

CHAPTER 34

RULES FOR LICENSING NURSING HOME ADMINISTRATORS AND RULES REGULATING THE NURSING HOME ADMINISTRATORS BOARD

Authority

N.J.S.A. 26:2H-1 et seq., specifically N.J.S.A. 26:2H-5b, 26:2H-27 and 26:2H-28.

Source and Effective Date

R.1993 d.545, effective November 1, 1993.
See: 25 N.J.R. 3727(a), 25 N.J.R. 4908(a).

Executive Order No. 66(1978) Expiration Date

Chapter 34, Licensing Nursing Home Administrators and the Nursing Home Administrators Board, expires on November 1, 1998.

Chapter Historical Note

Chapter 34, originally Licensing Nursing Home Administrators, was adopted pursuant to authority of N.J.S.A. 26:2H-1 et seq., and became effective November 30, 1972 as R.1972 d.241. See: 4 N.J.R. 237(a), 5 N.J.R. 8(b).

1977 Revisions: Amendments became effective May 17, 1977 as R.1977 d.172. See: 9 N.J.R. 15(c), 9 N.J.R. 268(b).

1978 Revisions: Amendments to section 1.27 became effective December 12, 1978 as R.1978 d.423. See: 10 N.J.R. 427(b), 11 N.J.R. 15(b).

1979 Revisions: Amendments became effective May 17, 1979 as R.1979 d.200. See: 11 N.J.R. 175(a), 11 N.J.R. 279(d).

1980 Revisions: Amendments to sections 1.29 and 1.30 became effective April 17, 1980 as R.1980 d.170. See: 12 N.J.R. 115(b), 12 N.J.R. 273(a).

1983 Revisions: This chapter was readopted pursuant to Executive Order 66(1978) effective November 18, 1983 as R.1983 d.565. See: 15 N.J.R. 1624(a), 15 N.J.R. 2042(a). Further amendments became effective December 5, 1983 as R.1983 d.565. See: 15 N.J.R. 1624(a), 15 N.J.R. 2042(a).

1986 Revisions: Amendments became effective April 7, 1986 as R.1986 d.88 and d.89. See: 18 N.J.R. 74(a), 18 N.J.R. 678(a); 18 N.J.R. 75(a), 18 N.J.R. 678(b).

1988 Revisions: This chapter was readopted pursuant to Executive Order 66(1978) effective November 15, 1988 as R.1988 d.567. See: 20 N.J.R. 2355(b), 20 N.J.R. 3136(b). Amendments were adopted as R.1992 d.345, effective September 8, 1992. See: 24 N.J.R. 2414(a), 24 N.J.R. 3161(a). Public Notices on examination fees. See: 24 N.J.R. 3179(a); 25 N.J.R. 4676(a).

Chapter 34 was repealed and new rules were adopted as R.1993 d.545. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

8:34-1.1 Source of Authority

These rules shall be known as the "Rules for Licensing Nursing Home Administrators" adopted by the New Jersey State Department of Health and promulgated pursuant to the authority of N.J.S.A. 26:2H-27 and 26:2H-28 and N.J.S.A. 30:11 et seq.

8:34-1.2 Scope of rules

(a) This chapter contains rules for licensing nursing home administrators in New Jersey and rules regulating the Nursing Home Administrators Licensing Board.

(b) The rules of the Department shall be supplemental to the laws providing for the licensing of nursing home administrators and shall have the force and effect of law.

(c) The rules of the Board are intended to be consistent with the applicable Federal and State law and shall be construed whenever necessary, to achieve such consistency.

8:34-1.3 Scope of individual practice

(a) This chapter shall apply to all individuals who seek to secure a New Jersey license as a nursing home administrator; all individuals who currently are licensed; and all individuals who are in inactive status.

(b) The scope of practice for a licensed nursing home administrator is defined as the provision of physical and emotional health services for persons who require various therapeutic and protective measures in a supervised environment.

(c) The licensed nursing home administrator performs functions including, but not limited to, ensuring quality resident care management, personnel management, financial management, environmental management, regulatory management, organizational management, marketing, and community and public relations.

8:34-1.4 Scope of administrator responsibility

(a) The licensed administrator shall be responsible for the administrative functions at the facility to assure that the facility is operated at all times in compliance with N.J.A.C. 8:39, Licensing Standards for Long Term Care Facilities.

(b) In a facility where a licensed administrator has both administrative and other functions, the facility shall maintain time schedules which delineate clearly the specific hours spent by the administrator in each function.

8:34-1.5 Purpose

The purpose of this chapter is to implement the provisions of P.L. 1968, c.356 and by so doing, provide for the requirement of the education, experience, continuing education, and disciplinary processes of individuals acting as administrators of long term care facilities, in order to ensure safe and adequate treatment of all individuals in long term care facilities, and for the operation of the Nursing Home Administrator Board.

8:34-1.6 General Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless expressly otherwise stated, or unless the context or subject matter clearly indicates otherwise.

"Assistant administrator" means an individual employed in a licensed nursing home who assists the nursing home administrator in performing the prescribed functions of that position, has administrative responsibility for all areas of the facility and direct line responsibility to the administrator, and who may be designated to serve as administrator in the absence of the administrator.

"Administrator-in-training" (AIT) means an individual who is participating in a Board approved training program to become a licensed nursing home administrator.

"Board" means the Nursing Home Administrator Licensing Board (NHALB) of the New Jersey State Department of Health.

"Commissioner" means the Commissioner of the New Jersey State Department of Health.

"Department" means the New Jersey State Department of Health.

"Full-time" means at least 35 hours of work per week.

"Institution of higher learning" means an institution accredited by the New Jersey Department of Higher Education or its out-of-State equivalent.

"License" means a certificate issued by the Department upon recommendation from the Nursing Home Administrator Board which indicates that the bearer has been licensed by that body as meeting the standards contained in this chapter.

"Nursing home" means a nursing facility licensed pursuant to the Health Care Facilities Planning Act, P.L. 1971, c.136 and 138, N.J.S.A. 26:2H-1 et seq., and amendments thereto, or an out-of-State nursing facility licensed pursuant to similar licensure regulations.

"Nursing home administrator" means an individual who holds a valid New Jersey nursing home license, whether or not such individual has an ownership interest in such home and whether or not such functions and duties are shared with one or more other individuals.

"Preceptor" means an individual who holds a valid nursing home administrator license and who has been approved by the Board in accordance with N.J.A.C. 8:34-4.3 to be responsible for the training of an AIT.

8:34-1.7 Severability

In the event that any provision of these rules is declared unconstitutional or invalid, or the application thereof to any person or circumstance is held invalid, the applicability of such provision to other persons and circumstances and the constitutionality or validity of every other provision of these rules shall not be affected thereby.

8:34-1.8 Waiver

(a) After due consideration, the Department, upon recommendation from the Board, may waive any provisions of this chapter for good cause, if such a waiver would not endanger the health, safety, or welfare of residents in a long term care facility.

(b) A facility seeking a waiver of the standards in this chapter shall apply in writing to the Executive Director of the Board.

(c) A written application for waiver shall include the following:

1. The nature of the waiver requested;
2. The specific standard for which a waiver is requested;
3. Reasons for requesting a waiver;
4. An alternative proposal which would ensure the health and safety of the residents; and
5. Documentation to support the waiver application.

SUBCHAPTER 2. NURSING HOME ADMINISTRATORS LICENSING BOARD

8:34-2.1 General powers

(a) A majority of the currently serving membership of the Board shall constitute a quorum for the transaction of business at any meeting.

(b) The Board, or its designee, shall be responsible for determining the minimum eligibility requirements to take the nursing home administrator licensing examination.

(c) The Board may recommend to the Commissioner the assessment of a civil penalty, in accordance with N.J.S.A. 30:11-4(a), against a nursing home administrator for violation of, or failure to comply with, any order or rule issued or adopted by the Board, or any provision of this chapter.

(d) The Department shall maintain a registry of all licensed long term care administrators and a file of applicants for licensure.

SUBCHAPTER 3. LICENSE REQUIREMENTS

8:34-3.1 Requirements for license

(a) An applicant for a license as a nursing home administrator shall:

1. Be at least 18 years of age;
2. Be a citizen of the United States or have declared the intent to become same;
3. Have, at a minimum, a baccalaureate degree from an institution of higher learning;
4. Have served as an assistant administrator or AIT in a licensed nursing home or a facility with licensed long term care beds for at least 1,750 hours at a rate of no more than 50 hours per week. This requirement may be completed on a part time basis. In no instance shall said administrative experience have been more than two years prior to the submission of the application for examination (see also N.J.A.C. 8:34-4.4);
5. Have successfully completed 100 seminar or course hours in areas relevant to long term care administration as determined by the Board;
6. Be of good moral character as required in N.J.S.A. 30:11-13; and
7. Have passed an examination approved by the Board for the licensing of nursing home administrators.

(b) A baccalaureate degree shall not be required for an individual to serve as an AIT or assistant administrator.

(c) A new applicant for licensure shall undergo a background check by the New Jersey State Police at the applicant's expense.

(d) Pursuant to N.J.S.A. 30:11-1.1, no license shall be issued to any person who has ever been convicted of a crime involving moral turpitude or to any person who has been found guilty of violating the provisions of this chapter by a court of competent jurisdiction.

8:34-3.2 Application procedure

(a) An applicant for a license as a nursing home administrator shall submit the following to the Board:

1. A completed application form;
2. Declaration of intent to become a citizen, if applicable;
3. A non-refundable licensure application fee as set forth in N.J.A.C. 8:34-9.1(a)1;
4. An official transcript from a college or university accredited by the State Department of Higher Education;
5. Three references attesting to the applicant's administrative ability or character from professionals who are not related to applicant, nor who have been, or currently

are, a client in a business relationship of the applicant. The current preceptor of the applicant may submit a reference on behalf of the applicant, but that reference shall be in addition to the required three references;

6. Documentation of administrative experience identified at N.J.A.C. 8:34-4.1(a);

7. Documentation of successful completion of 100 course hours identified at N.J.A.C. 8:34-3.1(a)5;

8. National examination scores from previous licensing examinations for administrators applying for license by equivalency, as identified at N.J.A.C. 8:34-3.1(a)7, if applicable;

9. Documentation of involvement on the part of the applicant in disciplinary proceedings with a licensure board or governmental agency in any jurisdiction the applicant is, or has been, licensed as an administrator, and where, as a result of that proceeding, a sanction of at least the level of a written warning was imposed on the administrator, if applicable;

10. Documentation of any conviction of a felony violation of state or Federal law; and

11. A notarized statement on the application by the applicant indicating that the statements and documents are true and correct.

(b) Effective January 1, 1994, an application submitted to the Department shall remain active for a period of two years, by the end of which applicant shall meet all requirements to be deemed eligible to take the licensing examination.

(c) An applicant may request an extension of the two year period. Documentation of progress towards meeting the license requirements shall be submitted by the applicant prior to the expiration of the initial two year period. An extension may be granted by the Board or its designee under conditions to be determined by the Board.

(d) At the expiration of the two year period, an application for licensure will be deemed inactive and an applicant may, at the discretion of the Board, be required to resubmit an application.

SUBCHAPTER 4. ADMINISTRATIVE EXPERIENCE REQUIREMENT

8:34-4.1 Administrative experience requirement

(a) An applicant for licensure shall comply with the requirement of N.J.A.C. 8:34-3.1(a)4 through participation or employment in one of the following:

1. An administrator-in-training program that meets the requirements identified at N.J.A.C. 8:34-4.2(a) and is approved by the Board; or

2. An assistant administrator position, with the following conditions:

i. The applicant shall have the equivalent of one year full-time or two years part-time administrative experience, as an assistant administrator, totaling 1,750 hours in a nursing home, or licensed facility with long term care beds, within the five year period immediately prior to submission of an application; and

ii. The Board approves the job description for the specific position; in accordance with the requirements of this chapter; and

iii. The administrator submits documentation to the Board verifying the performance record of the assistant administrator until 1,750 hours of experience is completed.

8:34-4.2 Administrator-in-training (AIT) program

(a) An AIT program shall be approved by the Board prior to the individual beginning. The program shall be:

1. Conducted in a nursing home or facility with licensed long term care beds licensed in accordance with N.J.A.C. 8:39. The facility shall be in compliance with the track record requirements of N.J.A.C. 8:33-4.10(e)2; and

2. Under the preceptorship of a nursing home administrator who has been approved by the Board in accordance with N.J.A.C. 8:34-4.3; and

3. For a period of 1,750 hours, or as required by the Board after evaluation of the applicant's education and experience based upon the requirements contained in this chapter; and

4. With a minimum of 875 hours, or half of the hours required by the Board, served while a licensed administrator is on the premises of the nursing home.

(b) An AIT program approved by the Board shall provide at least 70 hours of administrative experience in each of the following service areas:

1. Administration,
2. Business office,
3. Nursing,
4. Resident activities,
5. Social service,
6. Medical records,
7. Dietary,
8. Maintenance, and

9. Environmental, including housekeeping/laundry.

(c) The hours of administrative experience to be provided in addition to (b) above shall be submitted to the Board for approval in the form of a program plan and shall be completed in areas of the AIT's need, after consideration by the Board of the AIT's previous work experience, training and education.

(d) The Board may waive, in accordance with N.J.A.C. 8:34-1.8, and after review of an individual's application, some or all of the hours required to meet the administrative experience requirement set forth at N.J.A.C. 8:34-4.2(a). This may include a waiver of any of the hours set forth at N.J.A.C. 8:34-4.2(b)1-9.

(e) If the AIT is working in a nursing home in another capacity, the preceptor shall conspicuously post the schedule stating when the AIT is performing as an AIT and when the AIT is working in another capacity.

(f) If the AIT is a department head, a notice shall be conspicuously posted in the nursing home stating who the acting department head will be while the AIT is performing administrative duties. A copy of this notice shall be forwarded to the Executive Director of the Board.

(g) An AIT program of 1,750 hours shall be completed within two years, or if 875 hours or less is required by the Board, within one year.

8:34-4.3 Preceptor for administrator-in-training

(a) A preceptor shall be responsible for supervising an AIT and for scheduling hours and activities for an AIT.

(b) A preceptor shall have held a valid license as a nursing home administrator for at least five years and shall have practiced as a licensed nursing home administrator in a long term care facility for at least three years immediately preceding serving as a preceptor.

(c) A preceptor shall be employed full time in the nursing home where the training program occurs.

(d) The preceptor shall notify the Board, in writing, if an AIT leaves the program, there is a change of preceptor, or there is a change in an approved training plan.

(e) Any change in an approved training program shall be submitted to the Board in writing for reapproval.

(f) The Board may refuse to approve a preceptor for training AITs if:

1. There is good cause to believe that the preceptor has failed to provide proper training and supervision for AITs previously under preceptor's responsibility in an AIT program; or

2. The preceptor has been subject to a disciplinary action by the Board within 12 months immediately preceding the start of the AIT program.

(g) A licensed nursing home administrator shall not function as a preceptor for more than two AITs at any one time.

8:34-4.4 Equivalency of internship requirement

(a) The service requirement identified at N.J.A.C. 8:34-3.1(a)4 shall be deemed to have been met if the applicant:

1. Has been awarded a Master's degree in Health Care Administration or Public Health Administration, or their equivalent, by an accredited institution of higher learning; and

2. Has completed an internship program approved by the institution awarding the Master's degree, of not less than 450 hours, or as determined by the Board to be substantially equivalent, in a nursing home or a facility that provides licensed long-term care services and has completed said internship within five years immediately preceding application to the Board for licensure.

(b) An applicant who possesses a Master's degree, as identified in (a) above, and who has not completed an approved program through the Master's program, shall be required to complete not less than 875 hours, or six months full-time experience in a nursing home or licensed facility that provides long term care services as an AIT or assistant administrator.

8:34-4.5 Written plan and reports

(a) An AIT program approval form shall be completed and submitted to the Board or its designee for approval prior to an individual beginning the program.

(b) The preceptor shall maintain progress reports for an AIT on forms prescribed by the Board for each quarter of the required hours of the training program.

(c) The quarterly report shall be submitted to the Executive Director of the Board and shall include the following:

1. Subjects covered and hours spent in each department;
2. Comments on the monthly internship logs as to accuracy and completeness;
3. Progress of the AIT; and
4. Identification of problems, if any.

(d) The AIT shall maintain monthly logs of work activities which shall be submitted quarterly to the Executive Director of the Board.

(e) The AIT shall co-sign and submit the quarterly progress reports to the Executive Director of the Board.

(f) Each quarterly report shall be submitted to the Board within 15 working days of the end of the quarter evaluated.

(g) The verification of program completion forms shall be completed, signed by the preceptor for the AIT or assistant administrator, and submitted to the Board within 15 working days of the completion of the program.

(h) If a preceptor fails to submit the report(s) required in a timely manner as indicated in N.J.A.C. 8:34-4.5(f) and 8:34-4.5(g) above, the AIT may be required to forfeit all credit for the training accumulated on the report(s) for that period.

SUBCHAPTER 5. EXAMINATION

8:34-5.1 Examination requirements

(a) The examination shall be the licensing examination approved by the Board.

(b) An applicant for licensure as an AIT or assistant administrator shall complete all the application requirements identified at N.J.A.C. 8:34-3.2 before being permitted to take the written examination.

8:34-5.2 Scheduling of examinations

Examinations shall be held at the discretion of the Board in accordance with the prevailing practice of the National Association of Boards, 808 17th Street, Suite 200, Washington, D.C. 20006.

8:34-5.3 Examination fee

An applicant shall be required to submit an examination fee at the time of the examination. The examination fee shall be determined by the Board, as set forth in N.J.A.C. 8:34-9.1(a)5.

8:34-5.4 Subjects for examination

The subject matter for examination shall include, but not be limited to, the areas of: Resident Care Management; Personnel Management, Financial Management; Environmental Management; Regulatory Management; and Organizational Management.

8:34-5.5 Exclusion of examination subjects

Nothing contained in this rule shall preclude the Board from administering an examination which excludes subjects for examination which are in derogation of, or in conflict with, the teachings and practices of any recognized faith; provided however, that any applicant seeking entrance to such an examination shall submit evidence satisfactory to the Board that he or she is, in fact, an adherent of such recognized religious faith.

8:34-5.6 Grading of examinations

The Board shall establish the passing grade for each license examination administration. Each candidate for a nursing home administrator license shall be required to pass the examination, by meeting or exceeding the grade established by the Board for that particular examination.

8:34-5.7 Records of examination

Following the close of every examination, a record stating in detail the result of the examination for each candidate shall be maintained by the Department permanently.

8:34-5.8 Re-examination

(a) An applicant who fails the licensing examination, will be permitted to take a re-examination, in accordance with (b) through (f), below.

(b) Following a first examination failure, an applicant shall be permitted to sit for re-examination, upon approval by the Board, based upon the application requirements contained in this chapter.

(c) Following a second examination failure, or any subsequent examination failures, an applicant shall take 50 hours of remediation approved by the Board or its designee, before the applicant is permitted to take a re-examination.

(d) If an applicant fails to pass the second licensing examination, or any subsequent licensing examination, the applicant shall be required to submit to the Board, at least 30 days prior to the next examination the applicant will take, documentation of having completed 50 hours of remediation in the areas specific to the individual's deficits, or as approved by the Board.

(e) Written documentation of successful completion of the remediation provided for at N.J.A.C. 8:34-5.8(c) shall be submitted to the Executive Director of the Nursing Home Administrators Licensing Board, New Jersey State Department of Health, CN 367, Trenton, New Jersey 08625-0367, at least 30 days prior to the examination.

(f) If an applicant fails to pass the third licensing examination, or any subsequent licensing examination, in addition to completing 50 hours of remediation as set forth at N.J.A.C. 8:34-5.8(c), the candidate shall be required to complete 450 hours of administrative experience as an AIT or assistant administrator in a nursing home or a facility with licensed long term care beds, prior to taking the next examination, and submit documentation of completion of this requirement to the Executive Director of the Board, at least 30 days prior to the examination.

8:34-5.9 Conditional admission to examination

(a) At the Board meeting preceding the administration of an examination, the Board may agree to allow an applicant to sit for examination if the applicant, by the date of the examination, will have met all the prerequisites to sit for examination.

(b) An applicant allowed to sit for examination in accordance with (a) above shall submit written evidence of completion of the qualification requirements to the Board, or its designee, at least five working days before the date of examination. The applicant shall not be permitted entrance to the examination if he or she has not submitted evidence of completion of requirements.

8:34-5.10 Ineligibility

(a) An applicant who has been disqualified from admission to an examination shall be given written notification by the Board of his or her disqualification and the reasons therefor.

(b) An applicant who has been disqualified may petition the Board in writing, within 30 days of notification of disqualification, for a hearing and a review of the application as set forth in N.J.A.C. 8:34-8.3 and 8.4.

(c) When an applicant for examination has been disqualified, the applicant shall submit a new application to qualify for examination. The applicant shall meet the requirements for examination and licensing in force at the time of such reapplication.

3. The licensee shall submit written documentation of the completion of 40 hours of continuing education approved by the Board in accordance with N.J.A.C. 8:34-7.2(a).

(c) At the discretion of the Board or its designee, a license may be renewed up to 60 days after the date of its expiration upon payment of a late fee, as set forth at N.J.A.C. 8:34-9.1(a)4, in addition to the renewal fee.

(d) An applicant for licensure renewal, who had a license issued by the Board for less than two years, shall be required to complete at least the following number of continuing education hours:

- 1. Licensed for 19 to 24 months 40 hours;
- 2. Licensed for 12 to 18 months 30 hours;
- 3. Licensed for 6 to 11 months 20 hours;
- 4. Licensed for less than 6 months 0 hours.

8:34-6.3 Use of the title, "Licensed Nursing Home Administrator"

(a) An individual who holds a valid license pursuant to the provisions of these rules shall have the right and privilege of using the title "Licensed Nursing Home Administrator" and have the right and privilege of using the abbreviation "L.N.H.A." after his or her name.

(b) Use or designation by title or abbreviation, or any other words, letters, sign, card or device intending to indicate that a person is a licensed nursing home administrator, by any person not so licensed, shall be prohibited.

8:34-6.4 Display of license

An individual licensed as a nursing home administrator shall display such license in a conspicuous place in the nursing home where the individual is employed.

8:34-6.5 Duplicate license

Upon receipt by the Board of a notarized statement from the licensed nursing home administrator that a license has been lost, mutilated, stolen, or destroyed, the Department may issue a replacement license upon payment of the appropriate fee as required at N.J.A.C. 8:34-9.1(a) and under such conditions as the Board may prescribe.

8:34-6.6 Change of name

If a licensed nursing home administrator changes his or her name, the name change shall be recorded in the register for licensed administrators. The licensed administrator shall submit documentation to the Department of the change of name and a certified copy of the court order or marriage certificate. When a duplicate license is issued, the original license shall be returned to the Department.

SUBCHAPTER 6. LICENSURE

8:34-6.1 Granting of license

(a) The Board shall authorize the issuance of a nursing home administrator license to an individual who has complied with the provisions of this chapter.

(b) An individual who fails to comply with the provisions of this chapter shall not be issued a license.

(c) A license shall be issued for a period of no more than two years.

(d) A license shall not be transferable or assignable.

8:34-6.2 Renewal of license

(a) All licenses issued under this chapter shall expire on the date established by the Board and shall become invalid if not renewed.

(b) The Department shall issue a renewal license to a licensed administrator every two years upon review by the Department of the following:

- 1. The licensee shall submit a completed licensure renewal application; and
- 2. The licensee shall submit the required license renewal fee as determined by the Board in accordance with N.J.A.C. 8:34-9.1(a); and

8:34-6.7 Change of address and employment

(a) A licensed administrator shall notify the Board in writing within ten working days of any change in his or her home address.

(b) A licensed administrator shall notify the Board in writing within ten working days of any change in his or her place of employment.

8:34-6.8 License by equivalency

(a) An individual licensed in good standing as a LNHA in another jurisdiction may request approval of the Board for issuance of a New Jersey license by equivalency. The Board may approve the application only where it finds that the educational, training, and administrative experience requirement, and passing scores in the licensing examination, are equal to those required in the State of New Jersey at the time the applicant received his or her license in the other jurisdiction.

(b) An individual who fails to comply with the requirements for licensure of this chapter may be issued a license if the individual has been employed as a long term care administrator, in an out-of-State licensed long term care facility for at least one year, full time, within no more than the two years prior to submission of an application for license by equivalency.

(c) An individual applying for licensure by equivalency, shall submit to the Board:

1. A completed nursing home administrator application form; and
2. An application fee as set forth in N.J.A.C. 8:34-9.1(a)1; and
3. Verification of out-of-State licensure form(s) completed by the State Board in all states in which the individual may have at any time held a license to practice as a nursing home administrator, providing evidence satisfactory to the Board of the individual's good standing as a nursing home administrator in the jurisdiction which issued the license; and
4. Three written references attesting to the administrative ability and character of the individual; and
5. A background check by the New Jersey State Police.

8:34-6.9 Inactive status

(a) If a licensed administrator fails to fulfill the license renewal requirements at the prescribed time, in accordance with N.J.A.C. 8:34-6.2, the license shall be considered inactive.

(b) An individual may apply for license without re-examination within two years of the license renewal date and upon submitting a request for restoration of said license, in writing, to the Board.

(c) An individual requesting restoration of his or her license from inactive status within two years of inactivity, shall be required to pay the current license renewal fee in accordance with N.J.A.C. 8:34-9.1(a)3 and comply with the education requirements identified at N.J.A.C. 8:34-6.9(d) below.

(d) The applicant shall be required to complete 40 hours of continuing education credit for each year in which the license was inactive in addition to the required 40 hours of continuing education for biennial licensing period.

(e) An administrator whose license is in an inactive status and who subsequently fails to meet the requirements identified at N.J.A.C. 8:34-6.9(b), (c), and (d), shall be required to apply in writing for restoration of licensure under the requirements as determined by the Board on an individual basis and as provided for in these rules.

SUBCHAPTER 7. CONTINUING EDUCATION**8:34-7.1 Purpose and scope**

The requirements set forth under this subchapter shall apply to all Board licensees eligible to practice long term care administration within the State of New Jersey except where the rules provide for exemption or waiver.

8:34-7.2 Licensure renewal continuing education credit requirement

(a) By the completion of each biennial licensing period, each administrator shall, as a condition of licensure renewal identified at N.J.A.C. 8:34-6.2 successfully complete 40 hours of approved continuing education in health or health-related courses, seminars, or programs relevant to long term care administration as determined by the Board.

(b) Attendance at meetings of, and/or service for, professional trade associations and associations of licensed administrators approved by the Board, may yield up to ten hours of continuing education credits every two years.

(c) Each licensee shall be permitted to carry over up to ten excess credit hours from one licensing period to the next.

8:34-7.3 Waiver of continuing education credits

(a) The Board or its designee may, for good cause to be determined by the Board or its designee, in accordance with N.J.A.C. 8:34-1.8, waive all or part of the continuing education requirement for the licensing period. All such requests to the Board by the licensee shall be in writing and accompanied by written documentation supporting the reasons for the request.

(b) Waivers shall be granted for one licensure period at a time. If the situation for which the waiver was granted continues, the licensee shall reapply in writing to the Board for a renewal of the waiver.

8:34-7.4 Extension of time

(a) The Board or its designee may, for good cause to be determined by the Board, grant an extension of time the licensee shall have to complete the continuing education requirement for the two year licensure period. All such requests to the Board by the licensee shall be in writing and accompanied by written documentation supporting the reasons for the request.

(b) Extension letters with a date of expiration shall be issued by the Board and shall serve as verification that the individual remains licensed during this period of time. Upon completion of the required continuing education hours within the prescribed period of time, a license shall be issued.

8:34-7.5 Continuing education criteria

(a) Criteria for continuing education courses shall include:

1. Professional competency and ethics, as well as legal aspects relating to the practice of long term care administration; and
2. Material designed to acquaint administrators with the utilization and application of new techniques relating to long-term care administration.

(b) The Board shall develop and promulgate standards for determining which, if any, out-of-State courses, seminars, or programs qualify for the credit hour requirement for licensure identified at N.J.A.C. 8:34-7.2(a).

(c) The Board shall review and monitor all approved courses, seminars or programs. Upon evidence that the courses, seminars or programs fail to meet the criteria in this chapter, the sponsoring institution or agency shall lose its approved status and shall be required to reapply for future continuing educational approval.

8:34-7.6 Program approval

(a) Any course of study offered by an educational institution, association, professional society, person or organization for the purpose of qualifying applicants for licensing in this State as nursing home administrators and/or for license renewal shall require the approval of the Board.

(b) Any person or organization desiring approval as a sponsor of a health or health-related course, seminar, or program shall apply to the Board through written application. Such written application shall be received by the Board at least 30 days prior to the date of the Board meeting at which approval is requested and shall include at least the following:

1. Dates that the course, seminar or program is to be offered;
2. The objectives and content of the course, seminar or program;
3. The total hours of instruction and credit; and
4. The names and resumes of instructors.

(c) All sponsors shall secure Board approval prior to representing that the course, seminar or program fulfills the requirements of this subchapter.

(d) Board approval of a course, seminar or program shall be considered valid for one year from date of approval, provided that the items identified at N.J.A.C. 8:34-7.6(b)2-4 remain unchanged during the one-year time period.

(e) Notice of the date, time and place the course is to be offered shall be provided to the Board if the course is offered additional times during the one year approval period.

8:34-7.7 Record of continuing education credits

(a) An applicant for licensure or licensure renewal shall be required to maintain appropriate documentation of course, seminar or program attendance.

(b) An applicant for license renewal shall submit to the Board verification of continuing education hours accumulated by the licensee. Verification material shall be appropriate evidence of the successful completion of an approved course, seminar or program, in the form of a certificate or similar official record of attendance signed by the approved sponsor.

(c) An applicant for license renewal shall complete the appropriate licensure renewal forms by listing under continuing education information all the approved courses, seminars or programs which the applicant completed, as well as the number of credits earned, for the renewal period in question.

SUBCHAPTER 8. SUSPENSION, REVOCATION AND HEARINGS

8:34-8.1 Suspension and revocation

A nursing home administrator whose license is either suspended or revoked, pursuant to N.J.S.A. 25:2H-27 and 26:2H-28 (Chapter 356, P.L. 1968), shall not be appointed or retained in the facility in any administrative, managerial, supervisory, or similar position.

Case Notes

Finding of misconduct by nursing home administrator reversed; misconduct defined; all aspects of position behavior must be weighed in aggregate misconduct determination; "other reasons" standard for disciplinary action in regulation too vague and uncertain for enforcement. State, Dept. of Health v. Tegnazian, 205 N.J.Super. 160, 500 A.2d 398 (App.Div.1985).

8:34-8.2 Denial, license suspension, or license sanctions

(a) The Board may refuse to issue a license, recommend to the Commissioner the revocation or suspension of a license, or may reprimand or otherwise discipline an individual, in accordance with N.J.A.C. 8:34-8.2(d), upon receiving substantial evidence that said individual for license or registration, or such nursing home administrator:

1. Has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules of the Department pertaining thereto;

2. Has willfully or repeatedly violated any of the provisions of N.J.S.A. 26:2H-1 et seq. or the rules of any licensing or supervising authority or agency of the State or political subdivision thereof having jurisdiction over the operation and licensing of nursing homes;

3. Has been convicted of a crime involving moral turpitude or of violating the provisions of N.J.S.A. 30:11-11 or these rules by a court of competent jurisdiction or has admitted such guilt;

4. Has practiced fraud, deceit, or misrepresentation in securing or procuring a nursing home administrator license;

5. Is incompetent to engage in the practice of nursing home administration or to act as a nursing home administrator;

6. Has practiced fraud, deceit, or misrepresentation in his/her capacity as a nursing home administrator;

7. Has committed acts of misconduct in the operation of a nursing home under his/her jurisdiction;

8. Is addicted or dependent upon the use of any drug recognized as resulting in abnormal behavior;

9. Has practiced without a nursing home administrator license;

10. Has wrongfully transferred or surrendered possession either temporarily or permanently of his/her license to any person;

11. Has paid, given, caused to be paid or given or offered to pay or give to any person a commission or other valuable consideration for the solicitation or procurement either directly or indirectly of nursing home patronage;

12. Has been guilty of fraudulent, misleading, or deceptive advertising;

13. Has impersonated another licensee of a like or different name;

14. Has failed to act to promote the safety, health and life of a patient(s);

15. Has willfully permitted unauthorized disclosure of information relating to a patient or his or her records;

16. Has discriminated in respect to residents, employees or staff on account of race, religion, color, sex or national origin;

17. Has committed an act of professional negligence or omission of professional responsibility that is repeated, willful or knowingly committed, or has committed gross negligence, in the opinion of the Board; or

18. For such other reasons as the (State) Board might deem reasonable and appropriate to protect the health, safety and welfare of the residents of any nursing home.

(b) The Board shall refuse to issue a license, recommend the revocation or suspension of a license, or reprimand an individual only after the individual has been afforded due notice and the opportunity to be heard in accordance with N.J.S.A. 30:11-17.

(c) Pursuant to N.J.S.A. 30:11-21, the Board shall have the right of inquiry into the operations of a facility and review of statement of deficiencies and penalties issued by the Department in accordance with this chapter and pursuant to N.J.S.A. 30:11-21.

(d) Pursuant to N.J.S.A. 30:11-21(e) the Board shall have the power to:

1. Request an administrator to appear before the Board;

2. Place a letter of reprimand in the Department file of an administrator;

3. Place a letter of censure or warning in the Department file of an administrator;

4. Require an administrator to complete continuing education credits in specified areas in addition to the CEUs required for licensure renewal;

5. Require an administrator to obtain counseling and assistance;

6. Recommend the issuance of a civil penalty; and/or

7. Recommend to the Commissioner, the denial, suspension or revocation of an administrator's license to the Commissioner.

8:34-8.3 Hearings

(a) Any person, public officer, association, or the Department, may prefer charges against a licensee for due cause. Such charge shall be in writing and shall be submitted to the Board.

(b) The Board shall review the charges and retain the authority to dismiss said charges and take no action thereon, by formal hearing or otherwise, in which case the complaint and supporting documentation shall be filed with the Department.

(c) The Board may elect to issue a recommendation of revocation, suspension, or denial of a license, in which case the Board shall forward notice of its recommendation, together with a specification of charges, to the applicant or licensee by registered mail.

(d) Revocation, suspension, reprimand, or denial shall become effective 30 days after mailing of notice unless the applicant or licensee, within said 30 day period, shall give written notice to the Department of a desire for a hearing.

(e) If a hearing is requested by the applicant or licensee, the revocation, suspension, reprimand, or denial action shall be held in abeyance until final adjudication of the complaint.

(f) An order of suspension, denial, or revocation may contain such provisions regarding reinstatement of the license as the Board shall recommend. In the absence of any such provisions regarding reinstatement in an order of revocation, the revocation shall be deemed to be permanent.

8:34-8.4 Conduct of hearings

(a) The applicant or licensee shall be afforded an opportunity for a prompt and fair hearing before a final decision is made on the matter of revocation, suspension, reprimand or denial of any license. The procedure governing such hearing shall be in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) The Commissioner shall render a written decision stating conclusions and reasons therefor upon each matter heard, and shall be empowered to enter orders of revocation, suspension or denial consistent with the circumstances in each case.

Case Notes

Detailed findings of fact necessary for proper determination in proceeding to revoke license of nursing home administrator; remand for proper findings. *State, Dept. of Health v. Tegnazian*, 194 N.J.Super. 435, 477 A.2d 363 (App.Div.1984).

8:34-8.5 Restoration and reinstatement of licenses

(a) Upon written application for restoration of a license, the Board in its discretion may grant the applicant a hearing upon notice.

(b) If conviction of a crime which resulted in the revocation or suspension of a license is subsequently reversed on appeal and the accused acquitted or discharged, the license shall be restored, upon written request by the licensee to the Board.

SUBCHAPTER 9. FEES

8:34-9.1 Fees and charges

(a) The following fees shall be paid by the applicant:

- 1. Application fee \$100.00
- 2. Original license fee
 - i. During the first year of a biennial renewal period 150.00
 - ii. During the second year of a biennial renewal period 75.00
- 3. Biennial license renewal fee 150.00
- 4. Late renewal fee in addition to renewal fee 25.00
- 5. Duplicate license fee 10.00
- 6. Duplicate certificate fee 10.00
- 7. License restoration fee 175.00
- 8. Annual fee for submission of a continuing education program application to be approved by the Board 25.00
 - i. State agencies shall be exempt from the payment of this fee.

(b) Prior to taking the licensure examination, each applicant shall be required to submit an examination fee in the amount specified by the professional examination service utilized by the Department for the administration of the examination and approved by the Department and the Nursing Home Administrator's Board in accordance with N.J.S.A. 30:11-13. The Department shall provide timely notice of the examination fee in the Public Notices section of the New Jersey Register.

(c) All fees collected under the provisions of this subchapter are non-refundable.

Public Notice: Examination fee \$135, effective April 13, 1995 examination.

See: 27 N.J.R. 590(a).

Public Notice: Examination fee \$125, effective October 12, 1995 examination.

See: 27 N.J.R. 3636(a).