

**Department of Health
Rulemaking Hearing Rules
Board of Examiners for Nursing Home Administrators
Division of Health Related Boards**

**Chapter 1020-1
General Rules Governing Nursing Home Administrators**

Substance of Proposed Rules

Amendments

Rule 1020-1-.03 Board Officers, Records, Meetings, Consultants, Change of Address and/or Name, and Declaratory Orders, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraph (11), so that as amended, the new catchline and the new paragraph (11) shall read:

1020-1-.03 Board Officers, Records, Meetings, Consultants, Change of Address and/or Name, Declaratory Orders, and Screening Panels.

(11) Screening Panels - The Board adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-138, 63-16-103, and 63-16-108.

Rule 1020-1-.06, Preceptors, Administrators-In-Training and Administrators-in-Training Programs, is amended by deleting subparagraph (2) (a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (a) shall read:

(2) (a) To remain certified as a preceptor a licensee must:

1. on or before December 31st of every year after initial certification, successfully complete nine (9) clock hours of Board approved continuing education within the calendar year in addition to the continuing education hours required for licensure renewal pursuant to rule 1020-1-.12. Credit for six (6) hours of continuing education per year shall be given to a preceptor upon the successful completion of an A.I.T. program; and
2. hold an active, current and unrestricted license in Tennessee as a Nursing Home Administrator; or
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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-16-103, 63-16-104, and 63-16-107.

Rule 1020-1-.08, Procedures for Licensure, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

- (4) An applicant shall submit with his application a “passport” style photograph taken within the preceding twelve (12) months and attach it to the appropriate page of the application. Photocopies are not accepted.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-16-103, 63-16-104, 63-16-106, and 63-16-109.

Rule 1020-1-.12, Continuing Education, is amended by adding the following language as new subparagraph (1) (d):

(1) (d) Waiver or Extension of Continuing Education Requirements.

1. The Board may grant a waiver of the need to attend and complete the required clock hours of continuing education or the Board may grant an extension of the deadline to complete the required clock hours of continuing education if it can be shown that compliance is beyond the physical or mental capabilities of the person seeking the waiver.
2. Waivers or extension of the deadline will be considered only on an individual basis and may be requested by submitting the following items to the Board Administrative Office prior to the expiration of the calendar year (December 31) in which the continuing education is due:
 - (i) A written request for a waiver or deadline extension which specifies which requirements are sought to be waived or which deadline is sought to be extended, and a written and signed explanation of the reason for the request; and
 - (ii) Any documentation which supports the reason(s) for the waiver or deadline extension requested or which is subsequently requested by the Board.
3. A waiver or deadline extension approved by the Board is effective only for the calendar year for which either is sought.

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

Rule 1020-1-.16, Scope of Practice, is amended by adding the following language as new paragraph (3):

- (3) Use of Titles - Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title “Nursing Home Administrator” 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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-102, 63-1-146, 63-16-101, 63-16-103, and 63-16-108.

Rule 1020-1-.18, Repealed is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by adding the following introductory language and new paragraphs (1) through (7), so that as amended, the new catchline, the new introductory language, and the new paragraphs (1) through (7) shall read:

1020-1-.18 Advertising. The following acts or omissions in the context of advertisements by any licensee shall subject the licensee to disciplinary action pursuant to T.C.A. § 63-16-108.

- (1) Claims that convey the message that one licensee is better than another when superiority cannot be substantiated.
- (2) Misleading use of an unearned or non-health degree.
- (3) Misrepresentation of a licensee's credentials, training, experience, or ability.
- (4) Promotion of professional services which the licensee knows or should know are beyond the licensee's ability to perform.
- (5) Use of any personal testimonial attesting to a quality of competency that is not reasonably verifiable.
- (6) Utilization of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results that the licensee can achieve.
- (7) Communication of personal identifiable facts, data, or information about a nursing home resident without first obtaining the resident's consent, unless otherwise permitted or required by state or federal law or regulation.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-16-103, and 63-16-108.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 27th day of July, 2006, and will become effective on the 10th day of October, 2006.