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Sequence Number: 03-04-12
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 File Date: 03/06/2012

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Examiners for Nursing Home Administrators
Division:	
Contact Person:	Diona E. Layden
Address:	Office of General Counsel 220 Athens Way, Suite 210 Nashville, Tennessee 37243
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator, Division of Health Related Boards
Address:	Heritage Place – Metro Center 227 French Landing, Suite 300 Nashville, Tennessee 37243
Phone:	615-532-3202 or (Toll Free) 1-800-778-4123
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Iris Board Room, Heritage Place – Metro Center, 227 French Landing		
Address 2:			
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	June 4, 2012		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> X_CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1020-01	General Rules Governing Nursing Home Administrators
Rule Number	Rule Title

1020-01-.06	Preceptors, Administrators-In-Training and Administrators-In-Training Programs
1020-01-.07	Qualifications for Licensure
1020-01-.08	Procedures for Licensure
1020-01-.11	Licensure Renewal

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 1020-01-.06 Preceptors, Administrators-In-Training and Administrators-In-Training Programs is amended by deleting part (2)(a)3. and substituting the following language, so that as amended, the new part (2)(a)3. shall read:

3. hold an active, current and unrestricted license in another state as a Nursing Home Administrator and submit proof of successful completion of twenty-seven (27) clock hours of NAB-approved continuing education for every year the licensee practiced in another state while his/her Tennessee license was expired or retired. However, the continuing education hours required shall not exceed fifty-four (54) hours.

Authority: T.C.A. §§ 63-16-103 and 63-16-107.

Rule 1020-01-.07 Qualifications for Licensure is amended by deleting the introductory paragraph in its entirety and substituting instead the following language, so that as amended, the new introductory paragraph shall read:

1020-01-.07 Qualifications for Licensure. To practice as a nursing home administrator in Tennessee, a person must possess a license lawfully issued by the Board. Paragraphs (2) through (7) of this rule describe the six (6) categories to obtain licensure as a nursing home administrator. Combining requirements from different categories is not permitted, and will not constitute completion of licensure requirements. In addition to the requirements of this rule, all applicants, regardless of which category is used, must successfully complete the examinations required in Rule 1020-01-.10 Examinations.

Authority: T.C.A. §§ 63-16-103 and 63-16-104.

Rule 1020-01-.07 Qualifications for Licensure is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

- (1) "Acceptable Management Experience," as used in this rule, means the actual practice of health care facility administration in an inpatient health care facility with guidance and sharing of responsibility from the administrator and not related to the role of an administrative clerk. "Acceptable management experience" contemplates experience in all departments or areas of the facility, provided, however, the applicant is not required to have spent the entire five (5) years in the capacity of an assistant administrator. Responsible supervisory experience in various departments within the facility may be applied to meet the requirements of paragraph (6) of this rule, and the time spent in a board approved Administrator-In-Training (A.I.T.) program may also be counted toward these requirements. However, no more than two-thirds (2/3) of the required "acceptable management experience" can be obtained in any one area of the facility, e.g., in dietary, nursing, financial, etc.

Authority: T.C.A. §§ 63-16-103 and 63-16-104.

Rule 1020-01-.07 Qualifications for Licensure is amended by deleting paragraph (6) in its entirety and substituting instead the following language, so that as amended, the new paragraph (6) shall read:

- (6) Licensure by education and experience combined with an Administrator-In-Training (A.I.T.) program – An associate degree and five (5) years of acceptable management experience in a licensed long term care facility combined with a Board approved A.I.T. program of at least six (6) months is required.

Authority: T.C.A. §§ 63-16-103 and 63-16-104.

Rule 1020-01-.07 Qualifications for Licensure is amended by deleting paragraph (7) in its entirety, including its subparagraphs, and renumbering paragraph (8) and paragraph (9) accordingly as new paragraphs (7) and (8).

Authority: T.C.A. §§ 63-16-103 and 63-16-104.

Rule 1020-01-.07 Qualifications for Licensure is amended by deleting newly renumbered paragraph (7) in its entirety, including its subparagraphs, and substituting instead the following language, so that as amended, the newly renumbered paragraph (7), including its subparagraphs, shall read:

- (7) Licensure by reciprocity – An active license as a nursing home administrator in another state is required.
 - (a) An applicant must demonstrate to the Board's satisfaction a successful completion of requirements that are substantially equivalent to or exceed the requirements of paragraphs (2), (3), (4), (5), or (6) of this rule; or
 - (b) An applicant must demonstrate to the Board's satisfaction a successful completion of requirements that are substantially equivalent to or exceed the requirements for certification by the American College of Health Care Administrators.
 - (c) For those individuals applying for reciprocity, the Board may consider for licensure an individual working for a minimum of five (5) of the last seven (7) years as a licensed nursing home administrator in another state in lieu of a degree and/or in lieu of an A.I.T. program.

Authority: T.C.A. §§ 63-16-103, 63-16-104, and 63-16-109.

Rule 1020-01-.07 Qualifications for Licensure is amended by deleting newly renumbered paragraph (8) and newly renumber subparagraph (8)(a) only and substituting instead the following language, so that as amended, the newly renumbered paragraph (8) and newly renumber subparagraph (8)(a) only shall read:

- (8) An applicant who chooses to qualify for licensure by meeting the requirements of paragraphs (5) or (6) of this rule must obtain Board approval to begin the A.I.T. program.
 - (a) Successful completion of the A.I.T. program as governed by Rule 1020-01-.06 is a prerequisite to approval to take the licensure examination.

Authority: T.C.A. §§ 63-16-103 and 63-16-104.

Rule 1020-01-.08 Procedures for Licensure is amended by deleting paragraph (8) in its entirety and substituting instead the following language, so that as amended, the new paragraph (8) shall read:

- (8) If the applicant is applying for licensure as provided in paragraphs (3), (4), or (6) of Rule 1020-01-.07, a resume must be submitted with the application. The resume must state the dates of employment, the name of the facility, the job title, and the job duties.

Authority: T.C.A. §§ 63-16-103 and 63-16-104.

Rule 1020-01-.08 Procedures for Licensure is amended by deleting paragraph (9) in its entirety and substituting instead the following language, so that as amended, the new paragraph (9) shall read:

- (9) If the applicant is applying for licensure by reciprocity, as provided in paragraph (7) of Rule 1020-01-.07, he/she must submit directly to the Board Administrative Office from each state licensing board from which licensure has ever been issued documentation which indicates the applicant either holds a current active license and whether it is in good standing, or held a license which is currently inactive and whether it is in good standing at the time it became inactive. An active license as a nursing home administrator in another state is required for licensure by reciprocity.

Authority: T.C.A. §§ 63-16-103 and 63-16-104.

Rule 1020-01-.11 Licensure Renewal is amended by deleting paragraph (4) in its entirety, including its subparts, so that as amended, the new paragraph (4), including its subparts, shall read:

- (4) Reinstatement of an Expired License. Reinstatement of a license that has expired may be accomplished

upon meeting the following conditions:

- (a) At the discretion of the Board, either appear before it or submit a notarized statement setting forth the cause for failure to renew; and
- (b) Payment of all past due Renewal Fees and State Regulatory Fees. This amount shall not exceed the equivalent of the renewal fee at the time the reinstatement application is submitted plus the state regulatory fee times two (2); and
- (c) Payment of the Late Renewal Fee provided in Rule 1020-01-.02(1)(d); and
- (d) Compliance with the continuing education requirements of Rule 1020-01-.12. The total number of hours of continuing education shall not exceed thirty-six (36) hours. However, for those individuals certified as a preceptor at the time the license expired, the total number of hours of continuing education required shall not exceed fifty-four (54) hours; and
- (e) If expiration was a result of failure to comply with T.C.A. § 63-16-107(e) and Rule 1020-01-.14, submit documentation of successful completion of the conditions imposed by the Board as a result of any disciplinary action or settlement pursuant to Rule 1020-01-.14 or Rule 1020-01-.15.

Authority T.C.A. §§ 63-16-103 and 63-16-107.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: March 6, 2012

Signature: *DEY*

Name of Officer: Diona E. Layden

Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 3/6/12

Notary Public Signature: *Theodora P. Wilkins*

My commission expires on: 11/3/15



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Filed with the Department of State on: 03/06/2012

Tre Hargett

Tre Hargett
Secretary of State

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