

## DEPARTMENT OF REGULATORY AGENCIES

### State Board of Examiners of Nursing Home Administrators

## NURSING HOME ADMINISTRATORS RULES AND REGULATIONS

### 3 CCR 717-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### 1.1 GENERAL LICENSING PROVISIONS

**(AMENDED ON JULY 29, 2009 AND EFFECTIVE AUGUST 30, 2009; AMENDED ON JANUARY 27, 2010 AND EFFECTIVE MARCH 30, 2010; AMENDED ON MARCH 7, 2012 AND EFFECTIVE APRIL 30, 2012; AMENDED ON JULY 11, 2012 AND EFFECTIVE SEPTEMBER 1, 2012; AMENDED ON JULY 17, 2013 AND EFFECTIVE AUGUST 30, 2013)**

- A. Any person who practices or offers or attempts to practice as a nursing home administrator without an active license issued under Article 265 of Title 12 (Colorado Revised Statutes) and the Board of Examiners of Nursing Home Administrators ("Board") rules commits a class 2 misdemeanor for the first offense and a class 6 felony for a second or any subsequent offense.
- B. Change of name and address
  - 1. A licensee shall inform the Board in a clear, explicit, and unambiguous written statement of any name or address change within thirty days of the change. The Board will not change the licensee's information without explicit written notification from the licensee. Notification by fax or email is acceptable.
    - a. The Division of Professions and Occupations maintains one contact address for each licensee, regardless of the number of different professional licenses the licensee may hold.
    - b. All communication from the Board to a licensee will be to the contact address maintained with the Division of Professions and Occupations.
  - 2. The Board requires one of the following forms of documentation to change a licensee's name or social security number:
    - a. Marriage license;
    - b. Divorce decree;
    - c. Court order; or
    - d. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.

3. Any notification by the Board to a licensee or applicant, required or permitted, under section 12-265-101, et seq., C.R.S., or under section 24-4-101, et seq., C.R.S. (State Administrative Procedure Act), shall be served personally or by first class mail to the last address of record provided in writing to the Board and maintained by the Division of Professions and Occupations. Service by mail shall be deemed sufficient and proper upon a licensee or applicant.
- C. A licensee is required to timely renew his or her license annually and submit the applicable fee. If a licensee fails to timely renew his or her license, the license shall expire.
- D. It is a violation of Article 265, Title 12 for a person with an expired license to practice nursing home administration in this state while his or her license is expired.
- E. Any person whose license to practice is revoked or surrendered shall be ineligible to apply for a new license for at least one year after the effective date of the revocation or surrender of license. Any subsequent application for licensure shall be treated as an application for licensure by examination.
- F. It is a violation of Article 265, Title 12 for any person to procure a license or attempt to procure a license by fraud, deceit, misrepresentation, misleading omission, or material misstatement of fact.
- G. With regard to all licensure applications, except for licensure renewal:
  1. All documents required as part of a licensure application must be received within one year of the date of receipt of application;
  2. An application is incomplete until the Board receives all additional information requested or required in order to determine whether to grant or deny the application; and
  3. If all required information is not submitted within the one year period, then the original application materials will be destroyed and the applicant will be required to submit a new application, fee, and all required documentation.
- H. The Board may deny any application for licensure upon a finding that the applicant has violated any provision of section 12-265-113, C.R.S.
- I. An applicant for licensure may not begin practicing as a licensed nursing home administrator or referring to himself or herself as a "nursing home administrator" or utilize the initials "NHA" after his or her name in this state until he or she has been issued an active license number in this state.
- J. An applicant applying for a license by examination or endorsement is required to be at least twenty-one years of age at the time of submission of the application.
- K. All applicants who have met the education/experience requirements and have otherwise complied with the rules of the Board must successfully pass a Board approved national and state examination.
- L. The national examination shall consist of those questions constituting an examination formulated by a national association, approved by the Board.
- M. The content areas covered by the state examination may include questions in the following areas:

1. Long-Term Care Facilities: including, but not limited to laws, powers, and duties in accordance with sections 25-1.5-103 and 25-3-101, C.R.S., et seq. and standards promulgated by the State Board of Health for licensure of long term care facilities.
  2. Licensure and Building and Fire Safety: including, but not limited to standards promulgated by the State Board of Health for general licensure of hospitals and health facilities, and standards for general building safety; and the Division of Fire Safety in the Office of Preparedness, Security, and Fire Safety within the Department of Public Safety for fire safety for all licensed health facilities.
  3. Laws and Rules Governing Nursing Home Administrators: including, but not limited to laws, powers, and duties in accordance with section 12-265-101, C.R.S., et seq., and these rules and regulations for nursing home administrators promulgated by the Board of Examiners of Nursing Home Administrators.
- N. Applicants shall be informed in writing regarding examination performance.
- O. Applicants seeking licensure pursuant to section 12-265-108, C.R.S., must successfully complete the national and state examinations within one year after approval to take the examination has been granted. If the candidate does not successfully complete the examinations within the time period specified, the candidate shall be required to reapply for licensure and pay all appropriate fees.
- P. Education, training, or service gained in military services outlined in section 12-20-202(4), C.R.S., to be accepted and applied towards receiving a license, must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of the application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.
- Q. Regulations of Military Spouses.
1. The spouse of a person who is actively serving in the United States Armed Forces and who is stationed in Colorado in accordance with military orders shall be entitled to a temporary license to practice nursing home administration as set forth in section 12-20-202, C.R.S., subject to the following terms:
    - a. The person is licensed to practice as a nursing home administrator in another state;
    - b. Other than the person's lack of licensure, registration, or certification in Colorado, there is no basis to disqualify the person under Title 12 of the Colorado Revised Statutes; and
    - c. The person consents, as a condition of practicing in Colorado, to be subject to the jurisdiction and disciplinary authority of the Board.
  2. Nothing in sections 12-20-301 through 12-20-305, C.R.S., abrogates the requirements of Long Term Care Facilities for licensure as set forth in 6 CCR 1011-1, Chapter V, or for participating in Medicaid or Medicare as set forth in 42 CFR Part 483.

## **1.2 LICENSING REQUIREMENTS**

**(AMENDED ON JULY 29, 2009 AND EFFECTIVE ON AUGUST 30, 2009; AMENDED ON JANUARY 27, 2010 AND EFFECTIVE MARCH 30, 2010; AMENDED ON MAY 26, 2010 AND EFFECTIVE JULY 15, 2010 AND JULY 1, 2011; AMENDED ON MARCH 7, 2012 AND EFFECTIVE APRIL 30, 2012; AMENDED ON JULY 11, 2012 AND EFFECTIVE SEPTEMBER 1, 2012; AMENDED NOVEMBER 2, 2012 AND EFFECTIVE DECEMBER 30, 2012; AMENDED ON JULY 17, 2013 AND EFFECTIVE AUGUST 30, 2013)**

### **A. Licensure by Examination**

1. Applicants who qualify for licensure by examination by means of sections 12-265-108(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.
2. The Board shall admit to examination for licensure as a nursing home administrator any applicant who has successfully completed:
  - a. A Board approved Administrator-In-Training (AIT) program composed of at least one-thousand (1,000) hours, as set forth in Rule 1.3 below;
  - b. A Bachelor's degree or higher degree in Public Health Administration or Health Administration;
  - c. A Master's degree in Management or Business Administration;
  - d. Any degree deemed appropriate by the Board including, but not limited to, the following:
    - (1) A Bachelor's degree or higher degree in Health Care Management;
    - (2) A Bachelor's degree or higher degree in Gerontology; or
    - (3) A Bachelor's degree or higher degree in Nursing Home Administration; or
  - e. An Associate's degree or higher degree in a health care-related field or a Bachelor's degree in Business or Public Administration AND a minimum of one year of experience in administration in a nursing home or hospital. A registered nurse who is a graduate of a three-year diploma program meets the associate degree requirement.
3. Degrees in a health-care related field shall include, but not be limited to, the following:
  - a. Nursing;
  - b. Social Services;
  - c. Sociology;
  - d. Physical Therapy; or
  - e. Occupational Therapy.

4. Degrees the Board does not deem to be in a health-care related field shall include, but not be limited to, engineering, language arts, communication, political science, or theology.
5. Experience in administration shall require:
  - a. Day-to-day, on-site responsibility for supervising, directing, managing, monitoring, or exercising reasonable control over subordinates for one year;
  - b. The coordination of interdisciplinary patient care and services;
  - c. Planning, organizing, and controlling events toward a goal (examples include involvement in finance, budget, and policy-making decisions); and
  - d. Experience gained in a hospital setting shall be in one or more of the following areas:
    - (1) Long-term acute care hospital;
    - (2) Transitional care unit;
    - (3) "Swing bed" unit; or
    - (4) Behavioral health hospital.
6. For purposes of section 12-265-108(1)(c), C.R.S., experience in administration shall not include housekeeping, laundry, food service, activities, medical records, bookkeeping, or clerical responsibilities.

**B. Licensure by Endorsement**

1. To be considered for licensure by endorsement pursuant to the Occupational Credential Portability Program under sections 12-20-202(3) and 12-265-112, C.R.S., an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.
2. Applicant must possess a current, active and unrestricted license in good standing at time of application.
3. In accordance with 12-20-202(3)(d), C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials that are substantially equivalent to sections 12-265-108 and 12-265-111, C.R.S.
  - a. The applicant has:
    - (1) Successfully completed a bachelor's degree or higher degree in public health administration or health administration, a master's degree in management or business administration, or any degree or degrees deemed appropriate by the board; or

(2) Successfully completed an associate's degree or higher degree in a health-care-related field or a bachelor's degree in business or public administration and has a minimum of one year of experience in administration in a nursing home or hospital. For the purposes of this section, a registered nurse who is a graduate of a three-year diploma program meets the associate degree requirement

b. The applicant has passed the national examination administered by the nationally and Board recognized testing entity for nursing home administrators and has passed any other examination in the state or territory in which he or she is licensed to practice nursing home administration.

**C. Temporary Licensure**

1. Applicants must have submitted an application for licensure as a nursing home administrator prior to consideration for any temporary license.

a. If the applicant is the current Director of Nursing at the facility and is eligible for a temporary license for an emergency situation as stated below in section (2)(a), then the applicant is not required to submit an application for licensure prior to consideration for any temporary license.

**2. Temporary License for Emergency Situations**

a. A temporary license, not to exceed ninety days, may be issued to a qualified applicant in the case of death of the administrator, termination of the administrator, resignation of the administrator, or other similar emergent circumstances. Promotion or transfer made at the discretion of the ownership, management, or facility governing board does not qualify as an emergency.

b. The Program Director is authorized to issue one ninety day emergency temporary license, and one ninety day extension per occurrence.

c. A qualified applicant for an emergency temporary license is one who meets the requirements for nursing home administrator licensing and may include the following:

(1) An individual who has successfully completed the Administrator-in-Training (AIT) program; or

(2) An individual who qualifies for licensure by exam, endorsement, or reinstatement 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 approved the application for a temporary license.

3. Temporary License for a Hospital Administrator
  - a. A temporary license, not to exceed twelve months, shall be issued to a qualified applicant in the case of death of the administrator, termination of the administrator, resignation of the administrator, or other similar emergent circumstances. Promotion or transfer made at the discretion of the ownership, management, or facility governing board does not qualify as an emergency.
    - (1) The Program Director is authorized to issue one six-month temporary license, and one ninety day extension per occurrence.
    - (2) Any request for a second and final ninety day extension requires Board review and approval.
  - b. A qualified applicant is one who meets the requirements for nursing home administrator licensing and may include the following:
    - (1) An individual who has successfully completed the Administrator-in-Training (AIT) program; or
    - (2) An individual who qualifies for licensure by exam, endorsement, or reinstatement and has made application for licensure.
  - c. An applicant for a temporary license must submit:
    - (1) An application and payment of the appropriate fee; and
    - (2) A letter from the general hospital board of directors or similar authority verifying that the applicant is currently employed as the hospital administrator and that the hospital needs the applicant to serve as the nursing home administrator for one of the reasons set forth in section (3)(a) above.
  - d. The applicant cannot practice in the capacity of a nursing home administrator until the Board has approved the application for a temporary license.
  - e. A temporary license issued to a hospital administrator under this section (3) shall be void at such time the license holder is no longer employed by the general hospital.

**D. Renewal of Licensure**

A licensee shall have a sixty day grace period after the expiration of the license to renew without the imposition of a disciplinary sanction for practicing on an expired license. A delinquency fee will be charged for late renewal during this grace period. 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 therefore, ineligible to practice until such license is reinstated.

**E. Reinstatement of an Expired License**

1. To be considered for licensure reinstatement, the applicant must submit a completed application for reinstatement with a reinstatement fee. 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 the applicant.

2. The Board may deny an applicant for reinstatement upon a finding that the applicant has violated any provisions of the statute and regulations.
3. If the license has been expired for more than two years, the applicant must submit a current National Practitioner Data Bank - Healthcare Integrity and Protection Data Bank (NPDB-HIPDB) report.
4. If the license has expired for more than two years, the applicant shall satisfactorily demonstrate to the Board that he or she is competent to practice as a nursing home administrator. The Board shall require the following as a demonstration of competency to practice:
  - a. Documentation of active practice in another state for the two years immediately preceding the filing of the reinstatement application;
  - b. Practice under a probationary or otherwise restricted license for a specified period of time;
  - c. Successful completion of courses approved by the Board; or
  - d. Any other professional standard or measure of continued competency as determined by the Board, including successful completion of the state and/or national examination.
5. An applicant may petition the Board for reinstatement with a waiver of the competency requirements in this Rule, upon demonstration of hardship. The Board, at its discretion, may grant such waiver and reinstatement so long as the public is protected.

### **1.3 ADMINISTRATOR-IN-TRAINING (AIT) PROGRAM**

**(AMENDED ON JULY 29, 2009 AND EFFECTIVE AUGUST 30, 2009; AMENDED ON JANUARY 27, 2010 AND EFFECTIVE MARCH 30, 2010; AMENDED ON MARCH 26, 2010 AND EFFECTIVE JULY 15, 2010; AMENDED ON MARCH 7, 2012 AND EFFECTIVE APRIL 30, 2012; AMENDED ON JULY 11, 2012 AND EFFECTIVE SEPTEMBER 1, 2012; AMENDED ON SEPTEMBER 5, 2012 AND EFFECTIVE OCTOBER 30, 2012; AMENDED NOVEMBER 2, 2012 AND EFFECTIVE DECEMBER 30, 2012; AMENDED ON JULY 17, 2013 AND EFFECTIVE AUGUST 30, 2013)**

- A. The AIT program is the way in which a person seeking 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 at the facility.
- B. Education and experience criteria for admission into the AIT program.
  1. The applicant must have two years college level study in areas relating to health care or two years of experience in nursing home administration or comparable health care management for each year of required education.
    - a. College level study
      - (1) 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.



- (2) The types of courses which will be considered “relating to health care” for entry into the AIT program include, but are not limited to:
    - (a) Nursing;
    - (b) Social services (if related to health care);
    - (c) Recreational therapy (not physical education);
    - (d) Dietary;
    - (e) Psychology;
    - (f) Sociology;
    - (g) Physiology;
    - (h) Anatomy;
    - (i) Biology;
    - (j) Speech;
    - (k) Health care management; or
    - (l) Administration.
- b. Experience
  - (1) Experience must be obtained in nursing home administration or comparable health care management.
  - (2) Experience in comparable health care management may include, but is not limited to:
    - (a) Direct health care, which includes nursing, therapies, clinical social services, and activities;
    - (b) Ancillary services, which includes business office, medical records, environmental services, human resources, and marketing; or
    - (c) Planning, organizing and controlling events toward a goal such as involvement in finance, budget, and policy making decisions.
- c. The Board may approve substitution of two years of Board approved experience for one year of education, or may approve proportional experience for various amounts of education.
- d. Applicants will not be required to possess experience in administration as defined in Rule 1.2(A)(5) in order to apply for the AIT program. This experience will be gained through participation in the program.

- e. The Board, on a case-by-case basis, may waive any portion of the college level study and/or experience specified in this Rule 1.3(B)(1) for an applicant submitting military training, experience, or education as part of the application for admission into the AIT program.

**C. Applying for the AIT program**

1. An applicant for the nursing home AIT program shall meet the statutory requirements of section 12-265-109, C.R.S., and shall submit the following:
  - a. A complete and accurate application form;
  - b. If applicable, transcripts sent directly to the Board;
  - c. Any requested additional or supplemental documentation;
  - d. An application for approval of a preceptor, signed by the applicant and the proposed preceptor. It shall be the responsibility of the AIT applicant to enter into an agreement with a Colorado licensed nursing home administrator who meets the qualifications to be a preceptor and who is willing to accept and supervise the AIT applicant in accordance with Board rules; and
  - e. A full AIT program plan for a period of 1,000 hours, with supporting documentation, not to exceed one year. 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:
    - (1) Principles of administration including budgeting, accounting, records management, organization, personnel, and business management;
    - (2) Medical, sociological, psychological, environmental, quality assurance, and therapeutic aspects of resident care; and
    - (3) Federal, state, and local laws and regulations in relation to the administration of a nursing home.
2. The AIT shall work under the personal direction of the preceptor for the duration of the approved program. It is the responsibility of the preceptor and the AIT to ensure that the AIT is engaged in the AIT program in order for the hours to be considered.
3. The AIT program application must be approved in full by the Board prior to the applicant beginning the plan.
4. 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.
5. Once the applicant has successfully completed the AIT program, then a complete application for licensure by examination must be submitted. Please refer to Rule 1.2(A) for further information concerning that process.

6. Unless good cause is demonstrated to the Board, persons who have participated in an AIT program must successfully complete both the national and state examinations, and meet all other licensing requirements within one year after completion of the program.

**D. Waivers**

1. The Board may consider an applicant's request for waiver of any portion of the AIT period provided the applicant has had responsibility for performing all of the administrative or supervisory tasks in a nursing home or hospital in any of the following categories including, but not limited to:
  - a. Budgeting, accounting, records management, organization, personnel, and business management.
  - b. Medical, sociological, psychological, environmental, quality assurance, and therapeutic aspects of resident care.
2. Waiver up to, but no more than, 500 hours may be considered for an applicant who has had a minimum of one year of experience in administration, as defined in Rule 1.3(D)(4) below, in a nursing home in one of the categories set forth in Rule 1.3(D)(1) above.
3. In addition to the waivers set forth in Rule 1.3(D)(1) and (D)(2) above, the Board may consider a request for waiver of any portion of a state or the District of Columbia recognized AIT program upon submission by the applicant of documentation establishing that the applicant was accepted into such program and successfully completed the portion for which he or she is seeking waiver.
4. Waiver considerations
  - a. Experience in administration shall require:
    - (1) Day-to-day, on-site responsibility for supervising, directing, managing, monitoring, or exercising reasonable control over subordinates;
    - (2) The coordination of interdisciplinary patient care and services; and
    - (3) Planning, organizing, and controlling events toward a goal. Examples include involvement in finance, budget, and policy-making decisions.
  - b. Experience in administration shall not include housekeeping, laundry, food services, activities, medical records, bookkeeping, or clerical responsibilities.
  - c. Experience gained in a hospital setting shall be in one or more of the following areas:
    - (1) Long-term acute care hospital;
    - (2) Transitional care unit;
    - (3) "Swing bed" unit; or
    - (4) Behavioral health hospital.

5. If the applicant 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 1,000 hour program.
6. Once the Board reviews and takes action on a waiver request submitted at the time of the application, it will not consider any further waivers for that AIT.

**E. Preceptors**

1. A nursing home administrator is eligible to be a “preceptor” if he or she:
  - a. Has been licensed for no less than three years and has actively practiced nursing home administration for the preceding twenty-four months in the state of Colorado. At the Board's discretion, it may reduce or waive the twenty-four month active practice requirement on a case-by-case basis. The Board may consider complaint, survey, and disciplinary history when reviewing preceptor applications.
  - b. Agrees to abide by the terms of the AIT agreement set forth by the Board for any AIT under their supervision.
2. No preceptor shall have more than one AIT under supervision at any one time unless pre-approval is obtained from the Board.
3. A preceptor shall remain fair and impartial during review of the AIT's performance. No preceptor shall receive any financial remuneration from or on behalf of an AIT for 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 personal financial interest in the licensure of the AIT. An AIT applicant in a rural or remote area may request a 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 request for a waiver shall be in writing and shall be subject to the full discretion of the Board.
4. Each preceptor shall serve at the discretion of the Board.
5. All preceptors shall comply with the rules and regulations regarding the AIT program and may be disciplined for failure to do so.
6. All preceptors shall abide by the terms of any agreement entered into with the Board to act as a preceptor.
7. It is the responsibility of the preceptor to assist the AIT applicant in developing the detailed program plan. Such program may include classroom experience received while in the AIT program if Board approval is obtained.

**F. Monitoring**

1. Each AIT shall submit to the Board monthly progress reports on a form prescribed by the Board. The monthly progress reports submitted by the AIT shall be co-signed by the AIT and the preceptor and submitted with the Board no more than ten days following the end of the reporting period.
2. If an AIT fails to submit reports as prescribed above, the AIT may be deemed to have abandoned the AIT program.

3. Any falsification or misrepresentation contained in any report or document attesting to 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 may subject the AIT, preceptor, or other licensees to discipline pursuant to section 12-265-113, C.R.S.
  4. The Board or its designee shall have the right to monitor, call for conference any party, or visit the facility during the course of the AIT program to assure compliance with these rules.
  5. The AIT and the preceptor shall be held responsible to adhere to Rule IV during participation in any AIT program. Failure to do so may be grounds for denial of licensure and/or action on the license of the preceptor.
- G. Interruption, discontinuance, or disqualification
1. Termination of the AIT/preceptor agreement shall be reported by the AIT in writing to the Board within seven days of such termination.
  2. Discontinuance by the AIT of the program shall be reported by the AIT in writing to the Board within seven days after such discontinuance.
  3. The AIT program, in whole or in part, may be disqualified if the AIT violates any Board rule. Additionally, the Board may deny the AIT's application for licensure for violation of any Board rule.
  4. 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.
  5. In the event the preceptor fails to provide the AIT an opportunity for adequate professional and occupational experience, the Board may disqualify the preceptor from further service in the AIT program.
  6. 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.

#### **1.4 STANDARDS OF PRACTICE**

**(AMENDED ON JULY 29, 2009 AND EFFECTIVE ON AUGUST 30, 2009; AMENDED ON MARCH 7, 2012 AND EFFECTIVE APRIL 30, 2012; AMENDED ON JULY 11, 2012 AND EFFECTIVE SEPTEMBER 1, 2012; AMENDED ON JULY 17, 2013 AND EFFECTIVE AUGUST 30, 2013)**

- A. Pursuant to section 12-265-107(2)(a), C.R.S., the following requirements must be met by any individual who receives and retains a license or a temporary license as a nursing home administrator. The licensee must:
1. Comply with all local, state, and federal laws and regulations concerning the operation or reimbursement of nursing homes and/or nursing home administrators. The licensed nursing home administrator shall cooperate with any investigation of these regulatory bodies.
  2. Exercise reasonable supervision over the activities of nursing home personnel.

3. Maintain a clean and safe environment to ensure the health, safety, and welfare of residents and staff in the licensee's facility.
4. 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. This includes, but is 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 well-being to the extent it is consistent with the resident's wishes.
5. Protect resident rights as required by state and federal laws including, but not limited to, the protection against abuse, neglect, and other mistreatment.
6. Participate with the ownership, management, or facility governing board to plan, implement, and evaluate written policies and procedures to promote facility systems to function properly and ensure compliance with law and regulation.
7. Communicate and problem solve regularly with the governing body, department heads, facility staff, and residents to allocate resources properly. The nursing home administrator 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 residents' rights, health, safety, and welfare.
8. 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.
9. Possess and maintain the competencies necessary to effectively perform his/her responsibilities as a nursing home administrator through the following list of competencies, which is for illustrative purposes only and is not intended to be exhaustive:
  - a. Exercising ethical and professional decision making and judgment;
  - b. Assuming leadership in the facility;
  - c. Exemplifying an administrative philosophy congruent with the mission and goals of the organization as well as generally accepted standards;
  - d. Planning, organizing, and directing those responsibilities delegated to the administrator by the ownership, management, or governing board of the facility and inherent in the role of an administrator;
  - e. Abiding by and keeping confidential resident information; and
  - f. Keeping current with trends and industry standards of practice.
10. Take appropriate steps to avoid discrimination on basis of race, color, sex, religion, age, national origin, disability, marital status, ancestry, sexual orientation, or any other factor that may be discriminatory or not related to bona fide requirements of quality care.
11. 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.

12. Disclose to the ownership, management, or facility governing board 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 an adverse impact on the facility or its residents.
  13. 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.
  14. 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.
- B. Any failure to meet these standards may result in disciplinary proceedings as set forth in section 12-265-113 and section 12-265-116, C.R.S.

### **1.5 DECLARATORY ORDERS**

**(AMENDED ON JULY 29, 2009 AND EFFECTIVE ON AUGUST 30, 2009; AMENDED MAY 26, 2010 AND EFFECTIVE ON JULY 15, 2010; AMENDED ON MARCH 7, 2012 AND EFFECTIVE APRIL 30, 2012; AMENDED ON JULY 11, 2012 AND EFFECTIVE SEPTEMBER 1, 2012; AMENDED ON JULY 17, 2013 AND EFFECTIVE AUGUST 30, 2013)**

- A. Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or rule or order of the Board.
- B. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:
1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to the petitioner of any statutory provision or rule or order of the Board;
  2. Whether the petition involves any subject, question, or issue which is the focus of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner;
  3. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion; or
  4. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to C.R.C.P. 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.
- D. Any petition filed pursuant to this rule shall set forth the following:
1. The name and address of the petitioner and whether the petitioner is licensed pursuant to the provisions of section 12-265-101, C.R.S., et seq., as amended;

2. The statute, rule, or order to which the petition relates; and
  3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.
- E. If the Board determines that it will rule on the petition, the following procedures apply:
1. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case, any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
  2. The Board may order the petitioner to file a written brief, memorandum, or statement of position.
  3. The Board may set the petition, upon due notice to the petitioner, for a non-evidentiary hearing.
  4. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
  5. The Board may request the petitioner submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition. The Board may take administrative notice of the facts pursuant to the State Administrative Procedure Act, section 24-4-105(8), C.R.S., and may utilize its experience, technical competence, and specialized knowledge in the disposition of the petition.
  6. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
  7. The Board may, in its discretion, set the petition for hearing, upon due notice to the petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition.
  8. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire.
  9. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty, the manner in which the statute, rule or order in question applies or potentially applies to the petitioner, and any other facts the petitioner desires the Board to consider.
- F. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section (D) of this Rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.



**1.6 REPORTING CONVICTIONS, JUDGMENTS AND ADMINISTRATIVE PROCEEDINGS**

**(AMENDED ON JULY 29, 2009 AND EFFECTIVE ON AUGUST 30, 2009; AMENDED ON MAY 26, 2010 AND EFFECTIVE JULY 15, 2010; AMENDED ON MARCH 7, 2012 AND EFFECTIVE APRIL 30, 2012; AMENDED ON JULY 11, 2012 AND EFFECTIVE SEPTEMBER 1, 2012; AMENDED ON JULY 17, 2013 AND EFFECTIVE AUGUST 30, 2013)**

- A. A licensee as defined in section 12-265-103(2), C.R.S., shall inform the Board, in a manner set forth by the Board, within thirty days of any of the following occurrences:
1. The conviction of the licensee of a felony under the laws of any state or of the United States, as described in section 12-265-113(1)(b), C.R.S. A guilty verdict, a plea of guilty, or a plea of nolo contendere (no contest) accepted by the court is considered a conviction;
  2. A disciplinary action imposed upon the licensee by another jurisdiction that registers or licenses nursing home administrators, as described in sections 12-265-113(1)(c) and (e), C.R.S., including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license or registration whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license fee by the due date or failure to meet continuing professional education requirements;
  3. Revocation or suspension by another state board, municipality, federal or state agency of any health care related license, other than a license to practice nursing home administration as described in section 12-265-113(1)(c), C.R.S.; or
  4. Any judgment, award, or settlement of a civil action or arbitration proceeding in which the licensee was a party, if the action or proceeding included any allegation of gross negligence, violation of specific standards of practice, fraud, or misappropriation of funds in the practice as a nursing home administrator; provided, however, a licensee shall notify the Board only when such civil judgment, settlement, or arbitration award directly involves the practice of nursing home administration.
- B. The notice to the Board shall include the following information:
1. If the event is an action by a governmental agency (as described above), the name of the agency, its jurisdiction, the case name, and the docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order, or decision.
  2. If the event is a felony conviction, the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. The licensee shall also provide to the Board a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence with forty-five days of such action.
  3. If the event concerns a civil action or arbitration proceeding, the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal.
- C. The licensee notifying the Board may submit a written statement with the notice to be included with the licensee records.

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**Editor's Notes**

**History**

Rules 1-6 eff. 07/30/2008.

Rules 1-7 eff. 10/30/2008.

Entire rule eff. 08/30/2009.

Entire rule eff. 03/30/2010.

Entire rule eff. 07/15/2010.

Rule 2.B.1 eff. 07/01/2011.

Entire rule eff. 04/30/2012.

Entire rule eff. 09/01/2012.

Rule III.E.1.a eff. 10/30/2012.

Rules II.A.5.b-c, II.C.2.c.ii, II.C.3, II.E.1, III.C.1, III.D.3 eff. 12/30/2012.

Entire rule eff. 09/14/2013.

Rules 1.3.B.1.e, 1.3.D.1, 1.3.D.4.c eff. 05/15/2020.

Rules 1.1 Q, 1.2 B eff. 01/14/2021.