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DIVISION 20

GENERAL ADMINISTRATION

853-020-0000

Definitions

- (1) “Agency” means the Oregon Health Licensing Agency.
- (2) “CEU” means a continuing education unit and the numerical value determined by the board to be earned by a renewal applicant by attending a specified training course. The terms “continuing education credit” and “continuing education unit” are synonymous and may be used interchangeably.
- (3) “Continuing Education” means post-licensure education in health care administration undertaken to maintain professional competency to practice nursing home administration, and improve administration skills, in the interest of safety, health and welfare of the people served.
- (4) “Experience” means prior performance in administration, including planning, organizing, directing, staffing, and budgeting of a licensed long-term care facility.
- (5) “Experience in Health Care Management” means experience in administration, planning, organizing, directing, staffing and budgeting of a licensed health care facility.
- (6) “Long-Term Care Facility” means a licensed facility as defined in ORS 442.015.
- (7) “NAB” is the National Association of Long Term Care Administrator Boards.

(8) “Official Transcript” means an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted by the accredited college or university by mail or courier to the agency in a sealed envelope in accordance with ORS 678.730.

(9) “One Year” when related to employment means a period equivalent to 40 hours a week for 48 weeks.

(10) “Preceptor” means a person who is registered to train and supervise an AIT.

(11) “Trainee”; “Administrator-in-Training”; or “AIT” means a person who is completing the residency or intern requirements leading to licensure as a nursing home administrator. See ORS 678.730(1)(a)

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.710, 678.730, 678.760

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

DIVISION 30

LICENSURE OF NURSING HOME ADMINISTRATORS

853-030-0000

Nursing Home Administrator Application Requirements

An individual applying for a nursing home administrator license must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:

(a) Licensure Pathway 1 — Qualification through the AIT Program. Applicant must submit:

(A) Official transcript as defined in OAR 853-020-0000(8) demonstrating attainment of qualifying Bachelor’s degree pursuant to ORS 678.730(3);

(B) Certificate of Training Completion on forms prescribed by the agency;

(C) Examination fees;

(D) Official documentation of a passing score on the NAB examination, successfully completed within one year following the date of application, sent directly by the NAB to the agency. Copies of examination results or other documentation provided by the applicant are not acceptable. The applicant is responsible for payment of fees assessed by NAB in obtaining required official documentation. See ORS 678.740 and OAR 853-030-0030

Note: Upon completion and approval of all application requirements listed in (1), (2), and (3)(a)(A) through (B) of this rule the agency may notify NAB an applicant is qualified to take the NAB examination;

(E) Proof of having completed and passed the board approved state examination within one year preceding or one year following the date of application. See ORS 678.740 and OAR 853-030-0030; and

(F) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

(b) Licensure Pathway 2 — Qualification through dual facility experience. Applicant must submit:

(A) Proof, from the organization, of one year experience as an administrator serving a dual facility as per ORS 678.710(1);

(B) Examination fees;

(C) Official documentation of a passing score on the NAB examination, successfully completed within one year following the date of application, sent directly by the NAB to the agency. Copies of examination results or other documentation provided by the applicant are not acceptable. The applicant is responsible for payment of fees assessed by NAB in obtaining required official documentation. See ORS 678.740 and OAR 853-030-0050

Note: Upon completion and approval of all application requirements listed in (1), (2), and (3)(b)(A) of this rule the agency may notify NAB an

applicant is qualified to take the NAB examination;

(D) Proof of having completed and passed the board approved state examination within one year preceding or one year following the date of application. See ORS 678.740 and OAR 853-030-0050; and

(E) Upon passage of all required examinations and before issuance of license, applicant must pay all licensure fees.

(c) Licensure Pathway 3 — Qualification through advanced education and experience. Applicant must submit:

(A) Official transcript as defined in OAR 853-020-0000(8) demonstrating attainment of a postgraduate degree in management pursuant to ORS 678.730(4);

(B) Proof of ten years of experience in health care management as defined in OAR 853-020-0000(5).

(C) All licensing fees.

(d) Licensure Pathway 4 — Reciprocity. Applicant must submit:

(A) An affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of current licensure, which is active with no current or pending disciplinary action, as a nursing home administrator. The license must have been issued by another state or territory of the United States and the licensing requirements must be at least equivalent to those in ORS 678.730

(B) All licensing fees.

(e) Licensure Pathway 5 — Reciprocity for licensees registered prior to January 1, 1983. Applicant must submit:

(A) An affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of current licensure, which is active with no current or pending disciplinary action, as a nursing home administrator. The license must have been issued by another state or territory of the United States and the licensing requirements must be at least equivalent to those in ORS 678.730. The affidavit must indicate that the license was originally issued prior to January 1, 1983;

(B) All licensing fees.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.730, 678.760, 678.770, 678.775, 678.820

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-030-0010

Provisional Licenses — Application and Issuance

(1) Whenever a bona fide emergency exists such as, but not limited to, the death, incapacitation, or unexpected resignation of a licensed nursing home administrator and the nursing home which such person was administering is unable to employ a regularly licensed nursing home administrator, the long-term care facility may be administered by a provisionally licensed nursing home administrator. The provisional license is valid for only the nursing home in which the emergency that allowed the provisional license exists, and is valid until a licensed nursing home administrator can be employed, but not to exceed six months.

(2) An individual applying for a nursing home administrator provisional license must:

(a) Meet the requirements of OAR 331 division 30.

(b) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(c) Submit a formal request from the owner or manager of the nursing home explaining the emergency situation and the need for a provisional administrator.

(d) In addition to requirements listed in subsection (2) (a), (b) and (c) of this rule, an applicant must provide documentation of one of the following:

(A) Proof of qualification under licensure pathway 2, 3, 4 or 5;

(B) Current employment as the nursing home's Assistant Administrator; or

(C) Current employment as the nursing home's Director of Nursing.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.710, 678.760(5), 678.775

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-030-0020

Application for Registration as an AIT

An individual applying for an AIT registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stat. Implemented: ORS 678.730

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-030-0030

Application for Registration as a Preceptor

An individual applying for a Preceptor registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsection (1) and (2) of this rule, a preceptor must:

(a) Hold a current Oregon nursing home administrator license with no current or pending disciplinary action, and with no fines, fees, or civil penalties owing to the Agency;

(b) Have been a licensed nursing home administrator for the least three years; and

(c) Have attended a Board-approved workshop for preceptors in Oregon within three years preceding the date of application for registration.

(4) In order to maintain current registration as a Preceptor with the agency:

(a) For a preceptor registered before January 1, 2012 the preceptor must attend a Board-approved workshop for preceptors in Oregon by December 31, 2012.

(b) A preceptor must attend a Board-approved workshop for preceptors in Oregon every three years.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: 678.730, 678.760, 678.775, 678.820

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-030-0040

AIT Program

The AIT program consists of 960 hours of training under the supervision of a preceptor. The training program documentation can be reviewed at www.oregon.gov/OHLA/NHAB.

(1) An AIT program applicant must apply for and be granted registration pursuant to OAR 853-030-0020 prior to beginning the AIT program.

(2) An AIT registered after January 1, 2012:

(a) Must complete the AIT program in no less than six months and no more than two years after beginning the program. An AIT failing to complete the program within two years after beginning the program must reapply and, if accepted, must begin the program again;

(b) May apply for a waiver of up to 80 hours of the AIT program pertaining to resident care and quality of life if the AIT submits:

(A) Proof of current CNA certification with no current or pending disciplinary actions and with no fines, fees, or civil penalties currently owing. Applicants must submit an affidavit of licensure pursuant to OAR 331-030-0040; or

(B) A certificate of completion from a CNA program within the last two years preceding the date of registration application.

(c) May apply for a waiver of up to 160 hours of the AIT program pertaining to resident care and quality of life if the AIT:

(A) Submits proof of current licensure as a LPN or RN in a long-term care facility, with no current or pending disciplinary actions and with no fines, fees, or civil penalties currently owing; and

(B) Has three years of experience within the last five years as a LPN or RN in a long-term care facility. Applicants must submit an affidavit of licensure pursuant to OAR 331-030-0040; and

(d) May apply for a waiver under subsection (3) or (4) of this rule, but not both.

(3) A registered preceptor must provide the AIT a minimum of four (4) hours per month of in-person consultation regarding the strengths, progress, and competency development needs of the AIT, and to suggest methods of improvement. In-person consultation must be documented on a form prescribed by the agency.

(4) A registered preceptor must:

(a) Train only one AIT at any one time;

(b) Sign the Certificate of Training completion forms;

(5) Both the AIT and preceptor registrants must notify the agency of any discontinuation of, change or interruptions in the AIT program.

(6) An AIT registered prior to January 1, 2012, may complete training under that AIT's currently approved program. The AIT must complete the AIT program in no less than six months and no more than two years after beginning the program. An AIT failing to complete the program within two years after beginning the program must reapply and, if accepted, must begin the program pursuant to OAR 853-030-0040(2);

(7) Neither AIT registration nor acceptance into an AIT program authorizes an AIT registrant to practice or offer to practice as a nursing home administrator or to use the title of or abbreviations for Nursing Home Administrator. An AIT registrant engaging in such conduct may be disqualified from all or part of the training program. See ORS 678.720(1).

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.730, 678.760, 678.820

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-030-0050

General Examination Information

(1) The board approved examinations for a nursing home administrator license are the NAB examination with a NAB passing score and the state prepared examination administered by the agency with a board approved passing score.

(2) To take the examinations, an applicant must meet identification requirements listed under OAR 331-030-0000.

(3) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.

(4) Examination candidates may be electronically monitored during the course of testing.

(5) The Board will establish a maximum time allowance for each section of the examination.

(6) Notes, textbooks, notebooks, electronic equipment or communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(7) A candidate may be immediately disqualified before, during, or after the examination for conduct that interferes with the examination or otherwise violates this rule. At the time of disqualification, the examination may be invalidated and examination fees may be forfeited. Disqualifying conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination process;

(b) Violations of subsection (6) of this rule;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Exhibiting behavior that impedes the normal progress of the examination.

(8) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if applicant is disqualified from taking the examination.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.730, 678.740, 678.760, 678.775

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-030-0060

Examination Retake

All examinations retakes are subject to examination fees and an approved examination schedule set by the agency

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.40, 678.775

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-030-0070

Nursing Home Administrator Issuance and Renewal

(1) **AUTHORIZATION AND RENEWAL:** A licensee is subject to the provisions of OAR chapter 331, division 30 regarding the issuance and renewal of a license, provisions regarding authorization to practice, identification requirements, and requirements for issuance of a duplicate license.

(2) **AUTHORIZATION RENEWAL:** To avoid delinquency penalties, license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to 853-040-0000; and

(c) Documentation of having obtained required annual continuing education under OAR 853-050-0000, on a form prescribed by the agency.

(3) **INACTIVE AUTHORIZATION:** A license may be inactive for up to three years. When renewing after entering inactive status, the licensee must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and license fees pursuant to OAR 853-040-0000;

(c) Documentation of having obtained required annual continuing education under OAR 853-050-0000, on a form prescribed by the agency, whether license has been current or inactive;

(4) **EXPIRED AUTHORIZATION:** A license that has been inactive for more than three years is expired and the licensee must reapply and meet the requirements listed in OAR 853-030-0000.

(5) A licensee failing to meet continuing education requirements listed under OAR 853-050-0000 is expired and must reapply and meet requirements pursuant to OAR 853-030-0000.

(6) A licensee may not practice with an inactive or expired license.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.730, 678.740, 678.760, 678.775, 678.820

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

DIVISION 40

FEES

853-040-0000

Fees

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License (including by reciprocity): \$100;

(B) Provisional license: \$50;

(C) AIT registration: \$100;

(D) Preceptor registration: \$100.

(b) State examination: \$125.

(c) Original issuance:

(A) License (including by reciprocity): \$130 for one year;

(B) Provisional license: \$50 for six months.

(d) Renewal of license: \$130 for one year.

(e) Other administrative fees:

(A) Delinquency fee: \$50 for each year in inactive status up to three years;

(B) Replacement of license, including name change: \$25;

(C) Affidavit of licensure: \$50;

(D) Information Packet: \$10;

(E) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.615, 678.775, 678.820(2)(g)

Stat. Implemented: ORS 678.775

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

DIVISION 50

CONTINUING EDUCATION REQUIREMENTS FOR NURSING HOME ADMINISTRATORS

853-050-0000

Continuing Education Requirements

(1) To maintain licensure, nursing home administrators must complete a minimum of 2.0 credits or 20 hours every year. Credit hours obtained in excess of those required for the one-year reporting period shall not be carried forward.

(2) Each licensee shall document compliance with the continuing education requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 853-050-0010 pertaining to periodic audit of continuing education.

(3) Continuing education must be obtained by participation in or attendance at a course provided by an accredited college or university, a course or program approved by NAB, or an agency pre-approved course or program.

(4) Continuing education must address subject matter related to nursing home administration in accordance with ORS 678.710(3) and OAR 853-020-0000(3).

(5) CEU credit will be awarded based on the following criteria:

(a) Completion and passing of academic courses taken from an accredited college or university at the same rate of credit established by that institution;

(b) Completion of professional courses which meet academic course requirements in content, instruction and evaluation will be assigned CEU credit at the same rate as academic courses.

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may receive credit at the rate of 1.0 CEU for each ten hours of attendance.

(6) Documentation supporting compliance with continuing education requirements must be maintained for a period of two years following renewal, and must be available to the agency upon request.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.730, 678.760

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-050-0010

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a percentage of licensees, as determined by the Board, to verify compliance with continuing education requirements of this rule.

(2) Licensees notified of selection for audit of continuing education attestation shall submit to the agency, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 853-050-0000.

(3) If selected for audit, the registrant must provide documentation of the required continuing education, which must include:

(a) For courses provided by an accredited college or university — An official transcript from the accredited college or university;

(b) For NAB approved programs or courses — A certificate of completion that includes the NAB approval number; or

(c) For agency pre-approved programs or courses — A certificate of completion or other agency approved documentation that includes the agency pre-approval number.

(4) For courses or programs attended prior to March 1, 2012 that are provided by organizations previously granted blanket pro-

gram approval by the board, no documentation of NAB approval or agency pre-approval is required.

(5) If documentation of continuing education is incomplete, the registrant has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(6) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the license.

Stat. Auth.: ORS 676.615, 678.820(2)(g)

Stats. Implemented: ORS 678.730, 678.760

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

DIVISION 60

STANDARD OF PRACTICE AND PROFESSIONAL CONDUCT

853-060-0000

Standards of Practice

The board adopts the following standards of practice to establish and maintain a high standard of integrity and dignity in the profession of nursing home administrators. A licensee must:

(1) Develop policies which govern the continuing care and related medical and other services provided by the facility which reflects the facility's person-centered philosophy;

(2) Maintain a clean and safe environment to ensure the health, safety, and welfare of residents and staff in the licensee's facility;

(3) Ensure a quality of care and quality of life that is consistent with the health and safety of the residents in the facility. This includes, but is not limited to, the promotion of care, related medical and other services provided by the facility to assist each resident to attain or maintain the highest practicable mental, physical, and psychosocial well being to the extent it is consistent with the resident's wishes;

(4) Participate with the ownership, management, or facility governing board to plan, implement, and evaluate written policies and procedures to promote facility systems to function properly and ensure compliance with all local, state, and federal laws and regulations;

(5) Communicate and problem solve regularly with the governing body, department heads, facility staff and residents to allocate resources properly. The nursing home administrator must foster effective communication and problem solving between management, staff, residents, family, community, and all parties involved to ensure appropriate management and operation of the facility and to provide for residents' rights, health, safety, and welfare; and

(6) Plan, implement, and evaluate an integrated financial program for the facility which ensures compliance with all local, state, and federal laws and regulations; quality of care and life; and appropriate and accurate billing for services.

Stat. Auth.: 676.615, 678.820

Stats. Implemented: ORS 678.720, 678.725, 678.780, 678.820

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

853-060-0010

Standards of Professional Conduct

The Board adopts the following standards of professional conduct to protect the public against unprofessional conduct on the part of nursing home administrators. A licensee must:

(1) Comply with all local, state, and federal laws and regulations concerning the operation and reimbursement of nursing homes and/or nursing home administrators. The licensed nursing home administrator shall cooperate with any investigation of these regulatory bodies;

(2) Exercise appropriate supervision and responsibility over the activities of nursing home personnel;

(3) Protect resident rights as required by state and federal laws including, but not limited to, the protection against abuse, neglect, and other mistreatment pursuant to ORS 676.150 and 678.725;

(4) Possess and maintain the competencies necessary to effectively perform the responsibilities as a nursing home administrator, including but not limited to:

(a) Exercising ethical and professional decision making and judgment;

(b) Assuming leadership in the facility;

(c) Exemplifying an administrative philosophy congruent with the mission and goals of the organization as well as generally accepted standards;

(d) Planning, organizing, and directing those responsibilities delegated to the administrator by the ownership, management, or governing board of the facility and inherent in the role of an administrator;

(e) Abiding by and keeping confidential resident information; and

(f) Keeping current with standards of practice; and

(5) Take appropriate steps to avoid discrimination against residents on basis of race, color, sex, religion, age, national origin, disability, marital status, ancestry, sexual orientation or any other

factor that may be discriminatory or not related to bona fide

requirements of quality care.

Stat. Auth.: ORS 676.615, 678.820

Stats. Implemented: ORS 676.150, 678.710, 678.725, 678.780, 678.820

Hist.: NHAB 1-2011, f. 12-15-11, cert. ef. 1-1-12

