

## Notice of Rulemaking Hearing

### Board of Examiners for Nursing Home Administrators

There will be a hearing before the Tennessee Board of Examiners for Nursing Home Administrators to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-16-103. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 20th day of August, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

### Substance of Proposed Rules

#### Amendments

Rule 1020-1-.07, Qualifications for Licensure, is amended by deleting paragraphs (3), (4) and (7) but not their subparagraphs and substituting instead the following language, so that as amended, the new paragraphs (3), (4) and (7) but not their subparagraphs shall read:

- (3) Licensure by experience and education as a hospital administrator combined with a Limited Administrator-in-Training (A.I.T.) program – A baccalaureate, masters or doctorate degree from an accredited college and a four hundred (400) hour Board-approved A.I.T. program to be completed in no less than three (3) months and no more than six (6) months combined with a minimum of five (5) of the last seven (7) years as the chief executive officer of a licensed hospital is required. This individual is appointed by the governing authority and is responsible to it for the executive management of the organization according to the mission, goals and objectives that have been adopted.
- (4) Licensure by experience and education as an assistant/associate hospital administrator combined with a Limited Administrator-in-Training (A.I.T.) program – A baccalaureate, masters or doctorate degree from an accredited college and a four hundred (400) hour Board-approved A.I.T. program to be completed in no less than three (3) months and no more than six (6) months combined with a minimum of five (5) of the last seven (7) years as the chief operating officer of a licensed hospital is required. This individual is appointed by the chief executive officer, usually with the concurrence of the governing authority.
- (7) Licensure by experience combined with continuing education and an Administrator-In-Training (A.I.T.) program – Five (5) years of acceptable management experience and a four hundred (400) hour Board-approved A.I.T. program to be completed in no less than three (3) months and no more than six (6) months combined with fifty (50) clock hours of Board approved continuing education in nursing home administration is required.

Authority: T.C.A. §§ 63-16-103, 63-16-104, and 63-16-106.

Rule 1020-1-.10, Examinations, is amended by deleting paragraph (1) but not its subparagraphs and substituting instead the following language, and is further amended by deleting subparagraph (1) (a) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) but not its subparagraphs, and the new subparagraph (1) (a) shall read:

- (1) NAB Examination. Except for individuals applying for licensure by reciprocity, all applicants must first receive Board approval to take the examination. Applicants must attempt to successfully complete the NAB examination within one (1) year from when Board approval to take the examination was granted. Successful completion of the examination is required before licensure is granted. The licensure examination process shall be governed by the following:
  - (1) (a) Access to the Examination. To be admitted to the licensure examination an applicant must:
    1. Fully comply with rules 1020-1-.07 and 1020-1-.08; and
    2. Receive approval of the Board to take the examination.

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

Rule 1020-1-.15, Licensure Discipline, Civil Penalties, Assessment of Costs, and Subpoenas, is amended by deleting subparagraph (2) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (f) shall read:

- (2) (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
  1. During any period of probation, suspension; or
  2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
  3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
  4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 63-16-103, and 63-16-108.

Rule 1020-1-.16, Scope of Practice, is amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph (3) shall read:

- (3) Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the title "Nursing Home Administrator" and/or the acronym "N.H.A.," and to practice as a nursing home administrator as defined in T.C.A. § 63-16-101. Violation of this rule regarding use of titles shall subject the licensee to disciplinary action. Any person licensed by the Board must use the title and/or the acronym authorized by this rule in every advertisement he or she publishes. The failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the nursing home administrator to disciplinary action pursuant to T.C.A. § 63-16-108 (1), (2), and (3).

Authority: T.C.A. §§ 63-1-145, 63-1-146, 63-16-101, 63-16-103, and 63-6-108.

The notice of rulemaking set out herein was properly filed in the Department of State on the 15th day of June, 2007. (FS 06-13-07, DBID 652)