

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 26:2H-5b, 26:2H-27 and 26:2H-28.

Source and Effective Date

R.1999 d.185, effective June 7, 1999.
See: 30 N.J.R. 4027(a), 31 N.J.R. 1508(b).

Executive Order No. 66(1978) Expiration Date

Chapter 34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Board, expires on June 7, 2004.

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34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Board, was repealed and adopted as new rules by R.1993 d.545, effective November 1, 1993.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: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 8:34-1.1 Source of authority
- 8:34-1.2 Scope of rules
- 8:34-1.3 Scope of individual practice
- 8:34-1.4 Scope of administrator responsibility
- 8:34-1.5 Purpose
- 8:34-1.6 General definitions
- 8:34-1.7 Severability
- 8:34-1.8 Waiver

SUBCHAPTER 2. NURSING HOME ADMINISTRATORS LICENSING BOARD

- 8:34-2.1 General powers
- 8:34-2.2 Confidentiality

SUBCHAPTER 3. LICENSE REQUIREMENTS

- 8:34-3.1 Requirements for license by examination
- 8:34-3.2 Application procedure

SUBCHAPTER 4. ADMINISTRATIVE EXPERIENCE REQUIREMENT

- 8:34-4.1 Administrative experience requirement
- 8:34-4.2 Administrator-in-training (AIT) program
- 8:34-4.3 Preceptor for administrator-in-training
- 8:34-4.4 Equivalency of internship requirement
- 8:34-4.5 Written plan and reports

SUBCHAPTER 5. EXAMINATION

- 8:34-5.1 Examination requirements
- 8:34-5.2 Scheduling of examinations
- 8:34-5.3 Examination fee
- 8:34-5.4 Subjects for examination
- 8:34-5.5 Exclusion of examination subjects
- 8:34-5.6 Grading of examinations
- 8:34-5.7 Records of examination
- 8:34-5.8 Re-examination
- 8:34-5.9 Conditional admission to examination
- 8:34-5.10 Ineligibility

SUBCHAPTER 6. LICENSURE

- 8:34-6.1 Granting of license
- 8:34-6.2 Renewal of license
- 8:34-6.3 Use of the title, "Licensed Nursing Home Administrator"
- 8:34-6.4 Display of license
- 8:34-6.5 Duplicate license
- 8:34-6.6 Change of name
- 8:34-6.7 Change of address and employment and notification requirements
- 8:34-6.8 License by equivalency
- 8:34-6.9 Inactive status

SUBCHAPTER 7. CONTINUING EDUCATION

- 8:34-7.1 Purpose and scope
- 8:34-7.2 Licensure renewal continuing education credit requirement
- 8:34-7.3 Continuing education; scope
- 8:34-7.4 Program approval
- 8:34-7.5 Record of continuing education credits
- 8:34-7.6 Extension of time
- 8:34-7.7 Waiver of continuing education credits

SUBCHAPTER 8. SUSPENSION, REVOCATION AND HEARINGS

- 8:34-8.1 Suspension and revocation
- 8:34-8.2 Denial, license suspension, or license sanctions

- 8:34-8.3 Hearings
 8:34-8.4 Conduct of hearings
 8:34-8.5 Restoration and reinstatement of licenses

SUBCHAPTER 9. FEES

- 8:34-9.1 Fees and charges

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 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.

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 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 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.

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 nursing homes, in order to assure safe and adequate treatment of all individuals in nursing homes, and for the operation of the Nursing Home Administrators 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.

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

"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.

"Board" means the Nursing Home Administrator Licensing Board (NHALB) 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.

"Expungment" means the removal of information from the file of an administrator 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 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.