



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Nursing Home Administrators, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	18VAC95-20
<b>Regulation title</b>	Regulations Governing the Practice of Nursing Home Administrators
<b>Action title</b>	Qualifications for initial licensure and for preceptors
<b>Document preparation date</b>	11/29/04

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Board of Nursing Home Administrators has decided to initiate regulatory action to amend requirements for licensure that have been problematic or confusing for some applicants. Degree requirements specify programs of study that are either non-existent or not clearly defined, so the Board intends to consider amendments to eliminate a field of study and further specify the content areas that must be included within a degree program in health care administration. The Board also seeks to have more latitude in recognizing a combination of academic degrees and practical experience as credit toward hours required for the administrator-in-training program. Finally, the Board would like to amend the requirements for preceptors to allow approval of a licensee to serve as a preceptor who has not been in full-time practice as a nursing home administrator for two of the previous three years but who has demonstrated competence as an administrator.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly*

chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

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**Chapter 24 of Title 54.1 of the Code of Virginia** establishes the general powers and duties of the Board of Nursing Home Administrators including the responsibility to promulgate regulations and administer a licensure and renewal program.

*§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:*

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- 4. To establish schedules for renewals of registration, certification and licensure.*
- 5. To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 and Chapter 25 of this title.*
- 7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate or license which such board has authority to issue for causes enumerated in applicable law and regulations.*

The statutory authority for licensure and regulation of nursing home administrators is found in Chapter 31 of Title 54.1 of the Code of Virginia:

<http://leg1.state.va.us/000/1st/h3903040.HTM>

## Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

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The Board of Nursing Home Administrators intends to address three specific issues in a regulatory action:

1) The degree requirements for initial licensure lack specificity, resulting in denial of several applications from individuals who believed their program of study would qualify them for licensure as a nursing home administrator. In section 220, regulations require a degree in “nursing home administration” or “a health care administration field.” The Board is unaware of any college or university offering a degree in “nursing home administration,” so it intends to eliminate that degree title. A degree in “a health care administration field” is not clearly defined and therefore may be confusing to applicants. While there are schools offering degrees in long term care administration, there are other related degree programs that may or may not qualify an individual to be licensed as a nursing home administrator. Rather than naming additional degree titles, the Board intends to specify the content areas that must be included in coursework for a health care administration or related degree in order to qualify a graduate for licensure.

2) Section 310 sets out the hours of practical experience required for an administrator-in-training (AIT). Subsections B and C allow an applicant to seek credit toward the required 2,000 hours for prior health care work experience or for certain educational qualifications. The Board would like to consider amendments that would provide credit for combinations of certain types of work experience (such as nursing or patient care services) in a nursing home environment and degree qualifications. The Board will also consider how the regulations could be written to allow more latitude or discretion to award hours of credit toward the AIT program in extraordinary circumstances.

3) Section 380 specifies that in order for a licensee to serve as a preceptor to persons in the AIT program, he must have been employed full time as an administrator in a facility for a minimum of two of the past three years immediately preceding registration. Once registered as a preceptor, the licensee does not have to remain as an administrator-of-record in order to continue serving as a preceptor. However, the rule does prevent a few licensees, who are employed in the profession but not serving as administrators-of-record for a facility, from becoming preceptors.

With the current shortage of nursing home administrators, shrinking numbers of applicants and a growing population of aging residents, the Board is seeking to proactively address regulatory issues that have been detrimental or discouraging to persons who may otherwise be qualified. The Board holds nursing home administrators responsible for the care of an elderly, frail population but believes it can make certain amendments to regulation that will continue to protect those persons and eliminate barriers and clarify the rules for initial licensure and preceptorships.

## Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

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To address the first issue, the Credentials Committee is working on developing a guidance document for board approval that would outline the five content areas of coursework necessary to meet the degree qualifications for initial licensure. The proposal would be to specify courses in a health care administration degree that would include topics in: 1) an overview of health care administration; 2) financial management; 3) legal and ethical aspects; 4) organizational behavior and human resources management; and 5) program planning and evaluation. While a guidance document would be helpful information in describing the Board's interpretation of a degree in "health care administration," it would not be enforceable in a disciplinary case. The preferable solution is to clarify the regulation. Rather than specifying additional degree titles, the Board intends to specify the content areas that must be included in the coursework for a health care administration degree in order to qualify a graduate for licensure.

To address the need for more flexibility in granting hours of practical experience required for an administrator-in-training in section 310, the Board must amend regulations. Based on its regulations, the Board has denied licensure to applicants who believed their work experience as health care professionals or in nursing home administration should qualify them for licensure or for additional hours of credit in an AIT program. Current regulations do not give the Board the authority to recognize other combinations of work and education on a case-by-case basis in a case decision by a committee of the board.

To address the need for additional persons to serve as preceptors in the AIT program, the Board intends to consider other qualifications that would continue to ensure that the preceptor is sufficiently experienced to guide an administrator-in-training.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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There is no impact on the institution of the family and family stability.