIES

State Board of Examiners of Nursing Home Administrators

RULES AND REGULATIONS FOR NURSING HOME ADMINISTRATORS

3 CCR 717-1

RULE 1. LICENSING EXAMINATION

1. All applicants who have met the education requirements and have otherwise complied with the rules of the Board must successfully pass a licensing examination, consisting of two parts.
2. Part I of the examination shall consist of questions determined by the Board to establish an applicant's knowledge specifically related to the practice of nursing home administration in this state. Part II shall consist of those questions constituting an examination formulated by a national association, approved by the Board.
3. Part I of the examination may include questions in the following areas:
 - a. Principles of administration including budgeting, accounting, records management, organization, personnel, and business management.
 - b. Medical, sociological, psychological, environmental and therapeutic aspects of patient/resident care.
 - c. Federal, state and local laws, rules and regulation in relation to the administration of a nursing home.
4. Candidates shall be informed in writing regarding examination performance.
5. Candidates seeking licensure pursuant to §12-39-106, C.R.S. must complete both licensing examinations within one (1) year after approval to take the examination has been granted. If the candidate does not complete the examinations within the time period specified, the candidate shall be required to reapply for licensure and pay all appropriate fees.

RULE 2 GENERAL LICENSING PROVISIONS

1. Change of name and address
 - a. The licensee shall supply legal evidence of name change by court record or marriage certificate in order for such change to be made on Board records.
 - b. Notice of change of address shall be submitted in writing to the Board by the licensee within thirty (30) days of such change.
 - c. Any notification by the Board to licensees, required or permitted, under §12-39-101 et seq., C.R.S. or the Colorado Administrative Procedures Act shall be addressed to the last address provided formally to the Board by the licensee and any such mailing shall be deemed proper service on said licensee.
2. All documents needed for licensing approval must be received within one (1) year of the date of application. If all required information is not submitted within a one (1) year period, all original licensing documents will be destroyed. Applicants will be required to begin the application

process again by providing a new application, fee and all required documentation.

3. Persons who have participated in an Administrator-in-Training Program must successfully complete both licensing examinations and meet all other licensing requirements within one (1) year after completion of the program.
4. Qualification for admission to examination
 - a. Persons who qualify for licensure by examination by means of §12-39-106 (1)(b) or (c), C.R.S. must have successfully completed study in colleges or universities approved by an organization nationally recognized by the United States Department of Education for regional institutional accrediting.
 - b. For purposes of C.R.S. § 12-39-106(1)(b), degrees deemed appropriate by the Board include, but are not limited to, the following:
 - i. A Bachelor of Science degree or higher in Health Care Management;
 - ii. A Bachelor of Science degree or higher in Gerontology.
 - c. For purposes of C.R.S. § 12-39-106(1)(c), degrees in a health-care related field shall include, but not be limited to, the following:
 - i. Nursing;
 - ii. Nursing home administration.
 - d. Degrees the Board does not deem to be health-care related shall include, but not be limited to, engineering, language arts, communication, political science , theology, or a degree in general studies.
 - e. For purposes of C.R.S. § 12-39-106(1)(c), experience in supervision shall require:
 - i. Day to day on-site responsibility for directing, controlling, managing, and monitoring no less than five (5) subordinates. A direct reporting relationship must exist;
 - ii. The coordination of interdisciplinary resident care and services;
 - iii. Planning, organizing, and controlling events toward a goal. Examples include involvement in finance, budget, and policy-making decisions.
 - f. For purposes of C.R.S. § 12-39-106(1)(c), experience in administration shall not include experience in housekeeping, laundry, food services, activities, social services, medical records, bookkeeping, or other clerical experience.

RULE 3. STANDARDS OF LICENSURE

1. The following must be met by any individual who receives and retains a license or a temporary license as a nursing home administrator. The licensee must:
 - a. Comply with all local, state, and federal laws and comply with provisions of the law, code, rules or regulation of any licensing or supervising authority or any federal, state, or local government entity having jurisdiction over the operation or reimbursement of nursing homes and/or nursing home administrators. The licensed nursing home administrator shall cooperate with any investigation of these government entities.

- b. Exercise reasonable supervision over the activities of nursing home personnel.
- c. Maintain a clean and safe environment to ensure the health, safety, welfare, and residents' rights for residents and staff in the licensee's facility.
- d. Ensure a quality of care and quality of life that is consistent with the health and safety of the residents in the licensee's facility including, but not limited to, the promotion of care, related medical and other services provided by the facility to assist each resident to attain or maintain the highest practicable mental, physical, and psychosocial wellbeing to the extent it is consistent with the resident's wishes.
- e. Protect resident rights as required by state and federal laws including the protection against abuse, neglect, and other mistreatment.
- f. Participate with the Governing Body to plan, implement, and evaluate written policies and procedures to promote facility systems to function properly and ensure compliance with law and regulation.
- g. Communicate and problem solve regularly with the governing body/owner, department heads, facility staff and residents to allocate resources properly. The NHA shall also foster effective communication and problem solving between management, staff, residents, family, community, and all parties involved to ensure appropriate management and operation of the facility and to provide for resident health, safety, welfare and residents' rights.
- h. Plan, implement, and evaluate an integrated financial program for the facility which ensures compliance with applicable laws and regulations, quality of care and life, and appropriate and accurate billing for services.
- i. Possess and maintain the competencies necessary to effectively perform his/her responsibilities as a nursing home administrator through, including but not limited to, exercising ethical and professional decision making and judgment; assuming leadership in the facility; exemplifying an administrative philosophy congruent with the mission and goals of the organization as well as generally accepted standards; planning, organizing, and directing those responsibilities delegated to the administrator by the governing body of the facility and inherent in the role of an administrator; abiding by and keeping confidential resident information; and keeping current with trends and industry standards of practice.
- j. Take appropriate steps to avoid discrimination on basis of race, color, sex, religion, age, national origin, disability, marital status, ancestry, or any other factor that may be discriminatory or not related to bona fide requirements of quality care.
- k. Provide appropriate systems to account for and to protect residents' personal funds and property within the facility. It shall be a violation of this rule to misappropriate resident or facility funds or property.
- l. Disclose to the governing body or other authority as may be appropriate, any actual or potential circumstance concerning the nursing home administrator that might reasonably be thought to create a conflict of interest or have a substantial adverse impact on the facility or its residents.
- m. Develop, participate, and monitor compliance of a functioning Quality Assurance Committee or its equivalent that evaluates and monitors the quality of resident care, residents' rights, and quality of life as required by Federal and State Regulations and generally accepted

standards.

- n. Adhere to the generally accepted standards of practice of a Colorado licensed nursing home administrator including, but not limited to, the development and implementation of policies and procedures to ensure the health and safety of the residents.

2. Any failure to meet these standards may result in disciplinary proceedings as set forth in 12-39-111 & 12-39-114, C.R.S.

RULE 4 ADMINISTRATOR-IN-TRAINING (AIT) PROGRAM

1. The Administrator – In - Training program is the way whereby a person seeking initial licensure as a nursing home administrator may obtain practical training and experience in nursing home administration under the direct supervision of a licensed nursing home administrator (preceptor) who is in full-time practice in the facility.

2. Education and experience criteria for admission into the AIT program.

- a. The applicant must have two (2) years college level study in areas relating to health care OR two (2) years of experience in nursing home administration or in a comparable health care management experience for each year of required education.

i. College level study

A. Study must be successfully completed in a college or university approved by an organization nationally recognized by the United States Department of Education for regional institutional accrediting.

B. The types of courses which will be considered "relating to health care" include, but are not limited to , social services if related to health care, recreational therapy (not physical education), dietary, psychology, sociology, physiology, anatomy, biology, speech, health care management and administration.

ii. Experience in nursing home administration or in a comparable health care management experience.

A. Experience must be obtained in a nursing home administration or in a comparable health care management experience.

B. Experience in comparable health care management must include experiences in the following areas.

1. Direct health care which includes nursing, clinical social work, physical therapy, dietary, and persons with experience in such areas as medical records, social services, or other related experiences.

2. Planning, organizing and controlling events toward a goal such as involvement in finance, budget, and policy making decisions.

3. It should be noted that supervisory experience is not a requirement for placement in the AIT Program. Supervisory exposure will be gained during the A.I.T. Program.

- b. The Board may approve substitution of two (2) years of board approved experience for one (1) year of education, or may approve proportional experience for various amounts of education.

3. APPLYING FOR THE AIT PROGRAM

- a. An applicant for the nursing home administrator in training program shall meet the statutory requirements of §12-39-106 and 12-39-107, C.R.S. and shall submit an application in the manner and on the forms prescribed by the board, which consists of:
 - i. The application form having complete and accurate entries of information;
 - ii. If applicable, transcripts sent directly by the institution to the office of the board;
 - iii. Any additional or supplemental documentation to support data entries on the application form and to establish any qualifying administrative experience.
 - iv. An application for approval of a preceptor, signed by the applicant and the preceptor. It shall be the responsibility of the AIT applicant to enter into an agreement with a licensed administrator who meets the qualifications to be a preceptor and who is willing to accept and supervise the applicant as an AIT in accordance with the rules set forth hereinafter.
 - v. The full AIT program plan for a period of 2,000 hours, with supporting documentation, not to exceed two (2) years. The program plan must include a detailed timetable of planned learning experiences and a description of objectives. The program plan must include the methods of instruction, the hours and days of the week to accomplish the AIT program separate from other job duties, and a detailed description of the program of study addressing the following areas:
 - A. Principles of administration including budgeting, accounting, records management, organization, personnel, and business management.
 - B. Medical, sociological, psychological, environmental and therapeutic aspects of patient/resident care.
 - C. Federal, state and local laws, rules and regulation in relation to the administration of a nursing home.
- b. The AIT shall work under the personal on-site supervision of the preceptor for the duration of the approved program. It is the responsibility of the preceptor and of the AIT to insure that the AIT is primarily engaged in the AIT program.
- c. The application and all required information shall be on file with the board at least one month prior to the regular meeting of the board preceding the requested beginning date of the AIT program. The AIT program must be approved in full by the Board prior to the applicant's beginning the plan.
- d. Before approving the applicant for the AIT program, the board must be satisfied that the applicant does not have a substantial financial interest in the nursing home which is to be the site wherein the major portion of the training time will be served.

4. PRECEPTORS

- a. "Preceptor" - a nursing home administrator who:

- i. Has been licensed for no less than three (3) years; has actively practiced nursing home administration for the preceding twenty-four (24) months in the State of Colorado; and has been the administrator of record for no less than one (1) year at the facility where the AIT program is to take place. The Board may consider previous complaint and disciplinary history when reviewing preceptor applications; and
 - ii. Agrees to abide by the terms of the administrator-in-training agreement set forth by the Board for any administrator-in-training under his supervision.
 - iii. Is the administrator of record in a facility eligible by federal and state law to offer a nurse aide training and competency evaluation program or competency evaluation program.
- b. No preceptor shall have more than one (1) AIT's under supervision at any one time unless preapproval is obtained from the Board
- c. A preceptor shall remain fair and impartial during review of the AIT performance. No preceptor shall receive any financial remuneration from or on behalf of an AIT for his services as a preceptor under the program. A preceptor shall not be related by blood or marriage to the AIT nor shall the preceptor have a financial interest in the licensure of the AIT. An AIT applicant in a rural or remote area may request waiver of this requirement upon demonstration of hardship and that the preceptor can, and will, remain fair and impartial during the AIT program. Any such waiver shall be in writing and shall be subject to the full discretion of the Board.
- d. Each preceptor shall serve at the discretion of the Board.
- e. All preceptors shall comply with the rules and regulations regarding the AIT program and may be disciplined for failure to comply.
- f. All preceptors shall abide by the terms of any agreement entered into with the board to act as a preceptor.
- g. It is the responsibility of the preceptor to assist the AIT applicant in developing this detailed program of training. Such program may include classroom experience received while in the AIT program if Board approval is sought prior to obtaining same referenced in 3.a.v.

5. WAIVERS

- a. The Board may consider requests for waivers of a portion of the AIT period provided the applicant has had responsibility for performing all of the administrative or supervisory tasks in a nursing home in each of the following categories including, but not limited to:
 - i. Budgeting, accounting, records management, organization, personnel and business management.
 - ii. Physical, sociological, psychological, environmental, quality assurance, and therapeutic aspects of resident care.
- b. The applicant who has had A MINIMUM OF one (1) year's responsibility for performing administrative or supervisory tasks in a nursing home in one of the above categories may be considered for a waiver of UP TO, BUT no more than, 500 hours.
- c. The applicant who has had A MINIMUM OF two (2) years' responsibility for performing

administrative or supervisory tasks in a nursing home in both of the above categories may be considered for a waiver of UP TO, BUT no more than, 1,000 hours.

- d. For purposes of waiver consideration:
 - i. Supervisory shall be defined as
 - 1. Day to day on-site responsibility for directing, controlling, managing, and monitoring no less than five (5) subordinates. A direct reporting relationship must exist;
 - 2. The coordination of interdisciplinary resident care and services;
 - 3. Planning, organizing, and controlling events toward a goal. Examples include involvement in finance, budget, and policy-making decisions
 - ii. Administrative shall not include:
 - 1. Experience in housekeeping, laundry, food services, activities, social services, medical records, bookkeeping, or other clerical experience.
- e. If the Administrator in Training requests a waiver, he or she must submit a detailed plan outlining the requested areas of waiver as well as the areas of study to be completed. The detailed waiver plan must be submitted in addition to the full 2,000 hour program.
- f. Once the Board reviews and takes action on a waiver request, it will not consider any further waivers for that Administrator in Training.

6. MONITORING

- a. Each AIT shall file bi-monthly reports as required by and in the form prescribed by the board.
- b. All reports are to be co-signed by the AIT and the preceptor and filed with the board no more than ten days following the end of the reporting period.
- c. If an AIT fails to file reports as prescribed above, the AIT may be deemed to have abandoned the AIT program.
- d. Any falsification or misrepresentation contained in any report or document attesting the facts, conditions and activities of the AIT and submitted by the AIT, preceptor, or other licensees under the jurisdiction of the Board may be considered conduct which fails to meet generally accepted standards for nursing home administration practice and could subject the AIT, preceptor, or other licensees to discipline pursuant to the statute.
- e. The board or its designee shall have the right to monitor, call for conference any party or parties thereto, or visit the facility during the course of the AIT program to assure compliance with these rules.
- f. The Administrator in Training and the preceptor shall be held responsible to adhere to all standards of licensure identified in Rule 3 during participation in any AIT program. Failure to so comply may be grounds for a denial of licensure and/or action on the license of the preceptor.

7. INTERRUPTION, DISCONTINUANCE, OR DISQUALIFICATION

- a. Termination of the AIT/Preceptor agreement shall be reported by the AIT in writing to the board within seven (7) days of such termination.
- b. Discontinuance by the AIT of the program shall be reported by the AIT in writing to the board within seven (7) days after such discontinuance.
- c. The AIT program in whole or in part may be disqualified or disallowed if it is determined by the board that the AIT has failed to serve as an AIT in conformity with these rules.
- d. Acceptance into the AIT program in no way implies authority for the AIT to serve in the capacity of a nursing home administrator; such action by the AIT may disqualify the entire period of the AIT program.
- e. In the event the preceptor fails to provide the AIT an opportunity for adequate professional and occupational experience under supervision in the administrative and operational activities of a nursing home, the board may disqualify the preceptor from further service as such in the AIT program.
- f. In the event that during the AIT program the training experience proves unsatisfactory, the board may terminate or rearrange all or part of the program.

RULE 5. TEMPORARY LICENSES PURSUANT TO 12-39-108 (5) & 12-39-108 (6)

- 1. Applicants must have submitted an application for licensure as a nursing home administrator prior to consideration for any temporary license. Persons who have failed a licensing examination are not eligible for a temporary license.
- 2. Temporary License for Emergency Situations
 - a. A temporary license not to exceed ninety (90) days may be issued to a qualified applicant in the case of death of the administrator, termination of the administrator, resignation of the administrator without notice, or other similar emergent circumstances. Promotion or transfer made at the discretion of the ownership or management company does not qualify as an emergency.
 - b. The program director is authorized to issue only one ninety (90) day emergency temporary license per occurrence.
 - c. A qualified applicant is one who meets the requirements for nursing home administrator licensing and may include the following:
 - i. An individual who has completed the AIT program;
 - ii. The Director of Nursing.
 - iii. An individual who qualifies for licensure by exam or endorsement and is working in the facility and has made application for licensure.
 - d. An applicant for an emergency temporary license must submit an application and payment of the appropriate fee. A representative of the facility must attest to the nature of the emergency.
 - e. The applicant cannot practice in the capacity of a nursing home administrator until the Board has acted upon the application for a temporary license.

3. Temporary License for a Hospital Administrator

- a. The applicant under this section must submit the following:
 - i. A completed application;
 - ii. The appropriate fee; and
 - iii. A letter from the general hospital board of directors or similar authority indicating that the applicant is, in fact, employed as the hospital administrator and that the hospital does need to have this person serve as the nursing home administrator.

RULE 6. RENEWAL AND REINSTATEMENT

1. A licensee shall have a 60 day grace period after the expiration of the license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license. During this grace period a delinquency fee will be charged for late renewal. A licensee who does not renew his or her license within the sixty-day grace period shall be treated as having an expired license and shall be ineligible to practice until such license is reinstated.
 2. To be considered for licensure reinstatement, the applicant must submit the following:
 - a. Completed application for reinstatement with a reinstatement fee; and
 - b. Attestation in a form determined by the Board that the applicant has not violated any statute, rule or regulation. The Board may require additional information to determine the applicant's ability and competence to practice with reasonable skill and safety based on the information provided by applicant.
 3. If the license has been expired for more than six (6) months, the applicant must submit a verification from each state in which applicant holds or has ever held a health care or nursing home administrator license that the license(s) are in good standing.
 4. The Board may deny an applicant for reinstatement upon a finding that the applicant has violated any provisions of the statute, rules and regulations. Such denial would be pursuant to §12-39-112 and §12-39-114, C.R.S
 5. If the license has expired for more than 2 years, the applicant shall satisfactorily demonstrate to the Board that the person is competent to practice as a nursing home administrator. The Board shall require one or more of the following as a demonstration of competency to practice.
 - a. A license from another state that is in good standing where the applicant demonstrates active practice within the past 2 years from the date of the reinstatement application.
 - b. Successful completion of prescribed courses approved by the Board.
 - c. Any other professional standard or measure of continued competency as determined by the Board.
 6. An applicant may petition the Board for reinstatement with a waiver of the competency requirements in Paragraph 6 of this rule, upon demonstration by the applicant of hardship. In so making such determination, the Board, in its discretion, may grant such waiver and reinstatement so long as protection of the public is given consideration.
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Editor's Notes**History**

Entire Rule eff. 7/30/2007.