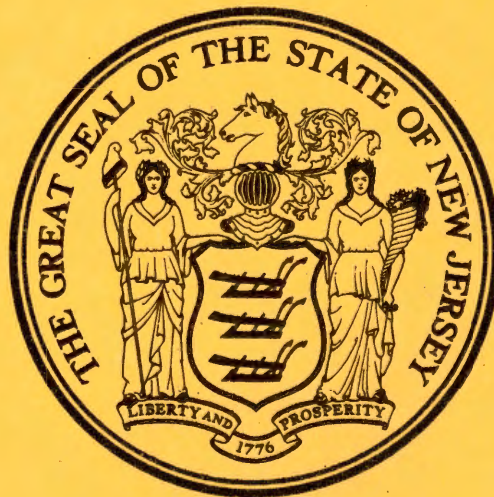




RULES FOR LICENSING NURSING HOME ADMINISTRATORS,



ADOPTED BY STATE BOARD OF CONTROL
ON JUNE 24, 1970
(PRINTED JULY, 1970)

State of New Jersey,
Department of Institutions and Agencies,
Bureau of Community Institutions,
Trenton

NEW JERSEY STATE LIBRARY
DEPARTMENT OF EDUCATION
TRENTON, NEW JERSEY

NJ/KAS
IS/192
1970

copy 2

RULES FOR LICENSING

NURSING HOME ADMINISTRATORS

	<u>Page</u>
Rule 1. Source of Authority; Title	1
Rule 2. General Definitions	2
Rule 3. Board Meetings	4
Rule 4. Nursing Home Administrator's Licensing Board; Officers and Duties	5
Rule 5. Nursing Home Administrator's Licensing Board; General Powers	6
Rule 6. Scheduling of Examinations; Record of Examinations	7
Rule 7. License Requirements; Conditions Precedent	8
Rule 8. Application for License	10
Rule 9. Conditional Admission to Examination; Disqualifi- cation; Re-examination	11
Rule 10. Subjects for Examination	12
Rule 11. Grading Examinations	13
Rule 12. Registration of Institutions and Courses of Study	14
Rule 13. Approval of Programs of Study	15
Rule 14. Certification of Program of Study for Federal Finan- cial Participation Under Section 1908 of the United States Social Security Act	17
Rule 15. Practical Training and Experience	18
Rule 16. Licenses	19
Rule 17. Registration of Licenses	20
Rule 18. Refusal, Suspension and Revocation of Licenses	21
Rule 19. Complaints and Hearing Procedures	23
Rule 20. Conduct of Hearings	24
Rule 21. Reciprocity	25
Rule 22. Restoration and Reinstatement of Licenses	26

	<u>Page</u>
Rule 23. Display of Licenses and Registration Certificates	27
Rule 24. Duplicate Licenses	28
Rule 25. Operation of Nursing Home Without A Licensed Administrator	29
Rule 26. Applicability, Legal Effect, Severability	30
Rule 27. Point System Criteria for Licensing Nursing Home Administrators	31

Rule 1. Source of Authority; Title

These rules shall be known as the "Rules for Licensing Nursing Home Administrators" as recommended by the Nursing Home Administrator 's Licensing Board and adopted by the State Board of Control of the New Jersey State Department of Institutions and Agencies on June 24, 1970 and are promulgated pursuant to authority of N.J.S.A. 30:11-13 and 30:11-21.

Rule 2. General Definitions

- A. Whenever used in these rules, unless expressly stated otherwise, or unless the context or subject matter requires a different meaning, the following terms shall have the following meanings:
1. "Board" means the Nursing Home Administrator's Licensing Board of the State Department of Institutions and Agencies.
 2. "State Board" means the State Board of Control of the State Department of Institutions and Agencies.
 3. "Nursing home administrator" means any individual who administers, directs, and coordinates all activities of the facility to carry out its objectives as to the care of sick, injured, convalescent, aged or infirm patients, the furtherance of scientific knowledge and the promotion of community health; carries out programs within policies and by general directive from a governing board or owners; promotes favorable public relations; negotiates for improvement of building and equipment; coordinates activities of medical and professional staffs with those of other departments; recommends and develops policies and procedures for various facility activities; performs related administrative and supervisory duties to insure efficient operation of the facility; bears the responsibility for efficient functioning and coordination of all departments, program planning, organization of departments, control of activities, budgeting, interpreting and administering policies of the governing body or owners and insuring that patients receive the highest level of professional and medical care; possesses a thorough knowledge of the fundamentals of institutional organization and administration, standards and regulations of nursing homes and Federal, State and local laws applicable to nursing home operations; and has knowledge of applicable standards of environmental health and safety, local health and safety regulations, general administration, psychology of patient care, principles of medical care, personal and social care, therapeutic and supportive care and service in long-term care, departmental organization and management, and community interrelationships.
 4. "Nursing home administrator-in-training" means an individual registered as such with the Board pursuant to these rules.
 5. "Practice of nursing home administration" means the performance of any act or the making of any decision involved in the planning, organizing, directing and/or control of the operation of a nursing home.
 6. "Nursing home" means a place authorized as such by the appropriate licensing authority of the State of New Jersey.

7. "Person" means any individual, but does not include the terms firm, corporation, association, partnership, institution, public body, joint stock association, or any other group of individuals.
8. "Department" means the New Jersey State Department of Institutions and Agencies.
9. The following shall be considered as guidelines for "health-related administration."

"Health-related administration" is defined as administration practiced in one or more health-related institutions, however, "health-related administration" shall not mean:

- a. the administration of services to an individual;
- b. a service which does not have as a major component the supervision of more than one profession or discipline;
or
- c. an administrative position in which the individual has not assumed direct responsibility for and is not held accountable for his own acts.

Rule 3. Board Meetings

- A. The Board shall be advisory to the State Board and shall meet at least annually.
- B. The Chairman, or other presiding officer of the Board, may call special meetings thereof when, in his judgment, circumstances or functioning of the Board require it.

Rule 4. Nursing Home Administrator's Licensing Board; Officers and Duties

- A. The Board shall elect annually from among its members a Chairman and Vice-Chairman.
- B. The Chairman shall preside at all meetings of the Board. In the absence of the Chairman, the Vice-Chairman shall preside at meetings, and perform all duties usually performed by the Chairman.
- C. A full-time Executive Secretary, appointed by the Department of Institutions and Agencies under the Civil Service laws of this State, shall attend all meetings of the Board, keep a full and complete record of the minutes of the meetings, notify the members of the Board of the time and place fixed for meetings of the Board and maintain the records pertaining to licensees and these rules.
- D. The Executive Secretary shall handle all routine correspondence for the Board, issue all notices of meetings and hearings, have custody of all books, records, and property of the Board, and perform all duties pertaining to the office of Executive Secretary.
- E. The Executive Secretary shall receive all monies payable to the State of New Jersey and forward such monies to the appropriate fiscal agency of the Department.

Rule 5. Nursing Home Administrator's Licensing Board; General Powers

- A. The Board shall exercise such advisory powers as provided by the laws of this State pertaining to the licensing and registration of nursing home administrators.
- B. From time to time the Board shall recommend the making and publishing of such rules as it may deem necessary and proper for the execution and enforcement of the laws governing the licensing and registration of nursing home administrators.
- C. The Board shall consider any matter relating to the licensing of nursing home administrators.
- D. The Board shall submit to the State Board for approval any professional or technical matter concerning the licensing and registration of nursing home administrators.

Rule 6. Scheduling of Examinations; Record of Examinations

- A. The Board shall determine the subjects of examination of applicants for licensing as nursing home administrators, and the scope, content, form and character of such examinations which in any examination shall be the same for all candidates.
- B. Examinations shall be held at least annually, at such times and places as shall be designated by the Board.
- C. Following the close of every examination, a record stating in detail the result of the examination for each candidate, shall be kept for or by the Department for a period of five years. These may be destroyed at the end of such period.

Rule 7. License Requirements. Conditions Precedent

- A. An applicant for a license as a nursing home administrator shall submit evidence satisfactory to the Board of the following:
 - 1. that he is at least 21 years of age;
 - 2. that he is a citizen of the United States;
 - 3. that he is of good moral character;
 - 4. that he is of good mental and physical health; and
 - 5. that the applicant has worked in a responsible administrative position or in an approved internship program for a period of at least one year in a patient care institution or a related field, except that an applicant lacking the required one year's experience may qualify if he has worked full-time for more than six months during the year 1969 in a responsible administrative position or in an approved internship program in a patient care institution or related institution.

- B. An applicant who is employed full-time in a nursing or convalescent home and spends 50 per cent or more of his time as a nursing home administrator (Rule 2.A-3) may be eligible for a license. The applicant need not have an administrative title to so qualify. All questionable cases shall be verified by the Board.

- C. An applicant who wishes to receive credit for experience where the institution has not been officially opened or licensed, shall meet the following requirements:
 - 1. have been an administrator of a nursing home for at least one year within the past ten years preceding the date of application. Such experience shall be documented; and
 - 2. have experience for the planning process and for construction process with a maximum of six months for point credit.

- D. An applicant who has one year of experience as a nursing or convalescent home administrator within the ten-year period preceding submission of an application may be eligible for either a Permanent or Conditional License, subject to meeting the other license requirements as defined in these rules regardless of whether the applicant is actively engaged in such administration at the time such application is submitted.

- E. State Police and character reports shall be routinely obtained for all applicants for license, including members of the clergy and religious orders.

- F. Except for an applicant for a Conditional License as provided by Rule 16(B), an applicant, on and after January 1, 1970, shall have graduated from a high school or secondary school approved and recognized by the educational authorities of the State in which such school is located, or a political subdivision thereof, or shall submit a certificate indicating that he has obtained high school or secondary school equivalency, such certificate being duly certified by a State educational authority or by a political subdivision thereof.

On and after January 1, 1975, in addition to completion of high school or secondary school education, an applicant shall have successfully completed two years of college level study in an accredited institution of higher learning.

On and after January 1, 1980, an applicant shall have successfully completed a course of study and been awarded a Baccalaureate Degree from an accredited institution of higher learning.

On and after January 1, 1985, an applicant shall have successfully completed a course of study and been awarded a Master's Degree in health administration or related health care field from an accredited institution of higher learning.

- G. Except for an applicant for a Conditional License as provided by Rule 16(B), on and after July 1, 1970, in addition to meeting the requirements herein provided, each applicant who has not completed a regular course of study or program in an accredited institution of higher learning, which course of study or program shall have been approved by the Board as being adequate academic preparation for nursing home administration, shall submit evidence satisfactory to the Board that he has attended a specialized approved course of study in the area of nursing home administration in accordance with Rules 12 and 13.

Rule 8. Application for License

- A. An applicant for license as a nursing home administrator shall make application in writing, on forms provided by the Department, and shall furnish evidence satisfactory to the Board that he has met the pre-examination requirements before taking the examination as provided for in these rules.

Rule 9. Conditional Admission to Examination; Disqualification;
Re-examination

- A. The Board may conditionally admit to examination for license as a nursing home administrator an applicant who on the date of a scheduled examination has not fully established his qualification, if, in the judgment of the Board, it appears that he is otherwise qualified. Unless such applicant submits satisfactory evidence that he qualifies for examination within 30 days following the date of such examination, the Board shall notify the applicant that he is not qualified for licensing.
- B. An applicant for examination who has been disqualified shall be given written notification by the Board of his disqualification and the reasons therefor and of his right to a hearing.
- C. An applicant for examination who has been disqualified may petition the Board in writing within 30 days of notification of disqualification for a hearing and a review of his application.
- D. When an applicant for examination has been disqualified, he may submit a new application for qualification for examination, provided, however, that he shall be required to meet the requirements for licensing as shall be in force at the time of such re-application.

Rule 10. Subjects for Examination

- A. Every applicant for a license as a nursing home administrator who is not otherwise qualified as stated in these rules, after meeting the requirements for qualification for examination as more fully set forth in Rule 7 shall successfully pass a written examination which shall include, but need not be limited to the following subjects:
1. environmental health and safety
 2. basic terminology
 3. general administration
 4. psychology of patient care
 5. principles of medical care
 6. personal and social care
 7. therapeutic and supportive care
 8. departmental organization and management
 9. community interrelationships
- B. Nothing contained in this rule shall preclude the Board from providing for an examination which excludes subjects for examination which shall be in derogation of, or in conflict with, the teachings and practice of any recognized religious faith, provided, however, any applicant seeking to be entitled to such examination hereunder shall submit evidence satisfactory to the Board that he is in fact an adherent of such recognized religious faith. A license issued under this provision shall be limited in application to the type of institution of that specific religious faith.
- C. The examination program of the Professional Examination Service of American Public Health Association for the licensing of nursing home administrators may be used as a part of the evaluation process for the State licensing program for nursing home administrators.

Rule 11. Grading Examinations

- A. Unless otherwise qualified as stated in these rules, every candidate for a nursing home administrator's license shall be required to pass the examination for such license with a grade as determined by the Board.
- B. The Board shall determine a method of grading each section of the examination separately, and shall apply such method uniformly to all candidates taking that examination.
- C. The Board shall not disclose the grades of candidates by individual identity to any of its officers or Department employees responsible for determining the final grading of an examination until such determination has been made.

Rule 12. Registration of Institutions and Courses of Study

- A. Any course of study offered by an educational institution, association, professional society, or organization for the purpose of qualifying applicants for licensing as nursing home administrators and for registration of licenses shall be approved by the Board.

Rule 13. Approval of Programs of Study

- A. A program of study designed to train and qualify applicants for licensing as nursing home administrators offered by any accredited university or college shall be deemed acceptable and approved for such purpose, provided, however, that:
 1. such program shall have been approved by the Board as required by Rule 12 of these rules;
 2. such program shall include the following general subject areas or their equivalents:
 - a. environmental health and safety
 - b. basic terminology
 - c. general administration
 - d. psychology of patient care
 - e. principles of medical care
 - f. personal and social care
 - g. therapeutic and supportive care
 - h. departmental organization and management
 - i. community interrelationships; and
 3. such program shall meet the academic requirements of the college or university for awarding of academic credit; or, such program shall be within the jurisdiction of an academic department of an accredited university or college and shall not offer academic credit.
- B. Any program offered by an educational institution or association, professional society, or organization other than an accredited college or university, except as provided under paragraph A of this rule, shall be approved by the Board, provided, however:
 1. such program shall be approved by the Board as required by Rule 12 of these rules;
 2. such program shall include the following general subject areas or their equivalents:
 - a. environmental health and safety
 - b. basic terminology
 - c. general administration

- d. psychology of patient care
 - e. principles of medical care
 - f. personal and social care
 - g. therapeutic and supportive care
 - h. departmental organization and management
 - i. community interrelationships; and
3. such program shall be jointly sponsored by an accredited university or college.
- C. Upon completion of an approved program of study, the sponsor or sponsors of the program shall issue certificates of attendance or other evidence of attendance satisfactory to the Board.
- D. Nothing contained in this rule shall preclude the Board from providing for any program of study which excludes subjects which shall be in derogation of, or in conflict with the teachings and practice of any recognized religious faith; provided, however, any applicant seeking to be entitled to be admitted to such programs of study hereunder shall submit evidence satisfactory to the Board that he is in fact an adherent of such recognized religious faith.

NOTE: As of the date of approval of these rules, Rutgers University Extension Division has been approved by the Board to offer courses for nursing or convalescent home administrators.

Rule 14. Certification of Program of Study for Federal Financial Participation as Provided Under Section 1908 of the United States Social Security Act

Section 1908, paragraph (e), (1) and (2) of the Social Security Act provides Federal matching funds not to exceed 75 per cent of the cost of training and instruction by qualified sponsor organizations that is designed to enable all individuals to whom a Conditional License has been granted to attain necessary qualifications to meet the standards of licensing.

Sponsors qualifying under Rule 13 of these rules and desirous of participating in the use of such funds shall first apply to the Board for registration and approval of such program as a condition precedent to certification for Federal financial participation by the single State agency for Title XIX.

Rule 15. Practical Training and Experience

- A. Every candidate for licensing as a nursing home administrator, upon entering nursing home administrator-in-training internship for the purpose of obtaining practical training and experience as required by the provisions of these rules shall register with the Board within two weeks from the date of the beginning of such internship on a form prescribed by the Board.
- B. No application for registration as a nursing home administrator-in-training shall be approved unless the applicant:
 - 1. is at least 21 years of age; and
 - 2. is a citizen of the United States or has declared his intention of becoming a citizen.
- C. An application for registration as a nursing home administrator-in-training prior to January 1, 1975 shall not be approved unless the applicant submits evidence satisfactory to the Board:
 - 1. that such training will be under the full-time supervision of a nursing home administrator;
 - 2. that such training is likely to be of a grade and character satisfactory to the Board;
 - 3. that such training is to be obtained in a duly licensed nursing home having authorized bed capacity of not less than fifty (50) beds; and
 - 4. that such training is to be served during eight consecutive hours daily, and that alternating and rotating shifts of eight working hours may be approved by the Board as being acceptable upon request, provided that at least 50 per cent of the training hours will be served between the hours of 7 a.m. and 10 p.m.
- D. The requirement for internship as administrator-in-training herein provided for shall not apply to any person who has completed a course of study for a Master's Degree in nursing home administration or in a related health administration field and who has been awarded such degree from an accredited institution of higher learning.

Rule 16. Licenses

- A. An applicant for a license as a nursing home administrator who has successfully complied with the requirements of the licensing laws and the standards provided for herein, shall be issued a license provided for that purpose by the Department certifying that such applicant has met the requirements of the laws and rules entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.
- B. The Board may issue a Conditional License to any individual applying therefor as provided in Rule 7.
- C. A Conditional License shall terminate after two years from the date of issuance or at midnight, June 30, 1972, whichever is earlier, and shall not be renewable, provided, however, that if, prior to the expiration of such Conditional License, such conditional nursing home administrator shall qualify for a Permanent License.
- D. A Conditional License or extension thereof may not be issued to any person after June 30, 1972.
- E. If the Board issues a Conditional License to any individual under the provisions of paragraph B of this section, there shall be provided by the Department for the duration of the period for which such Conditional License remains in effect a program of training and instruction designed to enable conditional nursing home administrators to attain the educational qualifications necessary to assist such applicant to qualify for Permanent License as a nursing home administrator.
- F. If the Board finds that programs of training and instruction conducted within the State are not sufficient in number or content to enable nursing home administrators to meet requirements established by law and these rules, it may institute and conduct or arrange with others to conduct one or more such programs, and shall make provision for their accessibility to residents of this State. The Board may approve programs conducted within and without this State as sufficient to meet education and training requirements established by law and these rules. For purposes of this subdivision, the Department shall have the authority to receive through the single State agency for Title XIX and disburse Federal funds received pursuant to Section 1908 (e)(1) of the United States Social Security Act.
- G. An applicant to whom a Conditional License has been issued shall surrender such license to the Board upon expiration thereof or upon issuance of a Permanent License, or submit satisfactory affidavit to the Board setting forth the reasons why such license is not surrendered. The Board may not issue a license to an applicant who has not complied with such requirement.

Rule 17. Registration of Licenses

- A. Every person who holds a valid license as a nursing home administrator shall be issued a certificate by the Department. Such certificate shall be renewable annually unless sooner revoked or suspended by the Department.
- B. Upon making an application for a new certificate of registration, such licensee shall pay an annual registration fee of \$25.
- C. Upon receipt of such application for registration and the registration fee, the Board shall issue a certificate of registration to such nursing home administrator.
- D. The license of a nursing home administrator who fails to comply with the provisions of this section, and who continues to act as a nursing home administrator, may be suspended or revoked by the Department.
- E. Only an individual who has qualified as a licensed and registered nursing home administrator and who holds a valid current registration certificate pursuant to the provisions of these rules for the current annual registration period, shall have the right and the 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 name. No other person shall use or shall be designated by such title or such abbreviation or any other words, letters, sign, card, or device tending to, or intending to, indicate that such person is a licensed and registered nursing home administrator.
- F. The Board shall maintain a register of all applications for licensing and registration of nursing home administrators, which register shall show: the name of each applicant, his place of residence, the name and address of the current employer or business connection of each applicant, the date of application, complete information as to educational and experience qualifications of the applicant including dates, the serial number of the license and of registration certificates issued to the applicant, the date on which the Board reviewed and acted upon the application.

The Board shall also maintain a complete file of such other pertinent information as may be deemed necessary.

Rule 18. Refusal, Suspension and Revocation of Licenses

- A. The State Board may suspend, revoke or refuse to issue a license or certificate of registration for a nursing home administrator, or may reprimand or otherwise discipline a licensee, nursing home administrator-in-training, or conditional licensee, after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that such applicant 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. 30:11-1 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;
 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 capacity as a nursing home administrator;
 7. has committed acts of misconduct in the operation of a nursing home under his jurisdiction;
 8. is a habitual drunkard;
 9. is addicted or dependent upon the use of morphine, opium, cocaine, or any other drug recognized as resulting in an abnormal effect;
 10. has practiced without annual registration;
 11. has wrongfully transferred or surrendered possession either temporarily or permanently of his license or certificate to any other person;
 12. 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;

13. has been guilty of fraudulent, misleading, or deceptive advertising;
 14. has impersonated another licensee of a like or different name;
 15. has failed to exercise true regard for the safety, health and life of the patient;
 16. has willfully permitted unauthorized disclosure of information relating to a patient or his records;
 17. has discriminated in respect to patients, employees or staff on account of race, religion, color, or national origin; and
 18. for such other reasons as the State Board might deem reasonable and appropriate.
- B. Any person who has ever been convicted of a crime involving moral turpitude or of violating the provisions of Chapter 356, P.L. 1968, or these rules by a court of competent jurisdiction or has admitted such guilt shall not be issued a license.

Rule 19. Complaints and Hearing Procedures

- A. Any person, public officer, association, or the Department may prefer charges against any licensee for due cause. Such charges shall be in writing and shall be submitted to the Department.
- B. The Department, or any person appointed for such purpose, may hold a preliminary hearing to determine whether a formal hearing on the charges is necessary.
- C. The Department may dismiss the charges and take no action thereon, by formal hearing or otherwise, in which event the charges and the order dismissing the charges shall be filed with the Department.
- D. If the Board or the person thus appointed by it decides that the charges shall be heard, the Board shall designate a hearing officer to determine the charge and set a time and place for a hearing.
- E. The State Board, after serving the licensee with specific charges in writing, at least 30 days in advance of a hearing, and after hearing, may deny, revoke, or suspend any and all licenses granted under authority of this act to any person violating the provisions of this act or these rules.
- F. Notice of the pending revocation, suspension, or denial of a license together with a specification of charges shall be sent to the applicant or the licensee by registered mail. Denial, suspension or revocation shall become effective 30 days after mailing, unless the applicant or licensee within such 30-day period shall meet the requirements of the Department or shall give written notice to the Department of his desire for a hearing, in which case the denial, suspension or revocation shall be held in abeyance until the hearing has been concluded and a final decision rendered; provided, however, that such applicant or licensee may appeal from such denial, suspension or revocation to any court having jurisdiction of such matters.
- G. An order of suspension made by the Board may contain such provisions as to reinstatement of the license as the Board shall direct.
- H. The Board, in its discretion, may direct a rehearing or take additional evidence, and may rescind or affirm the prior determination after such rehearing, but nothing in this subdivision shall preclude appropriate relief pursuant to the laws of the State providing for the review of administrative determination by the courts of the State.

Rule 20. Conduct of Hearings

- A. The Board shall afford the licensee an opportunity for a prompt and fair hearing before deciding on the matter of suspension, revocation or denial of any license. The procedure governing such hearing shall be in accordance with the rules of the Department adopted by the State Board and with the consent of the Board. Either party may be represented by counsel of his own choosing, subpoena witnesses and compel their attendance on forms furnished by the Department.
- B. At any formal hearing conducted pursuant to these rules, if a party shall appear without counsel, the Board or person designated as hearing officer shall advise such party of his right to be represented by counsel; and that if he desires to proceed without counsel, that he may call witnesses, cross-examine witnesses, and produce evidence in his behalf.
- C. Appearances shall be noted on the official record of hearings.
- D. The Board or designated hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a day certain.
- E. If an adjournment is requested in advance of the hearing date, such request shall be submitted to the Board in writing and shall specify the reason for such request.
- F. In considering an application for adjournment of a hearing, the Board or hearing officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.
- G. The Board or hearing officer shall not be bound by the rules of evidence in the conduct of a hearing, but the determination and recommendations of the hearing officer shall be founded upon sufficient legal evidence to sustain it.
- H. The Commissioner of the Department shall arrange for prompt and fair hearings in all such cases, render written decisions stating his conclusions and reasons therefor upon each matter heard, and shall be empowered to enter orders of denial, suspension or revocation consistent with the circumstances in each case.

Rule 21. Reciprocity

- A. The Board, in its discretion, subject, of course, to the law pertaining to the licensing of nursing home administrators may recommend for endorsement, without examination, a nursing home administrator license issued by the proper authorities of any other State or political subdivision of the United States, upon payment of a fee of \$25, and upon submission of evidence satisfactory to the Board:
 - 1. that such other State or political subdivision of the United States maintains a system and standard of qualification and examination for nursing home administrator license, which are substantially equivalent to those required in this State; and
 - 2. that such applicant for endorsement is in good standing as a nursing home administrator in such State or political subdivision of the United States from which he has ever received a nursing home administrator's license or reciprocal endorsement.
- B. The Board shall also have power, after due notice and an opportunity to be heard at a formal hearing, to recommend the revocation or suspension of a nursing home administrator license issued to any person upon evidence satisfactory to the Board that the duly constituted authorities of any State or political subdivision of the United States have lawfully revoked or suspended the nursing home administrator license issued to such person by such State or political subdivision.
- C. The action of the State Board in revoking or suspending such license or registration shall be reviewable by the court.

Rule 22. Restoration and Reinstatement of Licenses

- A. Upon application for restoration of a license, the Board, in its discretion may grant the applicant a formal hearing upon notice.
- B. If a conviction be subsequently reversed on appeal and the accused acquitted or discharged, his license shall again become operative from the date of such acquittal or discharge.

Rule 23. Display of Licenses and Registration Certificates

Every person licensed as a nursing home administrator shall display such license and certificate of annual registration in a conspicuous place in the office or place of business or employment of such licensee.

Rule 24. Duplicate Licenses

Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated, or destroyed, the Board may issue a duplicate license or certificate upon such conditions as the Board may prescribe.

Rule 25. Operation of Nursing Home Without Licensed Administrator

Penalties for the operation of a nursing or convalescent home without a licensed administrator are defined in N.J.S.A. 30:11-1 et seq.

Rule 26. Applicability, Legal Effect, Severability

- A. The rules of the Department shall be supplemental to the law providing for the licensing of nursing home administrators and shall have the force and effect of law.
- B. The rules of the Department are intended to be consistent with the applicable Federal and State law and shall be construed, whenever necessary, to achieve such consistency.
- C. 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.
- D. These rules shall not affect pending actions or proceedings, civil or criminal, but the same may be prosecuted or defended in the same manner and with the same effect as though these rules had not been promulgated.
- E. These rules shall take effect the first day of July, 1970.

Rule 27. Point System Criteria for Licensing Nursing Home Administrators

- A. For purposes of evaluating the rules contained herein, point system criteria shall be used for evaluating the qualifications of an applicant for license as a nursing home administrator.
- B. To qualify for a Permanent License under the point system, an applicant shall meet the standards contained herein and shall accumulate a total of 60 points under experience, education and miscellaneous factors as noted in Item F of this rule.
- C. To qualify for a Conditional License under the system, an applicant shall meet the standards contained herein and shall have less than 60 accumulative points under experience, education and miscellaneous factors as noted in Item F of this rule.
- D. The minimum experience requirements for an applicant are contained in Rule 7.
- E. After January 1, 1970, a high school diploma or its equivalent shall be required for licensing. After June 30, 1972, all Conditional Licenses shall be invalid and only Permanent Licenses shall be issued or renewed.
- F. The following factors and point values shall be used as the criteria for accumulating points for licensing:

<u>FACTORS</u>	<u>POINTS</u>	
	<u>Per Year</u>	<u>Maximum</u>
<u>Experience</u> (not to exceed 45 points)		
As a Nursing Home Administrator	5	45
In Nursing Home Administration	3	45
As a Hospital Administrator	5	45
In Hospital Administration	3	45
Well-documented evidence of other management, professional or paramedical experience related to the health care field	As determined by Licensing Board	5
<u>Education</u> (not to exceed 35 points)		
High School Graduate or Equivalent	0	10
College Attendance (Full-time equivalent)	2	8
Baccalaureate Degree	0	10
Master's Degree	0	5
Doctorate	0	5
Registered Nurse	0	6
Licensed Practical Nurse	0	2

<u>FACTORS</u>	<u>POINTS</u>	
	<u>Per Year</u>	<u>Maximum</u>
<u>Education</u>		
Master's Degree or Doctorate in Hospital, Nursing, Home, Medical or Health Care, Public Administration	0	25
Seminar and Courses related to operation of Nursing Homes (1 point for each 14 class hours of instruction)	0	20
Well-documented evidence of other formal education or training related to the health care field	As determined by Licensing Board	5
<u>Miscellaneous</u> (not to exceed 45 points)		
Fellowship in the American College of Nursing Home Administrators or the American College of Hospital Administrators	0	45
Passing Grade in P.E.S.* Examination	0	45
Well-documented evidence of service on a public, state or Federal Government or other committee in the nursing home or related health care field	As determined by Licensing Board	5

* Professional Examination Service for the licensing of nursing home administrators