

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

13. Has impersonated another licensee of a like or different name or has solicited or attempted to solicit an individual to impersonate him or herself;

14. Has failed to act to promote the safety, health and life of a resident;

15. Has willfully permitted unauthorized disclosure of information relating to a resident 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, or other protected status under applicable New Jersey or Federal law;

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 Board might deem reasonable and appropriate to protect the health, safety, and welfare of the residents of any nursing home.

(b) Measures the Board may take to address violations of this chapter include, but are not limited to:

1. Placing a letter of reprimand, censure and/or warning in the Board file of an administrator;

2. Requiring an administrator to complete continuing education credits in specified areas in addition to the continuing education hours required for licensure renewal;

3. Requiring an administrator to obtain counseling and assistance;

4. Issuing a civil money penalty; and/or

5. Recommending to the Commissioner, the denial, suspension, summary suspension or revocation of an administrator's license.

8:34-8.3 Due process

(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:

1. Denial of a license;
2. Suspension of a license;
3. Summary suspension of a license;
4. Revocation of a license; or
5. The issuance of a civil money penalty in excess of \$250.00.

(b) The procedure governing a hearing pursuant to (a) above shall be in accordance with the Administrative Pro-

cedure Act, N.J.S.A. 52:14B-1 et seq., 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(c) Any person, public officer, association or the Department, may refer charges against a licensee for due cause.

1. A charge shall be in writing and shall be submitted to the Board.

2. The Board shall review a charge made pursuant to (c) above and shall retain the authority to dismiss the 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.

(d) Upon conclusion of a hearing pursuant to (a) above and/or upon review of a charge made pursuant to (c) above, the Board may elect to issue a recommendation to the Commissioner of denial, suspension, summary suspension or revocation 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.

(e) Denial, suspension, summary suspension or revocation shall become effective 30 days after mailing of notice unless the applicant or licensee, within the 30-day period, makes a written request to the Department for a hearing.

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

(g) An order of denial, suspension, summary suspension or revocation may contain conditions for the reinstatement of a license including, but not limited to, a designated period of time for a suspension, as the Board may recommend.

1. In the absence of any provision for reinstatement in an order of revocation, a revocation shall be permanent.

SUBCHAPTER 9. FEES

8:34-9.1 Fees and charges

(a) The following fees shall be paid by applicants and licensees, as applicable:

1. Application fee\$100.00
2. Original license fee
 - i. During the first year of a triennial renewal period..... \$300.00
 - ii. During the second year of a triennial renewal period \$200.00
 - iii. During the third year of a triennial renewal period..... \$100.00
3. Triennial license renewal fee.....\$300.00

- 4. Late renewal fee in addition to renewal fee
 - i. One through 15 days late.....\$ 25.00
 - ii. Sixteen through 30 days late.....\$ 50.00
 - iii. Thirty one through 90 days late.....\$100.00
 - iv. Ninety one days late or more.....\$200.00
- 5. Duplicate license fee.....\$ 25.00
- 6. Duplicate certificate fee.....\$ 25.00
- 7. License restoration fee
 - i. For a license inactive for one through three years, in addition to the triennial license fee.....\$200.00
 - ii. For a license inactive over three years, in addition to the triennial license fee..... \$200.00 plus \$100.00 for each year over three
- 8. Late notification fee for failure to report changes, such as an administrator's name, home address, place of employment as the administrator of record in New Jersey or failure to provide information as required by regulation
 - i. One through 15 days late.....\$50.00
 - ii. Sixteen through 30 days late.....\$100.00
 - iii. Thirty one days late or more..... \$100.00 plus \$5.00 per day

(b) Prior to taking the licensure examination, each applicant shall submit an examination fee in the amount specified by the professional examination service used by the Department for the administration of the examination and approved by the Department with the advice of the 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.

Notice Fee Change.
 See: 32 N.J.R. 1084(a).
 Notice Fee Change.
 See: 33 N.J.R. 4394(a).
 Public Notice: Notice Fee Change.
 See: 36 N.J.R. 1131(b).
 Amended by R.2005 d.15, effective January 3, 2005.
 See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Rewrote the section.
 Public Notice: Examination Fees for Licensing Nursing Home Administrators
 See: 38 N.J.R. 1091(a).
 Amended by R.2011 d.099, effective April 4, 2011.
 See: 42 N.J.R. 877(a), 43 N.J.R. 836(a).

In the introductory paragraph of (a), substituted "applicants and licenses as applicable" for "the applicant"; in (a)5 and (a)6, substituted "\$25.00" for "\$15.00; deleted former (a)8; recodified former (a)9 as (a)8; in the introductory paragraph of (a)8, inserted a comma following "changes" and deleted a comma following "New Jersey"; in (a)8i, substituted "\$50.00" for "\$10.00"; in (a)8ii and (a)8iii, substituted "\$100.00" for "\$40.00"; in (a)8iii, substituted "\$5.00" for "\$2.00"; and in (b), substituted "used" for "utilized".