

Rulemaking Hearing Rules

Board of Examiners for Nursing Home Administrators

Chapter 1020-01

General Rules Governing Nursing Home Administrators

Amendments

Rule 1020-01-.03 Board Officers, Records, Meetings, Consultants, Change of Address and/or Name, Declaratory Orders, and Screening Panels, is amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (5) The Board members or the Board's consultant/designee are individually vested with the authority to do the following acts:
 - (a) Conduct Nursing Home Administrator reviews as provided in Rule 1020-01-.14;
 - (b) Review and make determinations on applications for initial licensure, renewal of licensure, and reactivation and reinstatement of licensure subject to the rules governing those respective applications;
 - (c) Decide whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division; and
 - (d) Decide whether and under what terms a complaint, case or disciplinary action might be settled. Any matter proposed for settlement must be subsequently considered by the full Board and either adopted or rejected.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-132, 63-1-142, 63-16-103, 63-16-107, and 63-16-108.

Rule 1020-01-.10, Examinations, is amended by deleting part (1) (b) 3. in its entirety and substituting instead the following language, and is further amended by adding the following language as parts (1) (b) 4. and (1) (b) 5., so that as amended, the new parts (1) (b) 3., (1) (b) 4., and (1) (b) 5. shall read:

- (1) (b) 3. Applicants who fail to successfully complete the examination on the initial attempt may apply to retake it by complying with the requirements stated in subparagraph (1) (a) of this rule.
- (1) (b) 4. Applicants who fail twice to successfully complete the examination shall do the following before each subsequent retaking:
 - (i) Complete an additional A.I.T. program which emphasizes training in the deficient areas and is at least three (3) months in length; or
 - (ii) Submit to the Board for approval an education and training program as an alternative to the additional A.I.T. program. Any alternative education and training program must be approved by the Board prior to the applicant beginning such program, and must be successfully completed before retaking the examination.

- (1) (b) 5. Applicants who fail twice to successfully complete the examination may, in the Board's discretion, be required to furnish a written opinion of his/her reasons for the failure or may be required to appear before the Board to deliver an oral opinion. Failure of an applicant to provide the written or oral opinion shall cause the licensure application to be closed.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-16-103, 63-16-104, 63-16-105, and 63-16-106.

Rule 1020-01-.15, Licensure Discipline, Civil Penalties, Informal Settlements, Assessment of Costs, and Subpoenas, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by deleting paragraph (7) in its entirety and substituting instead the following language, so that as amended, the new catchline and the new paragraph (7) shall read:

1020-01-.15 Licensure Discipline, Civil Penalties, Assessment of Costs, and Subpoenas.

- (7) The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-16-103, and 63-16-108.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 22nd day of March, 2007, and will become effective on the 5th day of June, 2007. (FS 03-29-07, DBID 2477)