

NURSING HOME ADMINISTRATION

Footnotes

Enforcement, §147.87, 147.90, 147.92

Penalty, general, §147.86

155.1 Definitions.

For the purposes of this chapter, and as used herein:

1. "*Board*" means the Iowa state board of examiners for nursing home administrators hereinafter created.
2. "*Nursing home administrator*" means a person who administers, manages, supervises, or is in general administrative charge of a nursing home whether or not such individual has an ownership interest in such home and whether or not the individual's functions and duties are shared with one or more individuals. A member of a board of directors, unless also serving in a supervisory or managerial capacity, shall not be considered a nursing home administrator.
3. "*Nursing home*" means an institution or facility, or part of an institution or facility, whether proprietary or nonprofit, licensed as a nursing facility, but not including an intermediate care facility for persons with mental retardation or an intermediate care facility for persons with mental illness, defined as such for licensing purposes under state law or administrative rule adopted pursuant to section 135C.2, including but not limited to, a nursing home owned or administered by the federal or state government or an agency or political subdivision of government.

[C71, 73, 75, § 147.118; C77, 79, 81, § 135E.1]

83 Acts, ch 206, § 8; 87 Acts, ch 194, § 2; 90 Acts, ch 1039, § 12; 90 Acts, ch 1204, § 18

C93, § 155.1

96 Acts, ch 1129, § 113

155.2 Composition of board.

There is established a state board of examiners for nursing home administrators which shall consist of nine members appointed by the governor subject to confirmation by the senate as follows:

1. Four members shall be licensed nursing home administrators, one of whom shall be an administrator of a nonproprietary nursing home.
2. Three members shall be persons who are licensed members of any of the professions concerned with the care and treatment of chronically ill or elderly patients, who are not nursing home administrators or nursing home owners.
3. Two members who are not licensed nursing home administrators or are not licensed persons under chapter 147 and who shall represent the general public. The members shall be interested in the problems of elderly patients and nursing home care, but shall have no financial interest in any nursing home.

The board shall be within the Iowa department of public health for administrative purposes. The department shall furnish the board with the necessary facilities and employees to perform the duties required by this chapter, but shall be reimbursed for all costs incurred from funds appropriated to the board.

A licensed member shall be actively engaged in the practice of the member's profession and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Professional societies composed of licensed members may recommend the names of potential board members to the governor, but the governor shall not be bound by the recommendations.

A board member shall not be required to be a member of any professional association or society composed of nursing home administrators or any licensed profession.

Appointments shall be for three-year terms and shall commence and end as provided in section 69.19. Vacancies shall be filled for the unexpired term by appointment of the governor and are subject to senate confirmation. Members shall serve no more than three terms or nine years, whichever is least.

[C71, 73, 75, § 147.119; C77, 79, 81, § 135E.2]

C93, § 155.2

Footnotes

Confirmation, see § 2.32

155.3 Qualifications for licensure.

The board shall have authority to issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators. No license shall be issued to a person as a nursing home administrator unless:

1. The applicant is of sound mental health and physically able to perform the duties.
2. The applicant has satisfactorily completed a course of instruction and training prescribed by the board, which course shall be so designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by nursing homes; knowledge of the laws governing the operation of nursing homes and the protection of the interests of patients therein; and knowledge of the elements of good nursing home administration; or has presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise, and manage a nursing home.
3. The applicant has passed an examination administered by the board and designed to test for competence in the subject matter referred to in subsection 2 of this section.

[C71, 73, 75, § 147.120; C77, 79, 81, § 135E.3]

C93, § 155.3

155.4 Licensing function.

The board shall license nursing home administrators in accordance with rules issued, and from time to time revised, by it. A nursing home administrator's license shall not be transferable and shall be valid until surrendered for cancellation or suspended or revoked for violation of this chapter or any other laws or regulations relating to the proper administration and management of a nursing home. Any denial of issuance or renewal, suspension, or revocation under any section of this chapter shall be subject to judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

[C71, 73, 75, § 147.121; C77, 79, 81, § 135E.4]

C93, § 155.4

2003 Acts, ch 44, §114

155.5 License fees.

Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount to be fixed by the board. The license shall expire in multiyear intervals and be renewable and upon payment of the license fee. A person who fails to renew a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

[C71, 73, 75, § 147.122; C77, 79, 81, § 135E.5]

C93, § 155.5

155.6 Receipt of fees.

1. Except as otherwise provided in subsection 2, all fees collected under the provisions of this chapter shall be paid to the treasurer of state who shall deposit the fees in the general fund of the state. Funds shall be appropriated to the board to be used and expended by the board to pay the compensation and travel expenses of members and employees of the board, and other expenses necessary for the board to administer and carry out the provisions of this chapter.

2. The board may retain ninety percent of the revenue generated from an increase in examination, licensure, and renewal of licensure fees established pursuant to section 155.15 above the examination, licensure, and renewal of licensure fees in effect as of June 30, 2005. The moneys retained by the board shall be used for any of the board's duties, including but not limited to addition of full-time equivalent positions for program services and investigations. Revenues retained by the department pursuant to this subsection shall be considered repayment receipts as defined in section 8.2.

[C71, 73, 75, § 147.123; C77, 79, 81, § 135E.6]

C93, § 155.6

2005 Acts, ch 175, §90

155.7 Organization of board.

The board shall elect from its membership a chairperson, vice chairperson, and secretary-treasurer, and shall adopt rules to govern its proceedings. Members of the board shall receive reimbursement for actual expenses incurred in carrying out their duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. The board shall hold at least one meeting per year at the seat of government.

[C71, 73, 75, § 147.124; C77, 79, 81, § 135E.7]

86 Acts, ch 1245, § 1139

C93, § 155.7

155.8 Exclusive jurisdiction of board.

The board shall have authority to determine the qualifications, skill, and fitness of any person to serve as an administrator of a nursing home under the provisions of this chapter, and the holder of a license under the

provisions of this chapter shall be deemed qualified to serve as the administrator of a nursing home.

[C71, 73, 75, § 147.125; C77, 79, 81, § 135E.8]

C93, § 155.8

155.9 Duties of the board.

The board shall have the duty and responsibility to:

1. Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators.

2. Develop and apply appropriate techniques, including examination and investigations, for determining whether an individual meets such standards. The board may administer as many examinations per year as are necessary, but shall administer at least one examination per year. Any written examination may be given by representatives of the board. Applicants who fail the examination once shall be allowed to take the examination at the next scheduled time. Thereafter, the applicant shall be allowed to take the examination at the discretion of the board. An applicant who has failed the examination may request in writing information from the board concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the board administers a uniform, standardized examination, the board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the board.

3. Issue licenses to individuals who, after application of such techniques, are found to have met such standards; and for cause and after due notice and hearing, revoke or suspend licenses previously issued by such board in any case where the individual holding such license is found to have failed substantially to conform to the requirements of such standards.

The board may also accept the voluntary surrender of such license without necessity of a hearing. In the event of the inability of the regular administrator of a nursing home to perform the administrator's duties or through death or other cause the nursing home is without a licensed administrator, a provisional administrator may be appointed on a temporary basis by the nursing home owner or owners to perform such duties for a period not to exceed one year.

4. Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

5. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards. Such appropriate action may include revocation of a license, if necessary, or placing the licensee on probation for a period not exceeding six months, and shall be taken only for cause after due notice and a hearing on the charge or complaint.

6. Conduct a continuing study and investigation of nursing homes, and administrators of nursing homes, in this state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

7. Conduct, or cause to be conducted, one or more courses of instruction and training sufficient to meet the

requirements of this chapter, and make provisions for such courses and their accessibility to residents of this state unless it finds that there are, and approves, a sufficient number of courses, which courses are conducted by others within this state. In lieu thereof the board may approve courses conducted within and without this state as sufficient to meet the education and training requirements of this chapter.

[C71, 73, 75, § 147.126; C77, 79, 81, § 135E.9]

C93, § 155.9

2004 Acts, ch 1168, §10

155.10 Renewal of license.

Every holder of a nursing home administrator's license shall renew it by making application to the board, except that the individual requesting renewal shall submit evidence satisfactory to the board of continued education in this field. Such renewals shall be granted as a matter of course unless the board finds, after due notice and hearing, that the applicant has acted or failed to act in accordance with the rules or in such a manner or under such circumstances as would constitute grounds for suspension or revocation of a license.

[C71, 73, 75, § 147.127; C77, 79, 81, § 135E.10]

C93, § 155.10

155.11 Reciprocity with other states.

The board may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction if reciprocal agreements are entered into with another jurisdiction under sections 147.45 through 147.54.

[C71, 73, 75, § 147.128; C77, 79, 81, § 135E.11]

C93, § 155.11

155.12 Conflict with federal law effect.

If any provision of this chapter is in conflict with the requirements of section 1908 of the United States Social Security Act (42 United States Code, section 1396g), relative to a state program for licensing of administrators of nursing homes, and except for such conflict the state would be entitled to receive contributions from the United States for payment of assistance under the program established pursuant to Title XIX of the United States Social Security Act (42 United States Code, sections 13961396g, inclusive), such provision of this chapter so in conflict with said statute of the United States shall be considered as suspended and of no effect until sixty days after the convening of the next regular session of the general assembly after such conflict is discovered.

[C71, 73, 75, § 147.129; C77, 79, 81, § 135E.12]

C93, § 155.12

155.13 Misdemeanor.

It shall be a serious misdemeanor for any person to act or serve in the capacity of a nursing home administrator unless the person is the holder of a license as a nursing home administrator issued in accordance with the provisions of this chapter.

[C71, 73, 75, § 147.130; C77, 79, 81, § 135E.13]

C93, § 155.13

155.14 Applications.

Applications for licensure shall be on forms prescribed and furnished by the board and shall not contain a recent photograph of the applicant. An applicant shall not be ineligible for licensure because of age, citizenship, sex, race, religion, marital status or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of nursing home administration. Character references may be required, but shall not be obtained from licensed nursing home administrators.

[C75, § 147.131; C77, 79, 81, § 135E.14]

C93, § 155.14

155.15 Fees.

The board shall set the fees for examination, licensure and renewal of licensure. The fees for examination shall be based upon the annual cost of administering the examinations. The fees for licensure and renewal of licensure shall be based on the administrative costs of sustaining the board which shall include, but shall not be limited to, the following:

1. Per diem, expenses and travel for board members.
2. Office facilities, supplies and equipment.
3. Clerical assistance.

[C75, § 147.132; C77, 79, 81, § 135E.15]

C93, § 155.15

155.16 Public members.

The public members of the board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

[C75, § 147.133; C77, 79, 81, § 135E.16]

C93, § 155.16

155.17 Disclosure of confidential information.

A member of the board shall not disclose information relating to the following:

1. Criminal history or prior misconduct of the applicant.
2. Information relating to the contents of the examination.
3. Information relating to the examination results other than final score except for information about the

results of an examination which is given to the person who took the examination.

A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains or seeks to obtain such information, is guilty of a simple misdemeanor.

[C75, § 147.134; C77, 79, 81, § 135E.17]

C93, § 155.17

155.18 Revocation or suspension.

A license to practice as a nursing home administrator may be revoked or suspended when the licensee is guilty of the following acts or omissions:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.*

[C79, 81, § 135E.18]

C93, § 155.18

Footnotes

*Chapter 272C may have been intended; see 77 Acts, ch 95, § 16