

CHAPTER 34

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

Authority

N.J.S.A. 26:2H-1 et seq., particularly 26:2H-5b, and 30:11-11 et seq., particularly 30:11-13 and 21.

Source and Effective Date

R.2005 d.15, effective December 4, 2004.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Chapter Expiration Date

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from December 4, 2009 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. See: 42 N.J.R. 877(a).

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34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Board, was repealed and adopted as new rules by R.1993 d.545, effective November 1, 1993. See: 25 N.J.R. 3727(a), 25 N.J.R. 4908(a). Pursuant to Executive Order No. 66(1978), Chapter 34 expired on November 1, 1998.

Chapter 34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Board, was adopted as new rules by R.1999 d.185, effective June 7, 1999. See: 30 N.J.R. 4027(a), 31 N.J.R. 1508(b).

Chapter 34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Board, was re-adopted as R.2005 d.15, effective December 4, 2004. As a part of R.2005 d.15, Chapter 34 was renamed Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Licensing Board, effective January 3, 2005. See: Source and Effective Date. See, also, section annotations.

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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 and Rules Regulating the Nursing Home Administrators Licensing Board" adopted by the New Jersey State Department of Health and Senior Services and promulgated pursuant to the authority of N.J.S.A. 26:2H-27 and 26:2H-28 and N.J.S.A. 30:11-1 et seq.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Inserted "and Rules Regulating the Nursing Home Administrators Licensing Board" following "Rules for Licensing Nursing Home Administrators".

8:34-1.2 Scope of rules

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

(b) 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.

(c) 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.

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

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (a), inserted "operation of the" preceding "Nursing Home Administrators Licensing Board"; added a new (b); recodified former (b) and (c) as (c) and (d).

8:34-1.3 Scope of individual practice

(a) The scope of practice for a licensed nursing home administrator is defined as overseeing the provision of physical and emotional health services for persons who require various

therapeutic and protective measures in a supervised environment.

(b) 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.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Deleted former (a); recodified former (b) as (a) and inserted "overseeing" following "nursing home administrator is defined as"; recodified former (c) as (b).

8:34-1.4 Scope of administrator responsibility

(a) The licensed administrator shall be responsible for the administrative functions at the nursing home to assure that the nursing home is operated at all times in compliance with N.J.A.C. 8:39, Licensing Standards for Long Term Care Facilities, and all other applicable State and Federal rules, regulations and laws.

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

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (a), inserted "State and Federal" following "applicable".

8:34-1.5 Purpose

The purpose of this chapter is to implement the provisions of P.L. 1968, c.356 and to set forth education, experience, and continuing education requirements as well as disciplinary processes applicable to individuals acting as administrators of nursing homes, in order to assure safe and adequate treatment of all individuals in nursing homes.

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.

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:

"Address of record" means the home and work address designated by a licensee, in writing.

"Administrator" means an individual licensed as a nursing home administrator whether or not they are an administrator of record.

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

“Administrator of record” means the licensed administrator responsible for all aspects of the operation of a nursing home or a health care facility with beds licensed pursuant to N.J.A.C. 8:39.

“Assistant administrator” means an individual employed in a licensed nursing home who assists the licensed administrator of record in performing the designated functions of that position, and has direct line responsibility to the administrator of record.

“Board” or “NHALB” means the Nursing Home Administrators Licensing Board, created pursuant to N.J.S.A. 30:11-11 et seq., and its designated staff, of the New Jersey State Department of Health and Senior Services.

“Commissioner” means the Commissioner of the New Jersey State Department of Health and Senior Services.

“Department” means the New Jersey State Department of Health and Senior Services.

“Designee” means an individual selected by the Commissioner, Board Chairperson, or Board Executive Director for a specifically delegated purpose or assignment.

“Expungement” means the removal of information from the file of a licensed administrator or an applicant for licensure, maintained by the Board.

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

“Institution of higher learning” means an institution accredited by the New Jersey Commission on Higher Education or its out-of-State equivalent.

“License” means a credential issued by the Department upon recommendation from the Nursing Home Administrators Licensing Board which indicates that the bearer has been licensed by the Board as meeting the provisions set forth in this chapter.

“Licensed Nursing Home Administrator (LNHA)” means an individual who holds a valid New Jersey nursing home administrator license, regardless of whether such individual has an ownership interest in such home or whether such functions and duties are shared with one or more other individuals.

“NAB” means the National Association of Boards of Examiners of Long Term Care Administrators, 1441 I Street, NW, Suite 700, Washington, DC 20005.

“Nursing home” means a health care facility, or complement of beds in a health care 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., amendments thereto, and N.J.A.C. 8:39, or an out-of-State nursing facility licensed pursuant to similar state and Federal licensure regulations.

“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.

“Revocation” means to rescind the authorization to practice as a nursing home administrator.

“Summary suspension” means to withdraw the authorization to practice as a nursing home administrator prior to a hearing before the Board or a final determination by the Commissioner.

“Suspension” means the temporary withdrawal of the authorization to practice as a nursing home administrator.

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.

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 nursing home.

(b) An individual seeking a waiver of the provisions 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 provision 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.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Substituted references to provision for references to standard throughout.

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 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), N.J.S.A. 30:11-26, and N.J.A.C. 8:34-8.2(b) and (c) 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 Board shall maintain a registry of all licensed nursing home administrators and a file of applicants for licensure.

(e) The Board shall elect annually from among its members a chair and a vice-chair. If the chair is not available to conduct the Board meeting, the vice-chair shall conduct the meeting.

(f) If the chair is not a licensed nursing home administrator, the vice-chair shall be a licensed nursing home administrator.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (c), inserted N.J.S.A. and N.J.A.C. references; in (d), substituted "nursing home" for "long term care".

8:34-2.2 Confidentiality

(a) Any complaints, statements, information, or documents obtained or prepared by the Board shall be deemed confidential and not subject to public disclosure during the course of an investigation to determine whether a violation of this chapter or other state or Federal law or regulation has occurred, except as necessary for the Board to conduct the investigation.

(b) The Board's discussion regarding an investigation shall be held in executive session and shall not be subject to public disclosure.

(c) The identity of a complainant shall be kept confidential.

(d) Upon the issuance of a determination by the Board, and the receipt of same by the licensee, or 30 days after mailing of same, whichever is sooner, any documents contained in the licensee's file related to the disciplinary action shall be subject to the requirements of the Open Public Records Act, N.J.S.A. 47:1A-1.1 et seq., and any other applicable laws and regulations.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).
Rewrote (d).

SUBCHAPTER 3. LICENSE REQUIREMENTS

8:34-3.1 Requirements for license by examination

(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 nursing home with no fewer than 60 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) An applicant for licensure shall undergo a criminal history record background check with fingerprints pursuant to N.J.S.A. 30:11-23, as amended, and bear all costs of administering and processing the background check.

(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.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (a), substituted "in a licensed nursing home with no fewer than 60 beds" for "in a nursing home or a facility with licensed long term care beds" in 4; rewrote (c).

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 an accredited college or university;

5. Three references attesting to the applicant's administrative ability and character from professionals who are not related to the applicant, nor who have been, or currently are, a client in a business relationship with 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. 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;

9. Documentation of any offense in violation of State or Federal law; and

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

(b) An application submitted to the Board 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.

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

2. 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.

Amended by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (a), substituted "offense in" for "conviction of a felony" following "Documentation of an" in 9.

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 with no fewer than 60 beds, within the two-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.

Amended by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (a)2i, substituted "in a licensed nursing home with no fewer than 60 beds" for "in a nursing home or a facility with licensed long term care beds".

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 with no fewer than 60 beds; 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.

(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.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (a)1, substituted "in a nursing home with no fewer than 60 beds" for "in a nursing home or licensed facility with long term care beds licensed in accordance with N.J.A.C. 8:39".

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 hold a current New Jersey nursing home administrator license and shall have held such license as a New Jersey nursing home administrator for at least five years and shall have practiced as a licensed nursing home administrator in a nursing home 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 plan 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 meets the requirements of both (a)1 and 2 below, or (a)3 and 4 below:

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 with no fewer than 60 beds and has completed said internship within two years immediately preceding application to the Board for licensure; or

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

4. Has completed an internship program approved by the institution awarding the Bachelor's degree, of not less than 900 hours, or as determined by the Board to be substantially equivalent, in a nursing home with no fewer than 60 beds and has completed said internship within two years immediately preceding application to the Board for licensure.

(b) An applicant who possesses a Master's degree, as identified in (a)1 above, and who has not completed an approved internship through the Master's program, shall be required to complete not less than 875 hours, or six months full-time experience, as an AIT or assistant administrator, in a nursing home with no fewer than 60 beds.

(c) An applicant who possesses a Bachelor's degree, as identified in (a)3 above, and who has not completed an approved internship through the Bachelor's program, shall be required to complete not less than 1,250 hours, as an AIT or assistant administrator, in a nursing home with no fewer than 60 beds.

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.

8:34-4.5 Written plan and reports

(a) An AIT program approval form shall be completed and submitted to the Board 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 certification of program completion form 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.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (a), deleted "or its designee" following "submitted to the Board"; in (g), substituted "certification" for "verification" preceding "of program completion".

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 a nursing home administrator shall complete all the applicable requirements identified at N.J.A.C. 8:34-3.1(a) 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 of Examiners of Long Term Care Administrators.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).
Deleted the address at the end.

8:34-5.3 Examination fee

An applicant shall be required to submit an examination fee prior to taking the examination as set forth in N.J.A.C. 8:34-9.1(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.

8:34-5.4 Subjects for examination

The subject matter for examination shall be determined by the NAB or the equivalent and may include at any given time, but not be limited to, the areas of: Resident Care Management; Personnel Management; Financial Management; Environmental Management; Regulatory Management; and Governance and Management.

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.

8:34-5.5 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.

Recodified from N.J.A.C. 8:34-5.6 by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).
Former N.J.A.C. 8:34-5.5, Exclusion of examination subjects, repealed.

8:34-5.6 Records of examination

Following the close of every examination, the Department shall maintain a record stating in detail the result of the examination for each candidate.

Recodified from N.J.A.C. 8:34-5.7 and 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. Former N.J.A.C. 8:34-5.6, Grading of examinations, recodified to N.J.A.C. 8:34-5.5.

8:34-5.7 Re-examination

(a) An applicant who fails the licensing examination will be permitted to take a re-examination, in accordance with (b) through (g) 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 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 wait 60 days from the date of the previous examination, and submit to the Board, documentation of having completed 50 hours of remediation in the areas specific to the individual's deficits, or as approved by the Board before the applicant is permitted to take a re-examination.

(e) Written documentation of successful completion of the remediation provided for at (c) above shall be submitted to the Executive Director of the Nursing Home Administrators Licensing Board, New Jersey State Department of Health and Senior Services, PO Box 367, Trenton, New Jersey 08625-0367.

(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. 8:34-5.7(c), the candidate shall be required to complete 450 hours of administrative experience as an AIT or assistant administrator in a nursing home with no fewer than 60 beds, and wait 120 days from the date of the previous examination before the applicant is permitted to take a re-examination.

(g) An applicant, prior to being allowed to sit for re-examination, in accordance with (a) above shall submit written evidence of completion of the qualification requirements to the Board. The applicant shall not be permitted to take the examination if he or she has not submitted evidence of completion of requirements.

Recodified from N.J.A.C. 8:34-5.8 and 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. Former N.J.A.C. 8:34-5.7, Records of examination, recodified to N.J.A.C. 8:34-5.6.

8:34-5.8 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 therefore. Reasons for disqualification for admission to examination include failing to pass the licensing examination after four attempts in one calendar year or any other requirement of this subchapter.

(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.

(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.

Recodified from N.J.A.C. 8:34-5.10 and 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. Former N.J.A.C. 8:34-5.8, Re-examination, recodified to N.J.A.C. 8:34-5.7.

8:34-5.9 (Reserved)

Repealed by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Section was "Conditional admission to examination".

8:34-5.10 (Reserved)

Recodified to N.J.A.C. 8:34-5.8 by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Former N.J.A.C. 8:34-5.10, Ineligibility, repealed.

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 three years, effective July 1, 2005.

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

Amended by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (c), substituted "three" for "two" preceding "years" and inserted "effective July 1, 2005" at the end.

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 Board shall issue a renewed license to a licensed administrator every three years upon review and determination by the Board of compliance with the following requirements:

1. A completed license renewal application;
2. A criminal history record background check with fingerprints pursuant to N.J.S.A. 30:11-23, as amended, bearing all costs of administering and processing the background check;
3. Payment of the required license renewal fee as determined by the Board in accordance with N.J.A.C. 8:34-9.1(a); and
4. Submission of written documentation 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, 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 three years, shall be required to complete at least the prorated following number of continuing education hours:

1. Sixty hours if licensed for 28 to 36 months;
2. Forty hours if licensed for 18 to 27 months;
3. Twenty hours if licensed for 7 to 17 months; or
4. Zero hours if licensed for less than six months.

Amended by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Rewrote (b).

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 indi-

cate 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 Board 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 registry for licensed administrators. The licensed administrator shall submit written and signed documentation directly to the Board of the change of name and a certified copy of the court order or marriage certificate where applicable. When a duplicate license is issued, the original license shall be returned to the Board.

Amended by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Inserted "written and signed" following "shall submit" in the second sentence.

8:34-6.7 Change of address and employment and notification requirements

(a) A licensed administrator shall notify the Board directly in writing within 15 calendar days of any change in his or her home address.

(b) A licensed administrator shall notify the Board directly in writing within 15 calendar days of any change in his or her place of employment.

(c) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Department of Health and Senior Services at the address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(d) A licensee shall notify the Board in writing within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction.

Amended by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Rewrote (d).

8:34-6.8 License by equivalency

(a) An individual licensed in good standing as a nursing home administrator 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 their initial license in the other jurisdiction.

(b) An individual applying for a license by equivalency shall submit to the Board:

1. A completed and notarized application form, including name, address, social security number, professional experience, education, and professional certificates or licenses held;

2. Declaration of intent to become a citizen, if applicable;

3. A nonrefundable license application fee as set forth in N.J.A.C. 8:34-9.1(a);

4. An official transcript from an accredited college or university as defined at N.J.S.A. 18A:3-15.3;

5. Three written references attesting to the applicant's administrative ability and character from professionals who are not related to the applicant, nor who have been, or currently are, a client in a business relationship with the applicant or the preceptor for the applicant's internship;

6. Verification of out-of-State licensure form(s) completed by the state board in each state 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, with a currently active license as a nursing home administrator, in the jurisdiction which issued the license;

7. A criminal history record background check with fingerprints pursuant to N.J.S.A. 30:11-23, as amended and bear all costs of administering and processing the check;

8. Documentation of any offense in violation of State or Federal law;

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

10. National examination scores from previous licensing examinations for administrators as approved by the Board.

(c) The Board shall accept as being equivalent to achieving a passing test score on the NAB/PES licensing examination documentation of certification current at the time of application by the American College of Health Care Administrators for an individual who holds a Nursing Home Administrator License in good standing from another state.

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

(e) 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.

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.

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 and, therefore, the individual shall not engage in the practice of nursing home administration.

(b) An individual may apply for a license without examination within the three-year period of inactive status referenced in (a) above and upon submitting a written request for restoration of said license to the Board.

(c) An individual requesting restoration of his or her license from inactive status within three 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, plus the restoration fee in accordance with N.J.A.C. 8:34-9.1(a)7, and comply with the education requirements identified at (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 60 hours of continuing education for the triennial licensing period.

(e) The additional 40 hours of continuing education for each year the license was inactive is not required if:

1. An active license as a nursing home administrator was continuously maintained in another jurisdiction since their New Jersey nursing home administrators license became inactive; and

2. The individual was continuously an administrator of record in a licensed nursing home since their New Jersey nursing home administrators license became inactive.

(f) An administrator whose license is in an inactive status, who has not maintained an active license as a nursing home administrator in another jurisdiction, and who subsequently fails to meet the requirements identified at (b), (c), and (d) above, 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.

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.

SUBCHAPTER 7. CONTINUING EDUCATION

8:34-7.1 Purpose and scope

The requirements set forth under this subchapter shall apply to all nursing home administrators licensed to practice nursing home administration in accordance with applicable State and Federal rules and regulations within the State of New Jersey except where the rules provide for exemption or waiver.

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.

8:34-7.2 Licensure renewal continuing education credit requirement

(a) By the completion of each triennial licensing period, each administrator shall, as a condition of license renewal identified at N.J.A.C. 8:34-6.2 successfully complete 60 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) The continuing education period shall commence on May 1 and end on April 30.

(c) 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 three years.

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

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (a), substituted "triennial" for "biennial" and "license" for "licensure"; in (b), deleted "in an odd numbered year" following "May 1" and "in the succeeding odd numbered year" following "April 30"; in (c) substituted "three" for "two".

8:34-7.3 Continuing education; scope

(a) The Board shall develop and promulgate, in accordance with N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:30, standards for determining which, if any, courses, seminars, or programs qualify for the credit hour requirement for licensure identified at N.J.A.C. 8:34-7.2(a).

(b) Criteria for continuing education courses shall include:

1. Material designed to acquaint administrators with the utilization and application of new techniques, meth-

ods, procedures and information relating to nursing home administration; and

2. Professional competency and ethics, as well as legal aspects relating to the practice of nursing home administration.

(c) Continuing education includes workshops and seminars attended in person or through electronic media such as audio and video tape or computer, self-study programs, college courses for credit taken in person or through distance learning, reading articles, and contributing to the profession through research and publications. Other written requests for continuing education credit will be considered on an individual basis.

(d) Continuing education credit may be recognized by the Board, for continuing education programs approved by the NAB or its member states, as long as the content of the program shall not apply specifically to another state.

(e) Continuing education credit may be awarded by the Board, up to an amount to be determined by the Board based on course content, for successful completion of the following activities:

1. Teaching, for the first time, a course, seminar, workshop or program relevant to the practice of nursing home administration as determined by the Board;

2. Teaching subsequent times, the same course, seminar, workshop or program relevant to the practice of nursing home administration, as determined by the Board;

3. Serving as the preceptor to an individual applying for an initial license as a nursing home administrator;

4. Serving as the preceptor to an individual who is engaged in a remedial internship at the Board's direction;

5. Teaching, for the first time, a semester course in an accredited institution of higher education relevant to the practice of nursing home administration as determined by the Board;

6. Teaching subsequent times, the same semester course in an institution of higher education relevant to the practice of nursing home administration as determined by the Board;

7. Completing a semester course (48 class hours) from an accredited institution of higher education (taken in person, through home study, or through electronic medium) relevant to the practice of nursing home administration as determined by the Board;

8. Completing an approved assisted living certification course;

9. Completing an approved education program for Certified Assisted Living Administrators;

10. Completing a master's thesis in an area relevant to the practice of nursing home administration as determined by the Board;

11. Completing a doctoral dissertation in an area relevant to the practice of nursing home administration as determined by the Board;

12. Publishing a book in an area relevant to the practice of nursing home administration as determined by the Board;

13. Publishing an article or manuscript for a professional trade publication or journal in an area relevant to the practice of nursing home administration as determined by the Board;

14. Writing a chapter in a published book in an area relevant to the practice of nursing home administration as determined by the Board; or

15. Writing a published article for a magazine in an area relevant to the practice of nursing home administration as determined by the Board.

Amended by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

In (b), substituted "nursing home" for "long-term care" throughout; rewrote (c).

Administrative correction.

See: 37 N.J.R. 614(a).

8:34-7.4 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. The Board shall receive such written application at least 15 business days prior to the date of the Board meeting at which approval is requested and shall include:

1. The 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;
4. The names and resumes of instructors; and
5. Any additional information regarding (b)1 through 4 above which the Board may require of a specific applicant.

(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 through 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.

(f) Sponsors of continuing education shall maintain and submit to the Board upon request an original copy of any advertisement or announcement of the program, the original attendance sheets or other records which verify attendance or completion by individuals at a Board approved continuing education program for one year following the licensure period for which the Board has granted continuing education credit.

(g) 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 subchapter, or the sponsoring entity has failed to maintain adequate records of attendance and/or other documentation verifying completion, the Board may withhold future approval for a temporary or permanent period of time.

Amended by R.2005 d.15, effective January 3, 2005.

See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).

Rewrote (b); added (f) and (g).

8:34-7.5 Record of continuing education credits

(a) An applicant for licensure or licensure renewal shall be required to maintain the original verifying documentation for one year following the licensure period for which the Board has granted the licensee continuing education credit.

(b) An applicant for license renewal shall submit to the Board upon its request, original documentation verifying continuing education hours accumulated by the licensee. Verification material shall be evidence of the successful completion of an approved course, seminar or program, and include the following:

1. A certificate or similar official record of attendance signed by the approved sponsor;
2. A copy of the published material;
3. A copy of the program, syllabus, outline and bibliography for presentations;
4. A copy of the syllabus, bibliography, course outline and verification from the academic institution that the course was or was not previously taught by the licensee, for teaching appointments; or
5. An official transcript, official grade report, or a letter written on the institution's stationery from a duly authorized individual from the academic institution verifying completion of academic coursework.

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.

8:34-7.6 Extension of time

(a) The Board may, for good cause to be determined by the Board in accordance with N.J.A.C. 8:34-1.8, 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.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).
In (a), deleted "or its designee" following "The Board".

8:34-7.7 Waiver of continuing education credits

(a) The Board or its designee may, 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.

SUBCHAPTER 8. SUSPENSION, REVOCATION, SANCTIONS AND HEARINGS

8:34-8.1 Suspension, summary 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 nursing home in any administrative, managerial, supervisory, or similar position.

Amended by R.2005 d.15, effective January 3, 2005.
See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).
Substituted "nursing home" for "facility".

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 enforce-

ment. State, Dept. of Health v. Tegnazian, 205 N.J.Super. 160, 500 A.2d 398 (App.Div.1985).

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

(a) The Board may refuse to issue a license, recommend to the Commissioner the denial, suspension, summary suspension, or revocation of a license, or may reprimand or otherwise discipline an individual, in accordance with (d) below, upon receiving substantial evidence that said individual for license, 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 any political subdivision thereof having jurisdiction over the operation and licensing of nursing homes or has committed a similar violation in any other jurisdiction;

3. Has been convicted of a crime involving moral turpitude, or any crime relating adversely to the practice of nursing home administration, or of violating the provisions of N.J.S.A. 30:11-1.1 et seq., or these rules by a court of competent jurisdiction. For the purpose of this paragraph a plea of guilty, non vult, nolo contendere or any other similar disposition of alleged criminal activity shall be deemed a conviction;

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 to, or dependent upon, the use of alcohol, any drug, or any other substance that may result 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, 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 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(s);

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) 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.

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

1. Require an administrator, owner, employee, or anyone having knowledge pertaining to a matter before the Board to provide information to the Board or 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 continuing education hours required for licensure renewal;

5. Require an administrator to obtain counseling and assistance;

6. Issue a civil money penalty; and/or

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

(d) Before the Board takes or recommends to the Commissioner to take any of the following actions, the individual shall be afforded due notice and the opportunity to be heard, in accordance with N.J.S.A. 30:11-17:

1. Refuse to issue a license;

2. Issue a written reprimand;

3. Recommend the suspension or revocation of a license;

4. Recommend the issuance of a money civil penalty in excess of \$250.00; or

5. Take other corrective or rehabilitative action against an individual.

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.

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 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.

(d) Denial, suspension, summary suspension, or revocation 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 request for a hearing.

(e) 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.

(f) An order of denial, suspension, summary suspension, or revocation shall contain such provisions regarding reinstatement of a license, including, but not limited to, a designated period of time for a suspension, as the Board shall recommend. In the absence of any such provisions regarding reinstatement in an order or revocation, the revocation shall be deemed to be permanent.

(g) 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 denial, suspension, summary suspension, or revocation, or the issuance of a civil money penalty in excess of \$250.00. The procedure governing such hearing shall be in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1.1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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.

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).

8:34-8.4 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.

Recodified from N.J.A.C. 8:34-8.5 by R.2005 d.15, effective January 3, 2005.
 See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).
 Former (a), recodified to N.J.A.C. 8:34-8.3(g). Former N.J.A.C. 8:34-8.5, Conduct of hearings, repealed.

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 (Reserved)

Recodified to N.J.A.C. 8:34-8.4 by R.2005 d.15, effective January 3, 2005.
 See: 36 N.J.R. 2402(a), 37 N.J.R. 55(a).
 Former N.J.A.C. 8:34-8.5, Restoration and reinstatement of licenses, repealed.

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 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\$ 15.00
- 6. Duplicate certificate fee.....\$ 15.00
- 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. Annual fee for submission of a continuing education program application to be approved by the board.
 - i. Two hours or less\$ 25.00
 - ii. Two hours or more \$ 50.00
 - iii. Governmental agencies shall be exempt from the payment of this fee.
- 9. 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..... \$ 10.00
 - ii. Sixteen through 30 days late\$ 40.00
 - iii. Thirty one days late or more.....\$40.00 plus \$2.00 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 utilized 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).