CHAPTER 155

NURSING HOME ADMINISTRATION

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Penalty, §147.86

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155.1 Definitions.

For the purposes of this chapter:

1. *"Board"* means the board of nursing home administrators established in chapter 147.

2. *"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 an intellectual disability 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.

3. *"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.

[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; 2007 Acts, ch 10, §151; 2012 Acts, ch 1019, §19; 2012 Acts, ch 1113, §1

155.2 Composition of board. Repealed by . See §147.12 – 147.14, 147.16, 147.19, 147.20.

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 presented evidence satisfactory to the board of sufficient education, training, or experience to administer, supervise, and manage a nursing home.

3. The applicant has passed an examination prescribed by the board pursuant to section 147.34.

[C71, 73, 75, §147.120; C77, 79, 81, §135E.3]
C93, §155.3
2012 Acts, ch 1113, §2

155.4 Licensing function.

The board shall license nursing home administrators in accordance with this chapter, chapter 147, and rules issued by the board. A nursing home administrator's license shall not be transferable and, if not inactive, shall be valid until revoked pursuant to section 147.55 or voluntarily surrendered.

[C71, 73, 75, §147.121; C77, 79, 81, §135E.4]
C93, §155.4
2003 Acts, ch 44, §114; 2012 Acts, ch 1113, §3

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 determined by the board and be renewable upon payment of a renewal 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
2012 Acts, ch 1113, §4

155.6 Receipt of fees. Repealed by 2006 Acts, ch 1155, §13, 15.

155.7 Organization of board. Repealed by 2009 Acts, ch 56, §12.

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 — rules for provisional licenses.

In addition to the duties and responsibilities provided in chapters 147 and 272C, the board shall adopt rules for granting a provisional license to an administrator appointed on a temporary basis by a nursing home's owner or owners in the event the regular administrator of the nursing home is unable to perform the administrator's duties or the nursing home is without a licensed administrator because of death or other cause. Such provisional license shall allow the provisional licensee to perform the duties of a nursing home administrator. An individual shall not hold a provisional license for more than twelve total combined months, and the board may revoke or otherwise discipline a provisional licensee for cause after due notice and a hearing on a charge or complaint filed with the board.

[C71, 73, 75, §147.126; C77, 79, 81, §135E.9]
C93, §155.9
2004 Acts, ch 1168, §10; 2012 Acts, ch 1113, §5

155.10 Continuing education.

Each person licensed as a nursing home administrator shall be required to complete continuing education as a condition of license renewal. Such continuing education requirements shall be determined by the board.

[C71, 73, 75, §147.127; C77, 79, 81, §135E.10]
C93, §155.10
2012 Acts, ch 1113, §6

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 147.44, 147.48, 147.49, and 147.53.
[C71, 73, 75, §147.128; C77, 79, 81, §135E.11]
C93, §155.11
2008 Acts, ch 1088, §109

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 codified at 42 U.S.C. §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 Tit. XIX of the United States Social Security Act, codified at 42 U.S.C. §1396 – 1396g, 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
2010 Acts, ch 1061, §31

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 and for license renewal shall be in the format prescribed by the board.
[C75, §147.131; C77, 79, 81, §135E.14]
C93, §155.14
2012 Acts, ch 1113, §7

155.15 Fees. Repealed by . See §147.80.

155.16 Public members. Repealed by . See §147.21(1).

155.17 Disclosure of confidential information. Repealed by 2009 Acts, ch 56, §12.

155.18 Revocation or suspension. Repealed by 2009 Acts, ch 56, §12.

155.19 Voluntary surrender.
The board may accept the voluntary surrender of a license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same force and effect as an order of revocation.
2012 Acts, ch 1113, §8