

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS

Editor's Note: Effective 7-1-06, the name of the Oklahoma State Board of Examiners for Nursing Home Administrators was changed to the Oklahoma State Board of Examiners for Long-Term-Care Administrators. [Laws 2006, c. 291]

CHAPTER 1. ADMINISTRATIVE OPERATIONS

[Authority: 63 O.S., § 330.51 et seq.] [Source: Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

490:1-1-1. Purpose

This Chapter has been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S. Sections 301 et seq. This Board, known as the Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), carries out statutory authority for developing, imposing and enforcing standards that must be met by individuals in order for them to receive, maintain, or renew a long term care administrator's license/certification. These rules are written to execute the aforementioned statutory responsibilities for licensing and/or certifying administrators named in Title 63 Oklahoma Statutes, Chapter 12, "Oklahoma State Board of Examiners for Long Term Care Administrators" §§ 330.51 - 330.65.

490:1-1-2. Definitions [AMENDED]

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Accredited college" or **"university"** means a college or university that is domiciled within the United States and that is accredited by: the North Central Association of Colleges and Schools, The Higher Learning Commission; the Southern Association of Colleges and Schools, Commission on Colleges; the Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities; the New England Association of Schools and Colleges, Commission on Institutions of Higher Education; the Middle States Association of Colleges and Schools, Middle States Commission on Higher Education; or the Northwest Commission on Colleges and Universities.

"Administrator-In-Training" or **"AIT"** means an individual serving a Board-approved internship within the facility type for which he is seeking licensure/certification under the supervision of a preceptor 'certified' by the Board. Individuals serving an AIT internship may also be referred to herein as 'intern/trainee'.

"Administrator" means any individual duly licensed or certified by the Board regardless of the role or function he performs.

"Administrator of Record" or **"AOR"** means the administrator licensed by this Board who has the authority and responsibility for the total operation of the facility, subject only to the policies adopted by the governing authority.

"Adult Day Care (ADC) Administrator" means a long term care administrator (or director) duly licensed by the Board to serve in this capacity in an Adult Day Care Center. The scope of practice of an individual licensed as an Adult Day Care Administrator is limited to a licensed Adult Day Care Center.

"Adult Day Care (ADC) Center" shall have the same meaning as such term is defined in the Adult Day Care Act, Title 63 O.S. Section 1-870 *et seq.*

"Adverse action" means revocation or suspension of a license, reprimand, censure or probation; any other loss of or restriction placed upon the license, including, but not limited to the right to apply for, or renew a license; voluntary surrender in lieu of discipline, non-renewal (excluding nonrenewal due to non-payment of fees, or retirement); administrative fines and any other negative action or finding by the Board.

"Assisted Living Center" shall have the same meaning as such term is defined in the Continuum of Care and Assisted Living Act, Title 63 O.S. Section 1- 890.1 *et seq.* Also known as an Assisted Living Facility (ALF).

"Board" means the Oklahoma State Board of Examiners for Long Term Care Administrators (OSBELTCA) or its staff.

"Certification" contextually, prior to the effective date of these rules, means the authorization granting a person the privilege of serving as a long term care administrator and continues until licensed in accordance with these rules or until October 1, 2012, whichever occurs first. The exception is the certified assistant administrator (CAA) which this Board continues to certify. Certification after the effective date of these rules pertains to the completion of training at an approved institution of higher learning or other body conducting such training (except Administrator University for Nursing Home Administrators and Board conducted training for Adult Day Care administrators). The institution or body certifies that the individual has been properly and completely trained and is prepared, as a prerequisite, for the state standards exam and/or NAB RC/AL exam. Certification of training is a step in the licensure process for RC and RC/AL licensure.

"Certified Assistant Administrator (CAA)" or **"Assistant Administrator"** as used herein means an individual who has been 'certified' by the Board as having met the minimum qualifications established by the Board to be able to serve as a full-time, Certified Assistant Administrator in a licensed long term care nursing facility, and who acts under the direction, supervision and license of a licensed nursing home administrator

"Continuum of Care Facility" shall have the same meaning as such term is defined in the Continuum of Care and Assisted Living Act, Title 63 O.S. Section 1-890.1 *et seq.*

"Degree equivalency evaluation" means an equivalency evaluation of a degree that was earned from a college or university not domiciled in the United States against a degree earned from an 'accredited college or university' (see definition earlier herein) that is performed by one of the following:

- (A) Educational Credential Evaluators (ECE)
- (B) Educational Records Evaluation Service (ERES)
- (C) International Education Research Foundation Credentials Evaluation Service (IERFCES)
- (D) World Education Services (WES)

"Formal Complaint" means a formal allegation by the Board that probable cause exists that an individual licensed as a long term care administrator has violated applicable statutes and/or rules. These allegations are written in a legal

document filed with the Board by its prosecuting attorney.

"Good Standing" means a license/certification/registration is active and not expired, suspended, revoked, surrendered, conditioned or otherwise in status that in any manner restricts the activity of the holder under its authority. When there is any other history of disciplinary action taken by any jurisdiction against a license, certification or registration, the Board retains sole discretion of evaluating the magnitude of any such action in its determination of an applicant's eligibility for approval in Oklahoma.

"Health Services Executive" or "HSE" means a broad-based NAB verified qualification which exceeds this Board's standards to be licensed as a nursing home administrator (NHA). It is not a license and it does not grant the holder of this qualification any additional privileges with the NHA license.

"Intermediate Care Facility for the Mentally Retarded (ICF/MR)" means a facility whose primary purpose is to provide health and rehabilitative services for persons with mental retardation or a related condition, and otherwise meets the Conditions Of Participation (COPs) found at 42 CFR §483.400 *et seq.* ICF/MR is synonymous with the term ICF/IID (intermediate care facility for individuals with an intellectual disability).

"Intermediate Care Facility for the Mentally Retarded, 16 Beds and Less (ICF/MR-16)" means a facility with sixteen (16) or fewer licensed resident beds that serves persons with mental retardation or with related conditions and that otherwise meets the Conditions Of Participation (COPs) found at 42 CFR §483.400 *et seq.*

"Lapsed License or Expired License" means a license that is no longer valid because the licensee failed to renew his/her license by the renewal deadline, causing the license to lapse or expire.

"License" means the written authorization of the Board granting a person the privilege of serving as a long term care administrator for a specific period of time, and further, a legal instrument obligating that person to adhere to the rules, regulations and statutes that govern the license.

"Licensing Year" shall mean the specific period of time a license/certification issued by the Board is valid. For purposes of these Rules, the term "licensing year" shall have the same meaning as "calendar year," the time period beginning at 12:01 a.m., January 1, and ending as of 12:00 midnight, the same December 31.

"Licensure by Endorsement" refers to the process of a jurisdiction granting a license to an applicant who is licensed in good standing and upon proof of requisite experience, education and qualifications at an equivalent designation in another jurisdiction.

"Long Term Care" primarily for the purposes of this board, as used herein, includes care given at facilities where a licensed long term care administrator is required such as a nursing facility, assisted living facility, residential care facility or an adult day care center. It does not encompass temporary care situations such as a swing bed hospital.

"National Association of Long Term Care Administrator Boards" ("NAB") is composed of state boards or agencies responsible for licensing long term care administrators. The basic objective of the NAB is to assist these boards and agencies in carrying out their statutory and regulatory responsibilities in the licensure, re-licensure and regulation of long term care administrators. One of NAB's functions is the development and administration of the national long term care administrator or Nursing Home Administrator (NHA) examination, as well as the Residential Care/Assisted Living (RC/AL) examination.

"NAB Domains of Practice" refers to the tasks performed by a long term care administrator and the knowledge, skills and abilities identified by NAB as necessary to perform those tasks in its professional practice analysis. The NAB Domains of Practice can be found on the

National Association of Long Term Care Administrator Boards (NAB) website at www.nabweb.org.

"Notification by OSDH" refers to the OSDH (Oklahoma State Department of Health) notifying the Board of survey results of a nursing facility that include a substandard quality of care citation. A notification may become a referral.

"Nursing Home and Nursing Facility" shall refer to both "Nursing Facility" and "Specialized Facility" as such terms are defined in the Nursing Home Care Act, Title 63 O.S. Section 1-1901 *et seq.* and/or as defined at 42CFR §483.1 *et seq.*

"Nursing Home Administrator (NHA)" means a long term care administrator duly licensed by the Board to serve in this capacity in a nursing facility, nursing home, skilled nursing facility or any similarly worded facility type. Their scope of practice includes ICF/MR, RCF, ALF and Adult Day Care Centers and the term is synonymous with nursing facility administrator.

"Preceptor" means an individual qualified by training and experience, who is currently licensed as a long term care administrator in Oklahoma, is 'certified' by the Board as a qualified preceptor and is charged with coordinating the training of an AIT intern/trainee who is enrolled in a Board- approved Administrator-in-? Training (AIT) internship program.

"Probation" is a condition(s) imposed for a specified period of time at the initial issuance of a license or contained in an order resulting from a complaint against the administrator.

"Provisional license" means the temporary authority to serve as a long term care administrator as granted by the Board to an individual of good character who meets appropriate conditions and requirements prescribed by the Board.

"RC/AL Administrator" means a long term care administrator duly licensed by the Board to serve in this capacity in either an RCF or ALF. The scope of practice of an individual licensed as an RC/AL administrator is limited to either a licensed Residential Care Facility (RCF) or a licensed Assisted Living Facility (ALF).

"Reciprocity" refers to the acceptance of an actual license wherein a jurisdiction chooses to recognize the education, experience and qualifications that a licensee has obtained from another state. To have an out-of-state long-term care license accepted in Oklahoma, a licensee from another state is required to register with this Board and prove that equivalence. It is similar to licensure by endorsement but different in that with reciprocity, no new license is issued.

"Referral or Report" means an issue or concern regarding a long term care administrator that has been reduced to writing and is forwarded to the Board for a determination as to whether a violation of the Board's Rules has occurred. Such referral or report may be made by an individual or agency.

"Registrant" refers to a licensee from another jurisdiction who is registered in Oklahoma. They will have agreed to be held culpable for Oklahoma and federal laws relative to the facility(s) they are the administrator for and Oklahoma administrator rules and statutes, to include annual renewal of the registration. References to licensed administrators would include a reference to a registrant as they are licensed administrators albeit from (an)other jurisdiction(s).

"Residential Care (RC) Administrator" means a long term care administrator duly licensed by the Board to serve in this capacity in only an RCF. The scope of practice of an individual licensed as a Residential Care Administrator is limited to a licensed Residential Care Facility (RCF).

"Residential Care Home" or "Residential Care Facility (RCF)" shall have the same meaning as such term is defined in the Residential Care Act, Title 63 O.S. Section 1-819 *et seq.*

"Revocation or Revoked License" is a sanction imposed upon a license/certificate by the Board that results in a complete loss of license/certificate and all privileges attendant thereto and requires holder to surrender his license/certificate, the annual license/certification renewal card and all other license or certificate-related documents to the Board.

"Specialized facility" shall have the same meaning as such term is defined in the Nursing Home Care Act, Title 63 O.S. Section 1-1901 *et seq.*

"Suspension or Suspended License" is a sanction imposed upon a license/certificate by the Board. The licensee retains his license/certificate and his annual renewal card and therefore must renew the license, yet he shall not function in the capacity as a long term care administrator until the Board determines that conditions responsible for the suspension no longer exist, any or all other restoration requirements imposed by the Board have been met, and the Board has restored his status.

SUBCHAPTER 3. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS

490:1-3-1. Organization [AMENDED]

The members of the Board shall elect from their membership a Chair, Vice- Chair and Secretary-Treasurer to serve two (2) year terms beginning November 1 of each odd-numbered year.

- (1) Nominations may be made by any member of the Board or a committee named by the Chair.
- (2) Each member of the Board may cast one (1) vote for each office for which an election is held.
- (3) Election shall be by majority vote of a quorum.
- (4) Board officer vacancies shall be filled in the same manner when the vacancy occurs.
- (5) A simple majority of the filled seats of the current Board shall constitute a quorum of the Board.

490:1-3-2. Officers and committees

- (a) The Chair shall be the Chief Executive Officer of the Board. The Chair shall call and preside at all meetings and shall be a member *ex-officio* of all committees. The Chair may act for the Board in such other matters as it may authorize.
- (b) The Vice-Chair, in the absence of the Chair, shall assume all of the Chair's duties and have all of the Chair's authority. The Vice Chair shall also perform such duties as may be assigned by the Chair.
- (c) The Secretary-Treasurer shall keep accurate and complete minutes of all meetings (including minutes of executive sessions), attend to all correspondence, call meetings on order of the Chair, and maintain accurate and complete records of all other business transactions and funds of the Board.
- (d) The Board may appoint a recording secretary to assist in fulfilling the responsibilities of the Secretary-Treasurer. The recording secretary may be an employee of the Board.
- (e) The elected officers shall constitute the Executive Committee of the Board and may provide counsel to the Chair and/or Executive Director in situations requiring immediate attention and action.
- (f) Standing and special committees may be instituted and their members appointed by the Chair, and shall serve until their purpose is accomplished or until the date of the meeting at which the officers of the Board are elected. Such committees shall, at each regular meeting of the Board, report on committee activities occurring since the last regular meeting of the Board if/when any activity occurred. If there was no activity, a report is not required.

490:1-3-3. Meeting of the Board

- (a) All proceedings of the Board shall be held and conducted in compliance with the Oklahoma Open Meeting Act.
- (b) Regularly scheduled meetings shall be held at a time and place designated by the Chair.
- (c) The Secretary-Treasurer shall notify the membership of the time and place of all regularly-scheduled meetings at least five (5) working days prior to the date of said meeting.

(d) Special meetings may be called at any time by the Chair and shall be called if requested by a majority of the members of the Executive Committee or at the request of a majority of the membership of the Board. The Secretary-Treasurer shall notify the Board of the time, place and business to be transacted at least forty- eight (48) hours in advance of the time set for the special meeting.

490:1-3-4. Board composition. [REVOKED]

490:1-3-5. Administrator responsibilities [REVOKED]

490:1-3-6. Continuing Education Programs and Training Programs [REVOKED]

490:1-3-7. Administrator University [REVOKED]

490:1-3-8. Executive Director

The Board's Executive Director, as the chief administrative officer for the Board, shall carry out the administrative functions of the Board, including, but not limited to signing orders entered by the Board.

490:1-3-9. Waiver of one administrator per facility rule [REVOKED]

SUBCHAPTER 5. INVESTIGATIVE PROCEDURES

490:1-5-1. Notice and hearing [REVOKED]

490:1-5-2. Receipt of referrals, reports and notifications

- (a) Any person or any person on behalf of a recognized legal entity may file a written referral or report with the Board by submitting the same via U.S. Mail, via electronic mail, via the Board's web-based electronic report form or by delivering the same in person to the Board's office.
- (b) Anonymous referrals or reports shall not be accepted.
- (c) A report shall be generated by the Board or Board staff when information obtained from the media, law enforcement, any regulatory agency, or any other source indicates a violation may have occurred.
- (d) The Board shall reduce to writing a verbal report received by phone or in person.
- (e) If the individual making the report is a facility resident, the resident's personal or legal representative, or a current employee of the facility, the Board shall keep the individual's identity confidential.
- (f) 'Paper' referrals or reports received by Board staff shall be receipted with a 'date stamp' as to the date the same were received in the Board's office, or, as applicable, by the electronic 'date stamp' created when the electronic version of the referral or report was either created/sent or electronically received by Board staff.
- (g) When the Board receives notification of survey results by the Oklahoma State Department of Health (OSDH) that involve substandard quality of care; OR otherwise obtains information about events or incidents that may implicate an administrator as possibly having violated any of the Board's rules, such as through any form of news media, this information shall be reviewed by a person appointed by the Board, and shall determine whether the information should be referred to the Probable Cause Committee.

490:1-5-2.1. Action on referrals and reports

- (a) A Probable Cause Committee shall review and may recommend action to the Board on any and all referrals or reports received.
- (b) A formal complaint may be generated by the Board or Board staff when the Probable Cause Committee determines that a violation may have occurred.

490:1-5-3. Complaints: investigations and investigative reports

- (a) Each referral or report shall be thoroughly investigated. If investigative reports are prepared, such reports are confidential.
- (b) An investigative report shall not be deemed to be a record as that term is defined in the Oklahoma Open Records Act nor shall the report be subject to subpoena or discovery in any civil or criminal proceeding.

490:1-5-4. Preparation of investigative report [REVOKED]

490:1-5-5. Board decision [REVOKED]

490:1-5-6. Notice

- (a) All notices or other papers requiring service in an individual proceeding shall be served in one of the following manners:
 - (1) personally by any person appointed to make service by the Director of the Board and in any manner authorized by the law of this State for the personal service of summonses in proceedings in a state court; or,
 - (2) by certified mail to the respondent at the last address provided to the Board by respondent or to respondent's attorney.
- (b) Service of notice. Such service shall be complete upon the personal service or certified mailing of the notice or other paper to respondent's last address provided to the Board by respondent or respondent's attorney.

490:1-5-7. Hearing

- (a) Individual proceedings shall be conducted by the Board according to the provisions established in 63 O.S. Sections 330.64 and 330.65 and 75 O.S. Section 309 et seq.
 - (1) The respondent shall bring to the hearing twenty (20) copies of all documents that he intends to offer into evidence as well as twenty (20) copies of all motions that he intends to submit for Board consideration.
 - (2) An electronic recording of the proceeding shall be made by the Board, and a copy of the electronic recording shall be provided by the Board to a party to the proceeding at that party's request. Should there be any equipment failures, the minutes of the meeting and proceedings will be provided instead of the electronic recording.
 - (3) The full proceedings of any hearing may be transcribed. The party wanting the services of a court reporter to transcribe the proceedings shall make the arrangements with a court reporter for such transcription pay the reporter's fee(s), and notify the Board in advance of the hearing of the expected presence of a court reporter.
- (b) Any party aggrieved by a decision of the Board following a hearing may appeal directly to District Court pursuant to the provisions of Section 318 of Title 75 of the Oklahoma Statutes.

490:1-5-7.1. Administrative fines

- (a) The Board may impose administrative fines, in an amount to be determined by the Board, against persons whom the Board has determined have not complied with the provisions of the Oklahoma statutes relating to Long Term Care Administrators or rules adopted by the Board. Administrative fines shall not exceed One Thousand Dollars (\$1,000.00) per violation.
- (b) In assessing a fine, the Board shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the scope, severity and repetition of the violation and any additional factors deemed appropriate by the Board.
- (c) Administrative fines assessed by the Board on-or-after August 1, 2009, must be paid, in full, within thirty (30) calendar days of the date assessed, unless other payment terms have been agreed to, in writing, by the Board.
- (d) Failure to timely pay Administrative fines assessed by the Board may subject the individual to additional Board sanction(s), including license suspension or revocation.
- (e) Failure of the licensee to provide verification of completion of the required number of CEUs shall result in specific standard fines and penalties (automatically approved) that will be enforced per 490:1-9-5.

490:1-5-8. Reporting

- (a) The Board shall report final adverse actions to the National Practitioner Data Bank (NPDB), formerly the Healthcare Integrity and Protection Data Bank (HIPDB), in accordance with requirements at Title 45, Code of Federal Regulations, Part 60.
- (b) Disciplinary action taken against a license/certificate holder and reported to the NPDB shall be reported on the registry as provided in 63 O.S. §330.64.
- (c) If the Board has knowledge that the license/certificate holder is licensed or certified as a long term care administrator in any other legal jurisdiction(s) and/or if the Board has knowledge that this person holds other professional license(s) or certification(s), the Board may report disciplinary action taken against this person to all appropriate state licensing authorities, federal regulatory authorities and professional certification organizations.
- (d) Referrals may be made to law enforcement authorities, the State's Medicaid Fraud and Abuse authorities, Adult Protective Services, the State's Ombudsman, or any other licensing or regulatory entity.

SUBCHAPTER 6. ADMINISTRATOR REGISTRY [REVOKED]

490:1-6-1. General provisions [REVOKED]

SUBCHAPTER 7. FEES AND DEPOSITS

490:1-7-1. Fees and deposits

- (a) All fees, fines and costs collected by the Board under the provisions of 63 O.S. Sections 330.51 et seq. shall be deposited with the State Treasurer within twenty- four (24) hours of receipt, in a fund to be known as the Oklahoma State Board of Examiners for Long Term Care Administrators Revolving Fund. This fund may be used for the purposes of the Board as provided in the Statutes.
- (b) Fees, fines and costs received by the Board for any purpose described herein, all of which shall be payable to the Board online via credit or debit card payment, shall become the exclusive property of the Board and shall not be refunded in whole or in part for any reason or purpose without the Executive Director's approval. The Board does not accept checks or cash payments.
- (c) The following fees as listed within 490:1-7-2, are due and payable to the Board, in full, immediately upon assessment by the Board:
 - (1) Fees for Non-Sufficient Funds (NSF) related to Electronic Funds Transfers;
 - (2) Late Fees; and/or
 - (3) Late Fees for Failure to Provide Current Contact information.
- (d) Unless otherwise agreed to in writing by the Board, all other fees charged by the Board are due and payable to the Board, in full, on-or- before the date the Board or Board staff is to take action on the item wherein a fee is specified.
- (e) Failure to timely pay Administrative fees assessed by the Board may subject the individual to additional Board sanction(s), including license suspension or revocation.

490:1-7-2. Schedule of fees [AMENDED]

- (a) Initial Long Term Care Administrator License- \$200.00
 - (1) This licensure fee applies to all original licensures, registrations/registration renewals and certifications.
 - (2) The initial license will expire on December 31st of the year it was effective.
- (b) Renewal fees
 - (1) NHA License - \$200.00 per year;
 - (2) Certified Assistant - \$75.00 per year;
 - (3) RC/AL License - \$175.00 per year;
 - (4) RC License - \$100.00 per year;
 - (5) ADC License - \$100.00 per year;
- (c) Late Fee - \$100.00 for each calendar week, or portion thereof, a licensee fails to timely meet the requirements of a deadline or due date established or agreed to, in writing, by the Board.
- (d) Pre-Licensing File Origination and Maintenance fee - \$100.00
- (e) Provisional License (per application) - \$200.00
- (f) Name Change on "Certificate of License" (per request) - \$25.00 (documentation of a legal name change shall be required, such as a marriage certificate or other legal document)
- (g) Endorsement Licensure Questionnaire (per request) - \$50.00
- (h) Replacement "Certificate of License" (due to loss or damage) - \$25.00
- (i) State Standards Review (per person) - \$100.00
- (j) State Standards Examination Packet - \$50.00

- (k) State Standards Examination - \$100.00 per examinee (when administered by OSBELTCA)
- (l) State Standards Examination, unscheduled examination - \$500.00 per examinee (when administered by OSBELTCA)
- (m) Board-Sponsored Educational Workshop (per day) - up to \$1,000 per attendee.
- (n) Photocopies (per page) - \$0.25
- (o) Rules and Regulations (paper copy), per page - \$0.25
- (p) Administrator-In-Training (AIT) Program: Internship Permit (per intern/trainee) - 350.00
- (q) Continuing Education Program Approval Fee (per credit hour) - \$55.00
- (r) Mailing List on Plain Paper (per page) - \$0.25
- (s) Electronic Mailing List - \$10.00
- (t) Returned Check Fee or Fee related to Non- Sufficient Funds (NSF) to cover an Electronic Funds Transfer (EFT) - \$30.00
- (u) Late Fee for Failure to Provide Current Contact and/or Employment Information - \$75.00
- (v) Fee for Administrator University - Not to exceed \$200.00 per day
- (w) Convenience Fee for Online Licensure Renewal - Determined by Intermediary
- (x) Review by Board Staff in order to determine whether or not an individual applicant is eligible for licensure or certification relative to the barrier offenses listed in OAC 490:10-1-2.1 or other eligibility criteria - \$200.00
- (y) License Application processing fee - \$100.00 (valid for one year).
- (z) Temporary licensure fee - \$200.00 (wherein the Executive Director may issue a temporary license, upon request by the applicant and with all requirements being met, expiring at the next Board meeting date when the Board would issue a license, enabling one who is qualified to work while waiting for the next Board meeting).

SUBCHAPTER 9. CONTINUING EDUCATION

490:1-9-1. General provisions for continuing education programs

- (a) In order to receive Board recognition and continuing education credit, continuing education programs shall be submitted to the Board for approval prior to presentation as indicated under this Chapter.
- (b) All continuing education programs submitted to the Board for its evaluation and possible 'approval' for purposes of granting Oklahoma continuing education credit hours shall be submitted with a \$55.00 per credit hour, non-refundable fee. Approval will be granted only for specific programs for specific dates of presentation. The Board shall waive this fee for programs sponsored by State or federal agencies. Recurring presentations also require Board approval, but may be considered and approved by the Board based upon a report of program changes from the previously-approved program.
- (c) The Board may withdraw approval for continuing education credit should subsequent information come to its attention that program content differed from that approved.
- (d) Sponsors shall be responsible for obtaining satisfactory documentation of attendance and submission of the attendance records to the Board.
- (e) All programs approved by the National Continuing Education Review Service (NCERS), National Association of Long Term Care Administrator Boards (NAB) that receive a NCERS/NAB approval number will be presumptively accepted by the Board for purposes of meeting Oklahoma's annual continuing education requirements.
- (f) The Board may approve, sponsor and/or conduct its own educational and training programs for continuing education credit if such programs meet the criteria established in this Chapter.
- (g) The Board reserves the right to monitor any and all approved programs.
- (h) Programs that deal specifically with internal affairs of an organization do not qualify for continuing education hours.
- (i) Programs from the Administrator University may qualify for continuing education hours if they meet the criteria outlined in this Chapter and have been so approved by the Board.
- (j) Sponsors, at their discretion, may award partial credit for attendees who they deem have been late, left early, or otherwise not participated in the full activities of the program. The Board approval for a program is for "up to" the number of hours approved and it is the responsibility of the sponsor to judiciously grant credit. This also allows the sponsor to award fewer hours in the event of unplanned changes to a program such as a scheduled speaker being unable to make a presentation. Failure to protect the integrity of the hours approved on the part of the sponsor could result in future denial of program approval by the Board.

490:1-9-2. Criteria for continuing education programs

- (a) In order for the Board to approve a program for continuing education hours, an application shall be completed by the sponsor and reviewed and approved by the Board.
- (b) Sponsors shall submit their application to the Board at least 30 days in advance of the program, provided however, should the Board fail to meet through lack of a quorum or other circumstance, the application will be reviewed at the next meeting of the Board and if approved, hours will be awarded retroactively.

(c) The application shall contain documentation that certifies the following criteria are being met:

- (1) The program shall relate to Long Term Care Administration and be designed to promote continued knowledge, skills and attitudes consistent with current standards in long term care administration.
- (2) The program shall be designed to assist administrators to improve their professional competencies.
- (3) The program shall be open and available to all long term care administrators in Oklahoma.
- (4) The facility where the program will be conducted shall provide adequate space to accommodate potential attendees and have the ability to supply the needed equipment.
- (5) The faculty/instructors must have experience in long term care supervision and administration, or have expertise in teaching and instructional methods suitable to the subject presented, or have suitable academic qualifications and experience for the subject presented.
- (6) The learning objectives in the program must be reasonable and clearly stated in behavioral terms which define the expected outcomes for participants.
- (7) The learning objectives must be consistent with the program content and the mechanism by which learning objectives are shared with participants must be identified.
- (8) The teaching methods in the program must be clearly stated, must be appropriate to the subject matter, and must allow suitable time.
- (9) Instructional aids and resource materials that will be utilized in the program must be described.
- (10) Sponsors should be qualified in the subject matter presented. The Board, in its sole discretion, may approve programs from an accredited educational institution, a professional association and/or trade association, a private educational group, or a state agency, or from another source if the program content is deemed to be of sufficient value to Oklahoma long term care administrators.
- (11) The registration fee for a program must be published clearly on promotional material.
- (12) Registration fees may be reviewed by the Board.
- (13) The sponsor must allow the Board to evaluate the program.
- (14) The sponsor must provide an evaluation form, approved by the Board, for each program participant's responses.
- (15) Within 15 days after the conclusion of the program, the sponsor of Board approved programs (not NAB/NCERS approved programs) must provide to the Board a list of participants and a summary of the evaluations for each program. NAB/NCERS approved sponsors will use the NAB CE Registry to report attendees for those programs.
- (16) The application presented to the Board must state the method to be used in certifying attendance or on-line completion.
- (17) To receive full credit, attendees must attend the full program and/or log-in for on-line attendance for the full program. See also 490:1-9-1(j).
- (18) Partial credit of a minimum of two clock hours may be earned in a divisible program.
- (19) Instructional hours must be based upon clock hours (60 minutes= 1 clock hour).

- (20) The agenda must show registration, meal times (not included in credit hours), and a breakdown of the daily educational activities.
- (21) The maximum number of hours that can be approved or earned shall be seven clock hours per day.
- (22) The target group for programs shall be long term care administrators and other disciplines related to long term care.
- (23) Licensed administrators who are "presenters" of approved CE programs may receive credit one time annually for the clock hour value of the class(es) they present. If the material is presented multiple times, credit is only awarded once per licensure year for the same educational material.
- (24) Licensed administrators who present in Administrators University (AU) or other Board approved entry level training such as RC, RCAL or Adult Day Care initial licensure training, will receive CE credit one time annually for the clock hour value of the material they present.

490:1-9-3. Approval of continuing education programs

- (a) In order to be approved, continuing education programs shall be appropriately designed for Long Term Care Administrators and shall meet the criteria outlined in this Chapter.
- (b) If a program is disapproved, the sponsor shall be notified in writing of the reasons for rejection within ten (10) working days of the Board's decision.
- (c) If a program is disapproved, the sponsor has 30 days to appeal in writing. The appeal must include a copy of the original application package and any additional information the sponsor feels is needed for further clarification.
- (d) The Board may approve program content or a portion of the program content, even though the same content or a portion of the program content has been previously approved by the Board for the same calendar year.

490:1-9-4. Continuing education requirements [AMENDED]

- (a) Each licensee shall be responsible for identifying his own continuing education needs, taking the initiative in seeking continuing professional education activities to meet those needs, and integrating new knowledge and skills into his duties.
- (b) Individuals who are newly licensed as a nursing home or ICF/MR administrators or certified as Assistant Administrators are required to successfully complete continuing education hours equivalent to a rate of two (2) hours per month, beginning with the month following the month his license/certificate is issued, for each month he holds the license/certificate during the current licensing year. For certified assistant administrators, this is a condition of employment.
 - (1) Individuals who are newly licensed as RC/AL administrators are required to successfully complete continuing education hours equivalent to a rate of one and one-half (1.5) hours per month, beginning with the month following the month their license is issued, for each month they hold the license during the current licensing year.
 - (2) Individuals who are newly licensed as RC only administrators are required to successfully complete continuing education hours equivalent to a rate of 1.3 hours

per month, rounded up to the next half hour increment (e.g., 1.3 = 1.5; 2.6 = 3), beginning with the month following the month their license is issued, for each month they hold the license during the current licensing year.

- (3) Individuals who are newly licensed as Adult Day Care administrators are required to successfully complete continuing education hours equivalent to a rate of one (1) hour per month, beginning with the month following the month their license is issued, for each month they hold the license during the current licensing year.
- (c) Licensees holding a nursing home administrator license and Certified Assistant Administrators shall successfully complete twenty-four (24) clock hours of continuing education (commonly referred to as CEUs or continuing education units) during each licensing year. For Certified Assistant Administrators this shall be a condition of employment.
- (1) RC/AL administrators shall successfully complete eighteen (18) clock hours of continuing education during each licensing year.
 - (2) Residential Care administrators shall successfully complete sixteen (16) clock hours of continuing education during each licensing year.
 - (3) Licensed Adult Day Care Administrators shall successfully complete twelve (12) clock hours of continuing education during each licensing year.
- (d) Licensees/certificate holders are responsible for maintaining their own continuing education records.
- (e) Carry-over of continuing education hours earned in one licensing year that were in excess of the hours required for that year to a subsequent licensing year is not permitted.
- (f) Licensed administrators who have attended and received credit for previously approved program content shall be denied credit for attending subsequent duplicate programs in the same calendar year.
- (g) A licensee/certificate holder who cannot meet the continuing education requirement due to illness, emergency or hardship may petition the Board, in writing, requesting a waiver of the clock hour requirement. Any such waiver request must be received and acted- upon by the Board prior to the end of the licensing period in which the CE requirement will not be met. The waiver request shall explain why compliance is not possible, and include appropriate documentation. Waiver requests will be evaluated and acted upon by the Board on a case-by-case basis. In the event of more broadly scaled events that, in the judgment of the Board, affect large groups or the whole of the profession, the Board may take action to temporarily alter or waive CE requirements for those larger groups or all licensees for a specified time period.
- (h) In the event a licensee fails to provide the Board, upon request, with documentation that the continuing education requirements have been met, the licensee will be subject to sanction by the Board, which may include suspension or revocation of his license. This is considered a reportable offense on the first offense and will appear as a violation in the Registry and NPDB.
- (i) A licensee whose license is suspended by the Board for disciplinary reasons is not exempt from the continuing education requirements, and must, therefore, successfully complete the required number of continuing education hours commensurate with his license/certificate type during any licensing year(s) in which his license is under suspension. Licensee shall, upon Board request, furnish documentation that the continuing education requirements have been met. Failure to provide such requested documentation shall subject licensee to sanction by the Board, including further suspension or revocation of his license.

- (j) All CE hours earned for programs approved by the NCERS/NAB or approved by the Board may be utilized by a licensee for purposes of meeting the annual CE requirement in the licensing period in which the hours were earned.

490:1-9-5. Auditing of continuing education hours

- (a) The Board may request continuing education information from sponsors for audit purposes only.
- (b) The Board does not retain any record of continuing education hours completed by individual administrators except as it may otherwise obtain in its performance of the annual CE compliance audit.
- (c) An annual audit of at least 5% of the total number of each type of administrator will be made to verify compliance with the annual CE requirement. This percentage may be increased at the Board's discretion. If a license is not renewed by the last day of the current licensing year, an audit to verify compliance with the annual CE requirement shall be conducted prior to reinstatement of the license.
- (d) Failure of a licensee to provide verification of continuing education hours completed, if requested by the Board, shall result in disciplinary action against the licensee. The minimum penalty for a first time offense is \$50.00 per clock hour not completed and completion of twice the number of clock hours not completed, due within 120 days. These clock hours cannot be applied to the current year's requirements. This is also a NPDB (National Practitioners Data Bank) reportable offense. For a second offense, the penalty will double. Any subsequent offenses shall be referred to the Board for determination of an appropriate penalty which may include suspension or revocation. The Administrator shall be informed in writing prior to the drafting of an order that they may request a formal hearing before the Board in lieu of the "standard" penalty for either the first or second time offense, in which case a formal complaint shall be drafted and the Board shall have a full range of penalty options available to them, to include suspension and revocation. These automatic penalties for the first and second offense do not require Board approval; however, any variation from this "standard" will require Board approval. A formal complaint and appropriate order will still be drafted by the Board's attorney and the action taken shall be reported to the Board.