

Proposed RULES FOR LICENSING

NURSING HOME ADMINISTRATORS

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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 Health on June 24, 1970 and are promulgated pursuant to authority of N.J.S.A. 30:11-13 and 13:11-21.

## 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 Health, a duly appointed State Board established for the purpose of carrying out a State program for licensure or administrators of nursing homes.
  2. "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; any individual who is

charged with the general administration of a nursing home, whether or not such individual has an ownership interest in such home, and whether or not his functions and duties are shared with one or more other individuals."

3. "Nursing home administrator-in-training" means an individual registered as such with the Board pursuant to these rules.
4. "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.
5. "Nursing home" means a place authorized as such by the appropriate licensing authority of the State of New Jersey.
6. "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.
7. "Department" means the New Jersey State Department of Health.
8. 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.

9. "'License' means a certificate or other written evidence issued by a State agency or Board to indicate that the bearer has been certified by that body to meet all the standards required of a licensed nursing home administrator under this section."

**Rule 3. Board Meetings**

- A. The Board shall be advisory to the State Department of Health and shall meet at least annually.
- B. The Chariman, 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. An Executive Director, appointed by the Department of Health, shall attend all meetings of the Board, keep a full time and complete record of the minutes of the meetings, notify the members of the Board of the time and place fixed for the meetings of the Board and maintains the records pertaining to licensees and these rules.
- D. The Executive Director 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 Director.
- E. The Executive Director 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. Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administrators, are qualified to serve as nursing home administrators.
- C. Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards.
- D. Issue licenses to individuals determined, after the application of such techniques to meet such standards, and revoke or suspend licenses previously issued by the agency or Board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards.
- E. Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.
- F. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the agency or Board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.
- G. Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

**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 he has:
  - a. worked full time (at least 35 hours per week) in a responsible administrative position for a period of at least one year in a patient care institution; or
  - b. served in an approved internship program in a patient care institution;
6. on or after January 1, 1970, that he has 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 that he has obtained high school or secondary school equivalency, including an equivalency certificate duly certified by a State educational authority or by a political subdivision thereof;

on or after January 1, 1975, in addition to completion of high school or secondary school education, that he has successfully completed two years of college level study in an accredited institution of higher learning;

on and after January 1, 1980, that he has successfully completed a course of study and been awarded a Baccalaureate Degree from an accredited institution of higher learning;
7. that he has taken and passed, according to the criteria established by the Board, an examination for a licensure as provided for and discussed further in Rule 10;
8. that he has attended at least 100 hours of seminars, workshops, or courses in the health care field.

- B. An applicant for licensure as a nursing home administrator shall have been an administrator of a nursing home for at least one year within the past five years preceding the date of application and shall present documentation of such experience.

An applicant who has one year of experience as a nursing or convalescent home administrator within the five-year-period preceding submission of an application may be eligible for a 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.

- C. State police and character reports shall be routinely obtained for all applicants for license, including members of the clergy and religious orders.
- D. 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 8. SUPERVISION REGULATIONS FOR NURSING HOME ADMINISTRATORS

Pursuant to the authority in N.J.S.A. 30:11-1 et. seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, these regulations shall be applicable to all licensed nursing or convalescent home administrators and all existing and new facilities licensed or approved as nursing or convalescent facilities under the provisions of N.J.S.A. 30:11-1 et. seq.

1. The facility shall have a licensed administrator who shall be either the proprietor or employed by the facility on a full or part-time basis and shall be responsible for the administrative and supervisory functions at the facility to assure that it is operated and maintained at all times in full conformity with Departmental standards for licensure.
2. An administrator shall not be responsible for more than two institutions, within a 20-mile radius, totaling 240 beds.
3. An individual, competent and authorized to act in the absence of the licensed administrator, shall be designated at all times.
4. The Department shall be notified in writing 48 hours of any change in licensed administrators to Community Institutions and the Nursing Home Administrator's Licensing Board.
5. If the service of a licensed administrator is terminated, a new licensed administrator shall be designated within 48 hours. In instances where a new licensed administrator is not immediately available, the Department shall be so notified in writing and the facility shall make arrangements for licensed administrative supervision on a consultant basis. The consultant administrator must comply with paragraph 2 above. Unless extenuating circumstances exist, it is anticipated that a new licensed administrator shall be appointed within 30 days.
6. In a facility where a licensed administrator has both administrative and other functions, such as nursing responsibilities, the facility shall maintain time schedules which delineate clearly the specific hours spent by the individual in each function.

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

- A. An applicant for examination who has been disqualified shall be given written notification by the Board of his disqualification and the reasons therefor.
- B. 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.
- C. 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.
- D. The Board may conditionally admit to examination for licensure 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.

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. Applicable standards of environmental health and safety:
    - a. hygiene and sanitation
    - b. communicable diseases
    - c. management of isolation
    - d. the total environment (noise, color, orientation, stimulation, temperature, lighting, air circulation)
    - e. elements of accident prevention
    - f. special architectural needs of nursing home patients
    - g. drug handling and control
    - h. safety factors in oxygen usage.
  2. Local Health and Safety regulations: Guidelines vary according to local provisions.
  3. General administration:
    - a. institutional administration.
    - b. planning, organizing, directing, controlling, staffing, coordinating and budgeting.
    - c. human relations
      - i. management/employee interrelationships
      - ii. employee/employee interrelationships
      - iii. employee/patient interrelationships
      - iv. employee/family interrelationships
    - d. training of personnel:
      - i. training of employees to become sensitive to patient needs
      - ii. ongoing in-service training/education
  4. Psychology of patient care:
    - a. anxiety
    - b. depression
    - c. drugs, alcohol and their effect
    - d. motivation
    - e. separation reaction
  5. Principles of medical care:

- a. anatomy and physiology
- b. psychology
- c. disease recognition
- d. disease process
- e. nutrition
- f. aging processes
- g. medical terminology
- h. Materia Medica
- i. Medical Social Service
- j. utilization review
- k. professional and medical ethics

6. Personal and social care:

- a. resident and patient care planning
- b. activity programming;
  - i. patient participation
  - ii. recreation
- c. environmental adjustment: Interrelationships between patient and:
  - i. patient
  - ii. staff (staff sensitivity to patient needs as a therapeutic function)
  - iii. family and friends
  - iv. administrator
  - v. management (self-government/patient council)
- d. rehabilitation and restorative activities:
  - i. training in activities of daily living
  - ii. techniques of group therapy
- e. interdisciplinary interpretation of patient care to:
  - i. the patient
  - ii. the staff
  - iii. the family

7. Therapeutic and supportive care and services in long-term care:

- a. individual care planning as it embraces all therapeutic care and supportive services.
- b. meaningful observations of patient behavior as related to total patient care.
- c. interdisciplinary evaluation and revision of patient care plans and procedures.
- d. unique aspects and requirements of geriatric patient care.
- e. professional staff interrelationships with patient's physician.
- f. rehabilitative and remotivational role of individual therapeutic and supportive services.

- g. psychological, social and religious needs, in addition to physical needs of patient.
- h. needs for dental service.

8. Departmental organization and management:

- a. criteria for coordinating establishment of departmental and unit objectives.
- b. reporting and accountability of individual departments to administrator.
- c. criteria for departmental evaluation (nursing, food service, therapeutic services, maintenance, housekeeping).
- d. techniques of providing adequate professional, therapeutic supportive, and administrative services.
- e. The following departments may be used in relating matters of organization and management:
  - i. Nursing.
  - ii. Housekeeping.
  - iii. Dietary.
  - iv. Laundry.
  - v. Pharmaceutical Services.
  - vi. Social Service.
  - vii. Business Office.
  - viii. Recreation.
  - ix. Medical Records.
  - x. Admitting.
  - xi. Physical Therapy.
  - xii. Occupational Therapy.
  - xiii. Medical and Dental Services.
  - xiv. Laboratories.
  - xv. X-Ray
  - xvi. Maintenance.

9. Community Interrelationships:

- a. community medical care, rehabilitative and social services resources.
- b. other community resources:
  - i. Religious institutions.
  - ii. Schools.
  - iii. Service agencies.
  - iv. Government agencies.
- c. third party payment organizations.
- d. comprehensive health planning agencies.
- e. volunteers and auxiliaries.

- 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 evi-

Rule 11  
A. dence 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.

B. C. The examination program of the Professional Examination Service or such other, for the licensing of nursing home administrators may be used as part of the evaluation process for the State licensing program for nursing home administrators.

D. Chapter 169, P.L. 1970, supplements Chapter 11, of Title 30 of the Revised Statutes and provides for a fee which shall be determined for all applicants taking the Professional Examination Service examination toward a Permanent License as an Administrator of a nursing or convalescent home.

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

- Rule 13.  
A.
- 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:

I. Applicable standards of environmental health and safety:

- a. hygiene and sanitation
- b. communicable diseases
- c. management of isolation
- d. the total environment (noise, color, orientation, stimulation, temperature, lighting, air circulation)
- e. elements of accident prevention
- f. special architectural needs of nursing home patients
- g. drug handling and control
- h. safety factors in oxygen usage

II. Local Health and Safety regulations: Guidelines vary according to local provisions

III. General administration:

- a. institutional administration
- b. planning, organizing, directing, controlling, staffing, coordinating and budgeting
- c. human relations
  - i. management/employee interrelationships
  - ii. employee/employee interrelationships
  - iii. employee/patient interrelationships
  - iv. employee/family interrelationships
- d. training of personnel:
  - i. training of employees to become sensitive to patient needs
  - ii. ongoing in-service training/education

IV. Psychology of patient care:

- a. anxiety
- b. depression
- c. drugs, alcohol and their effect

V. Principles of medical care:

- a. anatomy and physiology
- b. psychology
- c. disease recognition
- d. disease process
- e. nutrition
- f. aging processes
- g. medical terminology
- h. Materia Medica
- i. Medical Social Service
- j. utilization review
- k. professional and medical ethics

VI. Personal and social care:

- a. resident and patient care planning
- b. activity programming:
  - i. patient participation
  - ii. recreation
- c. environmental adjustment: Interrelationships between patient and:
  - i. patient
  - ii. staff (staff sensitivity to patient needs as a therapeutic function)
  - iii. family and friends
  - iv. administrator
  - v. management (self-government/patient council)
- d. rehabilitation and restorative activities:
  - i. training in activities of daily living
  - ii. techniques of group therapy
- e. interdisciplinary interpretation of patient care to:
  - i. the patient
  - ii. the staff
  - iii. the family

VII. Therapeutic and supportive care and services in long-term care:

- a. individual care planning as it embraces all therapeutic care and supportive services.
- b. meaningful observations of patient behavior as related to total patient care
- c. interdisciplinary evaluation and revision of patient care plans and procedures.
- d. unique aspects and requirements of geriatric patient care.
- e. professional staff interrelationships with patient's physician.

- f. rehabilitative and remotivational role of individual therapeutic and supportive services
- g. psychological, social and religious needs, in addition to physical needs of patient.
- h. needs for dental service.

VIII. Departmental organization and management:

- a. criteria for coordinating establishment of departmental and unit objectives.
- b. reporting and accountability of individual departments to administrator.
- c. criteria for departmental evaluation (nursing, food service, therapeutic services, maintenance, housekeeping).
- d. techniques of providing adequate professional, therapeutic supportive, and administrative services.
- e. The following departments may be used in relating matters of organization and management:
  - i. Nursing.
  - ii. Housekeeping.
  - iii. Dietary.
  - iv. Laundry.
  - v. Pharmaceutical Services.
  - vi. Social Service.
  - vii. Business Office.
  - viii. Recreation.
  - ix. Medical Records.
  - x. Admitting.
  - xi. Physical Therapy.
  - xii. Occupational Therapy.
  - xiii. Medical and Dental Services
  - xiv. Laboratories.
  - xv. X-Ray.
  - xvi. Maintenance.

IX. Community Interrelationships:

- a. community medical care, rehabilitative and social services resources.
- b. other community resources:
  - i. Religious institutions.
  - ii. Schools.
  - iii. Service agencies.
  - iv. Government agencies.
- c. third party payment organizations.
- d. comprehensive health planning agencies.
- e. volunteers and auxiliaries.

- 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:  
(See Rule 13, Section A, I through IX)
  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, several institutions of higher learning have been approved by the Board to offer courses for nursing or convalescent home administrators.

Rule 14. Certification of Program of Study for Governmental Financial Participation

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

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. An application for registration as a nursing home administrator-in-training 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 done in a duly licensed patient care institution.
  - 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.
- C. 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. 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 and disburse governmental funds received pursuant to Section 1908 (e) (1) of the United States Social Security Act.

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.
- 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 or nursing home administrator-in-training, 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. 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.
  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 addicted or dependent upon the use of any drug recognized as resulting in an abnormal effect;
  9. has practiced without annual registration;
  10. has wrongfully transferred or surrendered possession either temporarily or permanently of his license or certificate to any person;
  11. has paid, given, caused to be paid or given or offered to pay or give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home patronage;

12. has been guilty of fraudulent, misleading, or deceptive advertising;
13. has impersonated another licensee of a like or different name;
14. has failed to exercise true regard for the safety, health and life of the patient;
15. has willfully permitted unauthorized disclosure of information relating to a patient or his records;
16. has discriminated in respect to patients, employees or staff on account of race, religion, color, or national origin;
17. for such other reasons as the State Board might deem reasonable and appropriate.

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 a 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, or 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, and upon submission of evidence satisfactory to the Board.
1. 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 an original nursing home administrator's license or reciprocal endorsement.
  2. 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
- 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. Continuing Education Requirement

Each licensed administrator must complete 20 hours per year in health-related seminars, workshops, lectures, formal courses in the field and such other health-related activities. It should be noted that the above are not required to be held in a formal classroom setting. In addition, attendance at meetings of the American College of Nursing Home Administrators, Association of Non-Profit Homes for the Aged, Nursing Home Association, Society of Nursing Home Administrators, and service on various committees would merit educational credit.