

CHAPTER 141
LICENSURE OF NURSING HOME ADMINISTRATORS

[Prior to 8/24/88, see Nursing Home Administrators Board of Examiners(600), Ch 2]

645—141.1(155) Requirement for licensure. All persons acting or serving in the capacity of a nursing home administrator shall hold a nursing home administrator's license issued by the board except as provided in Iowa Code section 155.9(3).

645—141.2(155) Minimum qualifications for licensure as a nursing home administrator prior to January 1, 1999.

141.2(1) Personal qualifications of applicants.

a. Each applicant must establish to the satisfaction of the board that the applicant is able to carry out the duties of a nursing home administrator.

b. Each applicant must have reached the age of majority.

141.2(2) Education qualifications of applicants.

a. High school or equivalent education. Each applicant must establish to the satisfaction of the board the fact of graduation from a high school accredited at the time of graduation by the state department of education or its equivalent of the state in which the high school is located, or achievement of a passing score on the general education and development examination as may be recognized as the equivalent of high school graduation by the state department of education of the state in which the examination was completed. This provision shall not be applicable if the applicant submits evidence of an associate of arts or higher college degree.

b. Health care education. Each applicant must establish to the satisfaction of the board successful completion of an academic and training program in nursing home administration prescribed, adopted and required by the board.

(1) Each applicant must complete a postsecondary academic program accredited by the North Central Accrediting Association of not less than 64 hours.

1. A curriculum of the program in long-term health care administration offered by an accredited college or university with an associate of arts degree complies with the educational requirements.

2. An applicant who does not meet criteria in 141.2(2) "b"(1)"1" must demonstrate satisfactory completion of requirements including:

6 semester hours of social sciences; and

6 semester hours of English or communications or both; and

5 semester hours of mathematics or science or both; and

10 semester hours of business management, accounting or business law or any combination thereof; and

4 semester hours of gerontology; and

13 semester hours of health care administration; and

12 semester hours of long-term health care practicum (720 clock hours). There are nine areas of practicum requiring 80 clock hours each; social services; dietary; legal aspects and government organizations; nursing; environmental services; activities/community resources; business administration; administrative organization; human resource management. Substitution of one year of long-term health care administration experience supervised by a licensed administrator may be allowed at the discretion of the board; and

8 semester hours of electives, for a total of 64 semester hours.

(2) This shall not preclude the board from granting a license to an applicant showing satisfactory evidence of sufficient education, training or experience in the foregoing fields to administer, supervise and manage a nursing home.

(3) The required practicum shall be under a preceptor in an Iowa-licensed nursing home with no fewer than 25 beds, in accordance with the following:

1. The facility chosen for the practicum cannot be owned by a parent, spouse or sibling of the student;

2. The student cannot be a provisional administrator of the facility during the time of the practicum.

(4) A preceptor must meet the following criteria:

1. Hold a current Iowa license in good standing as a nursing home administrator;

2. Have at least two years' experience as a licensed nursing home administrator;

3. Be present in the facility at least 75 percent of the student's practicum;

4. Not be related to the student as a parent, spouse or sibling.

c. *Examination.* Each applicant shall be required to pass an examination in nursing home administration subjects listed in 141.6(1) and 141.6(2).

645—141.3(155) Minimum qualifications for licensure as a nursing home administrator beginning January 1, 1999. Applicants who have not met the requirements of 141.2(155) resulting in a license prior to January 1, 1999, will need to file a new application with the board meeting the criteria in 141.3(155) to 141.6(155).

141.3(1) Personal qualifications of applicants.

a. Each applicant must establish to the satisfaction of the board that the applicant is able to carry out the duties of a nursing home administrator.

b. Each applicant must have reached the age of majority.

***141.3(2) Educational qualifications of applicants.**

a. Each applicant must establish to the satisfaction of the board successful completion of a baccalaureate or postbaccalaureate degree in health care administration and approved by the board, from a college or university currently accredited by one of the following: a regional accrediting agency, an organization affiliated with the National Commission on Accrediting (Council of Post-secondary Accreditation), or the National Association of Boards of Examiners of Long Term Care Administrators.

b. In lieu of 141.3(2) "a," a minimum of:

(1) A baccalaureate degree from a college or university currently accredited by a regional accrediting agency or organization affiliated with the National Commission on Accrediting (Council of Post-secondary Accreditation); and

(2) 10 semester hours of business management, accounting or business law or any combination thereof; and

(3) 6 semester hours of gerontology; and

(4) 12 semester hours in health care administration including but not limited to the areas of organizational management, regulatory management, personnel management, resident care management, environmental services management, and financial management; and

(5) 12 semester hours of long-term health care practicum (720 clock hours). There are nine areas of practicum requiring 80 clock hours each: social services; dietary; legal aspects and government organizations; nursing; environmental services; activities/community resources; business administration; administrative organization; human resource management. Substitution of one year of long-term health care administration experience supervised by a licensed administrator may be allowed at the discretion of the board.

*Effective date of subrule 141.3(2) delayed until adjournment of the 1996 General Assembly by the the Administrative Rules Review Committee at its meeting held October 10, 1995.

141.3(3) Exceptions to minimum education requirements. Any individual holding one of the following is deemed to meet the requirements of this rule:

- a. A valid Iowa license as a nursing home administrator as of January 1, 1999, or
- b. Certification as an administrator in good standing with the American College of Health Care Administrators.

This rule is intended to implement Iowa Code sections 155.3 and 155.9.

645—141.4(155) Practicum/internship.

141.4(1) Practicum experience shall be under a preceptor in an Iowa-licensed nursing home in accordance with the following:

- a. The facility must have a licensed capacity of no fewer than 25 beds.
- b. The facility cannot be owned or operated by a parent, spouse or sibling of the student.
- c. The student may not be a provisional administrator of the facility during the time of practicum.
- d. The preceptor:
 - (1) Must hold a current Iowa license in good standing as a nursing home administrator.
 - (2) Must have at least two years' experience as a licensed nursing home administrator.
 - (3) Must be present in the facility at least 75 percent of the student's practicum.
 - (4) Cannot be related to the student as a parent, spouse or sibling.

141.4(2) The board may grant waivers of the total practicum requirement based on previous life experience. Substitution of no less than one year of long-term health care administration experience may be allowed at the discretion of the board. Requests for approval of waivers of practicum must be accompanied by supporting documentation, verified by both the applicant and the applicant's employer under whom the experience was obtained.

141.4(3) Any falsification or misrepresentation contained in any report or document attesting the facts, conditions and activities of the internship or work experience and submitted by the applicant, administrator/preceptor or other participants may be grounds for denial of license or for suspension or revocation of the nursing home administrator license in addition to fines and any other penalties provided by law.

645—141.5(155) Application for licensure as a nursing home administrator.

141.5(1) Each applicant for licensure as a nursing home administrator shall complete an application on a form furnished by the board. The application, which may be obtained from the Professional Licensure Division, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, supporting data and documents required by the board must be completed and on file at least 45 days prior to the announced licensure examination date. Each applicant found to be eligible for the examination date will be notified by letter to the address shown on the application, of eligibility for, and of the time and place of the examination at least 14 days prior to the examination date.

141.5(2) Each applicant who is otherwise qualified and has passed the approved state and national examinations will be notified of eligibility for licensure.

141.5(3) Each applicant who fails the state or national examination may apply for reexamination at the next examination scheduled by the board. The applicant shall not be examined more than three times for either the state or national examination, except as provided in subrule 141.5(4).

141.5(4) If the applicant fails a third state or national examination, education in areas established by the board must be obtained before another examination will be allowed or a license is issued.

141.5(5) Application forms are available from the Iowa department of public health. License and examination fees are sent to: Iowa Board of Examiners for Nursing Home Administrators, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. Examination fees must be received in the board office at least 20 days prior to the testing date.

141.5(6) Application forms will be considered current for a period of three years. If the applicant is not licensed within three years from the date that the application is initially received, the application will be destroyed and all fees submitted will be forfeited.

645—141.6(155) Examination. Each applicant for licensure shall be required to pass a national and a state examination.

141.6(1) National examination. The passing score is a scaled score, set by the National Association for Boards of Examiners for Nursing Home Administrators. This examination tests knowledge of the domains of practice including:

- a. Resident care management;
- b. Personnel management;
- c. Financial management;
- d. Organizational management;
- e. Environmental management;
- f. Regulatory management.

141.6(2) State examination. Applicants must obtain a score of no less than 75 percent to pass. This examination tests knowledge of Iowa state rules and regulations as promulgated by:

- a. The Iowa department of inspections and appeals
- b. The Iowa department of human services
- c. The Iowa department of public safety
- d. The Iowa board of examiners for nursing home administrators.

141.6(3) Identification. At the time of the examination, examinees must present identification which includes a current photograph.

141.6(4) Confidentiality. Information relating to the content of the examinations is confidential. Willfully communicating or seeking to communicate such information, or willfully requesting, obtaining or seeking to obtain such information, may be grounds for disciplinary action including denial, suspension or revocation of a license to practice nursing home administration in addition to fines and any other penalties provided by law.

This rule is intended to implement Iowa Code subsection 155.3(3).

645—141.7(155) Provisional license. Effective January 1, 1999, under certain limited circumstances, and only upon the filing of an application requesting approval, a provisional administrator may be appointed to serve as the administrator of a nursing home. A provisional administrator is considered a temporary appointment, and the person appointed may serve as an administrator for a period of time not to exceed six months. The six-month appointment runs from the date approved by the board, and the months in service do not need to be consecutive. The person serving as a provisional administrator shall not be permitted to serve more than a total of six months.

141.7(1) The limited circumstances under which the request for a provisional appointment shall be granted include the inability of the licensed administrator to perform the administrator's duties, the death of the licensed administrator or circumstances which prevent the immediate transfer of the licensed administrator's duties to another licensed administrator.

141.7(2) Applications for a provisional appointment shall be in writing on a form prescribed by the board. Persons applying shall meet the following minimum qualifications:

- a.* Be at least 18 years of age.
- b.* Be employed on a full-time basis of no less than 32 hours per week to perform the duties of the nursing home administrator.
- c.* Be knowledgeable of the nursing home administrators' domains of practice including resident care management, personnel management, financial management, environmental management, regulatory management and organizational management.
- d.* Be without history of unprofessional conduct or denial or disciplinary action against a license to practice nursing home administration or any other profession by any lawful licensing authority for reasons outlined in 141.12(147,155,272C).

141.7(3) The board expressly reserves the right to withdraw approval of a provisional appointment. Withdrawal of approval shall be based on information or circumstances warranting such action.

645—141.8(155) License cycle.

141.8(1) *Name and address changes.* All board correspondence is mailed to the licensee at the last known address on file with the board office. Licensees shall provide written notification to the professional licensure division within 60 days of any change in name or address; there is no charge for a change of name or address in board records.

141.8(2) *New licenses.* New licenses shall be issued from the date of examination through the current biennium, except that persons licensed after October 1 of an odd-numbered year shall be licensed in full for the next biennium.

141.8(3) *Renewal of license.*

a. The period of licensure is January 1 of each even-numbered year through December 31 of the next odd-numbered year.

b. At least 60 days prior to the expiration of the license, the board office shall mail a renewal application and continuing education report form.

c. The licensee shall submit to the board office the completed application and continuing education report form with the renewal fee as specified in 141.11(5).

d. When the licensee has satisfactorily completed the requirements for renewal, a renewal shall be issued and mailed to the licensee.

141.8(4) *Late renewal.* The board grants a 30-day grace period for renewal. Any administrator who fails to submit the required renewal information and fee within 30 days after the expiration date on the current license and who has not submitted a request for inactive licensure status shall be considered a delinquent licensee.

a. Time frames for license renewal will not be extended based on failure to receive a renewal application due to change in address not reported to the board or failure to submit a completed continuing education report form or fees.

b. Immediately upon reaching a delinquent status, the delinquent licensee shall not practice nursing home administration in Iowa until the licensee is reinstated to current status.

c. If a delinquent licensee is found to be working without a current license, disciplinary action may be taken.

645—141.9(155) Inactive license status.

141.9(1) Inactive license status is a status where the licensee is not required to obtain continuing education or pay fees. An inactive licensee shall not practice nursing home administration in the state of Iowa.

141.9(2) Only current licensees may request inactive status. Licensees may request inactive status by one of the following methods:

a. The current certificate of license renewal may be returned to the board office prior to its expiration, with a written request for inactive status. Inactive status becomes effective immediately upon the board's receipt of the certificate.

b. Prior to the expiration of the current certificate, the licensee may submit the renewal form marked "requesting inactive status." Inactive status becomes effective when the current renewal certificate expires.

645—141.10(155) Reinstatement.

141.10(1) A delinquent licensee who wishes to reinstate to a current status shall make the request in writing to the board.

a. Upon receipt of the written request, the board office shall send an application, continuing education report form, and statement of fees and penalties to the delinquent licensee.

b. The continuing education renewal requirements and fees and penalties as outlined in 141.11(155) shall be cumulative and accrue from the date the licensee became delinquent to the date of renewal.

c. In addition to fees and penalties, any administrator who fails to renew a license within 90 days following the expiration of a current license may be required to meet with the board and, if through the interview process the board finds reasonable doubt that the licensee displays knowledge of the domains of practice, as listed in 141.6(1), the board may require the administrator to successfully complete any or all of the minimum qualifications for licensure as outlined in 141.3(155) prior to license renewal.

141.10(2) A licensee on inactive status may request reinstatement to current status by submitting a written request to the board office.

a. Upon receipt of written request, the board office shall send an application and continuing education report form.

b. An inactive licensee shall have completed 40 contact hours of continuing education as specified in 645—Chapter 143. The continuing education shall have been earned within the 24 months prior to reinstatement.

c. The licensee shall pay the reinstatement fee as specified in 141.11(12).

d. In addition to fees and required continuing education materials, inactive licensees may be required to meet with the board and, if through the interview process the board finds reasonable doubt that the licensee displays knowledge of the domains of practice, as listed in 141.6(1), the board may require the applicant to successfully complete any or all of the minimum qualifications for licensure as outlined in 141.3(155) prior to license renewal.

e. When issued, the active license shall be effective through the current biennium.

645—141.11(155) Penalties and license fees. All fees are nonrefundable.

- 141.11(1)** The basic application fee required from all applicants for licensure is \$50.
- 141.11(2)** The fee for the national examination determined by the NAB is to be paid by certified check or money order made payable to NAB (National Board of Examiners for Nursing Home Administrators) and mailed to the Iowa board office at the address in 141.5(1).
- 141.11(3)** The fee for the state examination is \$75.
- 141.11(4)** The fee for a provisional letter is \$120 for a maximum six-month period of time.
- 141.11(5)** The fee for biennial renewal of a license is \$90 payable on or before December 31 of each odd-numbered year.
- 141.11(6)** The fee for a duplicate license to replace an original or for display in a second facility is \$10.
- 141.11(7)** The fee for a biennial renewal of a duplicate license for display in a second facility is \$10, payable at the time of renewal for the original license.
- 141.11(8)** The fee for a certified statement that a licensee is licensed in this state is \$10.
- 141.11(9)** The penalty fee for failure to obtain required continuing education credits within the compliance period is \$30.
- 141.11(10)** The penalty fee for failure to renew a license prior to its expiration is \$75 in addition to the renewal fees.
- 141.11(11)** The penalty fee for failure to renew a license after 30 days following the expiration is \$150 in addition to renewal fees.
- 141.11(12)** The fee for reinstatement of a license is based on \$45 per year, or any portion thereof, from the date of reinstatement to the next December 31 of an odd-numbered year.
- 141.11(13)** The application fee for an approved providership shall be \$100.

645—141.12(147,155,272C) Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 645—13.1(272C), including civil penalties in an amount not to exceed \$1000, when the board determines that a licensee is guilty of any of the following acts or offenses:

- 141.12(1)** Obtaining or attempting to obtain a license by fraud or deceit.
- 141.12(2)** Professional incompetence.
- 141.12(3)** Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of nursing home administration or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
- 141.12(4)** Habitual intoxication or addiction to the use of drugs.
- 141.12(5)** Conviction of a felony that is substantially related to the qualifications, functions or duties of a nursing home administrator and evidences unfitness to perform as a nursing home administrator in a manner consistent with protecting the public health, safety and welfare, in the courts of this state or any other state territory, country or of the United States. As used in this paragraph, the term “conviction of a felony” shall include a conviction of an offense which if committed in this state would be deemed a felony under either state or federal law, without regard to its designation elsewhere. A copy of the record of conviction or plea of guilty shall be conclusive as evidence.
- 141.12(6)** Having a license to practice nursing home administration or another profession revoked, suspended or annulled by any lawful licensing authority; or had other disciplinary action taken against the license by any lawful licensing authority; or was denied a license or was refused the renewal of a license by any lawful licensing authority pursuant to disciplinary proceedings.
- 141.12(7)** Willful or repeated violations of any statute, rule or regulation regarding a nursing home.
- 141.12(8)** Knowingly aided, assisted, procured, or advised any person to practice nursing home administration contrary to this chapter or to the rules and regulations of the board; or knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or entity to practice nursing home administration.

141.12(9) Failure to report to the board every adverse judgment in a professional or occupational malpractice action to which the licensee is a party, and every settlement of a claim against the licensee alleging malpractice.

141.12(10) Use of untrue or improbable statements in advertisements.

141.12(11) Failure to report to the board in writing a change of name or address within 60 days after the change occurs.

645—141.13(155) Disciplinary procedure. Rescinded IAB 6/30/99, effective 8/4/99.

These rules are intended to implement Iowa Code chapter 155.

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∅Two ARCs