

## 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](http://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 31<sup>st</sup> 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.

## CHAPTER 10. LONG TERM CARE ADMINISTRATORS

[Authority: 63 O.S., §§ 330.51 et seq.]

[Source: Codified 12-30-91]

### SUBCHAPTER 1. LICENSING OF LONG TERM CARE ADMINISTRATORS

#### 490:10-1-1. Purpose

This Chapter has been adopted for the purpose of complying with the provisions of the Administrative Procedures Act. This Chapter implements the specific rules for licensing administrators serving in the following facility types:

- (1) Nursing facilities and specialized facilities licensed pursuant to 63 O.S. Section 1-1901 et seq., including but not limited to specialized facilities for persons with mental retardation, developmental disabilities or Alzheimer's disease; and
- (2) Continuum of Care facilities or Assisted Living Center (ALC) licensed pursuant to 63 O.S. Section 1-890.1 et seq.
- (3) Residential Care Homes licensed pursuant to 63 OS Section 1-819 et seq.
- (4) Adult Day Care Centers licensed pursuant to 63 OS Section 1-870 et seq.

#### 490:10-1-2. Definitions

Definitions set forth in Chapter 1 of this Title shall also apply to this Chapter.

#### 490:10-1-2.1. General requirements that must be met by each applicant [AMENDED]

- (a) Applicants shall not be less than twenty- one (21) years of age at the time the license is issued.
- (b) Each applicant shall be a United States citizen, or be a qualified alien under the Federal Immigration and Naturalization Act and lawfully residing in the United States.
- (c) Each applicant must establish to the satisfaction of the Board that the applicant is of reputable and responsible character.
- (d) Each applicant shall submit to a criminal background check. If the results of a criminal background check reveal that the applicant has been convicted of or pleaded guilty or *nolo contendere* or no contest, or received a deferred for any felony or misdemeanor offense for any of the following offenses in any state or federal jurisdiction, the Board shall not issue a license or renew a previously issued license to this person and employers shall not hire or contract with the person:
  - (1) abuse, neglect or financial exploitation of any person entrusted to the care or possession of such person,
  - (2) rape, incest or sodomy,
  - (3) child abuse,
  - (4) murder or attempted murder,
  - (5) manslaughter,
  - (6) kidnapping,
  - (7) aggravated assault and battery,
  - (8) assault and battery with a dangerous weapon, or

- (9) arson in the first degree.
- (e) If less than seven (7) years have elapsed since the completion of sentence (meaning the last day of the entire term of the incarceration imposed by the sentence including any term that is deferred, suspended or subject to parole), and the results of a criminal history check reveal that the subject person has been convicted of, or pled guilty or nolo contendere or no contest to, a felony or misdemeanor offense for any of the following offenses, in any state or federal jurisdiction, the Board shall not issue a license or renew a previously issued license to this person and employers shall not hire or contract with the person:
- (1) assault,
  - (2) battery,
  - (3) indecent exposure and indecent exhibition, except where such offense disqualifies the person as a registered sex offender,
  - (4) pandering,
  - (5) burglary in the first or second degree,
  - (6) robber in the first or second degree,
  - (7) robber or attempted robbery with a dangerous weapon, or imitation firearm,
  - (8) arson in the second degree,
  - (9) unlawful manufacture, distribution, prescription, or dispensing of a Schedule I through V drug as defined by the Uniform Controlled Dangerous Substance Act (noting that "possession" of a Schedule I through V drug as defined by the Uniform Controlled Dangerous Substance Act is no longer a barrier offense),
  - (10) grand larceny, or
  - (11) petit larceny or shoplifting.
- (f) Each applicant shall report to the Board any adverse action taken by any licensing or certification entity in any jurisdiction. The Board shall examine the reasons for the action(s) and may consider this information in granting or denying a license. The applicant is required to report all jurisdictions where they've held a license and/or applied for licensure and been denied. Licensure denial is an adverse action and is required to be reported to the NPDB.
- (g) Each applicant shall be in compliance with State income tax requirements pursuant to 68 O.S., 238.1.
- (h) Each applicant shall remit any and all required fees associated with obtaining a license, including any outstanding fees or fines.
- (i) Each applicant must have a working ability in the English language sufficient to communicate, both orally and in writing, with residents, family members, employees, the general public, and representatives of State and federal agencies and to engage in the practice of long term care administration.
- (j) Each applicant shall meet all other appropriate conditions and requirements as may be prescribed by the Board.
- (k) When the Board denies an application for licensure, the Board will not reconsider such denial. A person cannot reapply for licensure until one year of the date of denial.
- (l) The application shall be considered incomplete until all requirements have been met, to include any additional requirements prescribed by the Board for each license type. Board conducted training includes Administrator University and any initial qualification training such as the optional reviews for exams or Adult Day Care training. Approved initial qualification training conducted externally, such as training approved for RC or RCAL licensure or other NAB approved entry level training, is not considered "Board conducted" and those applicants have to meet the prerequisites prior to testing or attending any "Review" courses the Board may offer.

(m) In accordance with the requirements detailed at 59 O.S. 4100.4(A), it shall be incumbent upon the applicant to bring any equivalent education, training and experience completed while in the Armed Forces to the attention of OSBELTCA staff during the application process. The staff shall accept and apply satisfactory evidence of this equivalent education, training and experience in a manner most favorable to the satisfying qualification requirements of the license and/or approval for license examination(s).

**490:10-1-3. Requirements for initial licensure for nursing/skilled nursing facility (includes ICF/IID) administrator (also known as nursing home administrator) [AMENDED]**

- (a) In addition to the general requirements found in this Chapter, each applicant for initial licensure shall meet the requirements in this Section.
- (b) Each applicant shall provide, or shall cause to be provided, written evidence satisfactory to the Board of the following:
- (1) "Official Proof" [see 490:10-3-1.1. (relating to evidence requirements)] of successful completion of a formal program or program(s) of study, wherein applicant received, at a minimum, a bachelor's degree:
    - (A) applicant received a bachelor's degree from a college or university accredited by one of the regional accreditation organizations recognized by the U.S. Department of Education and the Board if the applicant's degree is from a school domiciled in the United States; or
    - (B) if the applicant received his degree from a college or university domiciled outside the United States [and, as such, the college/ university does not fall under the accreditation purview of any of the six (6) regional accreditation organizations recognized by the U.S. Department of Education and by the Board], applicant shall, at applicant's expense, cause a degree equivalency evaluation of his degree to be performed and the results sent directly to the Board. The Board shall assess the results of this degree equivalency evaluation and, at its sole discretion, determine if applicant's education and/or degree are equivalent, at a minimum, to a bachelor's degree earned from a regionally accredited college or university;
  - (2) Receipt of a passing score on the national "NAB" NHA examinations (Core and NHA Line of Service (LOS)) conducted by the National Association of Long Term Care Administrator Boards (NAB) as discussed in paragraph 10-3-2 of this document.
  - (3) Receipt of a passing score on the Oklahoma State Standards examination within the twenty-four (24) months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this 24-month time period, applicant will have to pay all required fees and re-take the examination prior to any future licensing attempts;
  - (4) Successful completion of Administrator University or a presumptively approved NAB-approved entry level course for Nursing Home Administrators within the twenty- four (24) months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this 24-month time period, applicant will have to pay all required fees and re- take Administrator University prior to any future licensing attempts (if the candidate has a degree in long term care administration from an institution accredited by NAB, the Administrator

- University may be waived);
- (5) Successful completion of the Administrator-in-Training (AIT) program (or documentation of an equivalent internship as part of a degree in long term care from an institution accredited by NAB) within the twenty-four (24) months preceding the month in which the Board will be taking action to license the individual, and if applicant is not licensed during this 24-month time period, applicant will have to pay all required fees and complete another AIT program prior to any future licensing attempts; and
  - (6) Payment of the required fee(s).
  - (7) An applicant with the HSE credential/qualification will have been verified through/by NAB. This means the Board has been assured by NAB that the applicant has:
    - (A) met or exceeded the minimum education requirement,
    - (B) passed the NAB NHA exam as well as the NAB RCAL exam and NAB HCBS exam and
    - (C) met or exceeded the requirement for AU and AIT, either by experience or education, and shall only be required to take and pass our State Standards examination and pay the required fees to be licensed as a NHA in Oklahoma.
- (c) The Board, at its sole discretion, may waive the Administrator University requirement and/or the Administrator-in-Training requirement if the applicant was previously licensed in Oklahoma as a long term care administrator, was in good standing with the Board while applicant was previously licensed in Oklahoma, and has been active in long term care for at least two (2) of the last five (5) years.
- (d) After the Board's staff has determined that all requirements for initial licensure have been met, an applicant may apply for a "temporary" license. The Executive Director may review and approve or disapprove issuance of a temporary license after an application has been made and additional licensure fees paid. An approved temporary license shall expire at the next regularly scheduled meeting of the Board when the application for licensure (no longer temporary) must be approved or disapproved by the Board.

**490:10-1-3.1. Requirements for initial licensure for residential care/assisted living (RC/AL) administrators [AMENDED]**

- (a) In addition to the general requirements found in this Chapter, each applicant for initial licensure as an RC/AL administrator shall meet the requirements in this Section. Administrators holding an RC/AL license may serve as an administrator in either an RCF or ALF.
- (b) Each applicant for initial licensure as an RC/AL administrator shall provide, or shall cause to be provided, written evidence satisfactory to the Board of receipt of a high school diploma (or GED) or a higher level of education. When the applicant is providing proof of education beyond high school or GED, the same level of "proof" detailed in paragraph 10-1-3(b) is required.
- (c) Each applicant for initial licensure as a RC/AL administrator shall provide, or shall cause to be provided, written evidence satisfactory to the Board of the following:
  - (1) Current training certification, where "current" is defined as being completed within the twenty-four (24) months preceding the month in which the Board will be taking action to license the individual:

- (A) through training from an institution of higher learning whose program has been approved by the Board, to include presumptively approved NAB approved entry level courses completed within 24 months prior to licensure; or
- (B) receipt of a nationally recognized assisted living certificate of training and competency for assisted living administrators that has been reviewed and approved by the Board;
- (C) Sources of certification are required to be reviewed and approved by the Board. Approved training sources shall include an expiration date on their certification which shall be two years after the date of the completion of their training.
- (D) Applicants for training shall provide or cause to be provided to the approved training entity evidence that they have met at least one of the following pre-requisites to enter training:
  - (i) At least one (1) consecutive year of health care experience, OR
  - (ii) At least thirty (30) college semester hours in a healthcare related field of study, OR
  - (iii) A Bachelor's degree in any field of study.
- (2) Receipt of a passing score on the Oklahoma State Standards examination for RC/AL administrators within the twenty-four (24) months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this 24-month time period, applicant will have to pay all required fees and re-take the examination prior to any future licensing attempts;
- (3) Receipt of a passing score on the national "NAB" RC/AL examinations (Core and RCAL Line of Service (LOS)) conducted by the National Association of Long Term Care Administrator Boards (NAB) as discussed in paragraph 10-3-2 of this document, and
- (4) Payment of the required fee(s).
- (5) Training certification required in (c) (1) above is a prerequisite to being able to take the State Standards examination; a passing score on the State Standards exam is a prerequisite to take the NAB RC/AL Exam.
- (d) The Board, in its sole discretion, may waive re-completion of the training requirement if the applicant was previously licensed in Oklahoma as an RC/AL administrator, was in good standing with the Board while applicant was previously licensed in Oklahoma, and has been active in long term care for at least two (2) of the last five (5) years.
- (e) After the Board's staff has determined that all requirements for initial licensure have been met, an applicant may apply for a "temporary" license. The Executive Director may review and approve or disapprove issuance of a temporary license after an application has been made and additional licensure fees paid. An approved temporary license shall expire at the next regularly scheduled meeting of the Board when the application for licensure (no longer temporary) must be approved or disapproved by the Board.

**490:10-1-3.2. Grandfathered license [REVOKED]**

**490:10-1-3.3. Requirements for initial licensure for residential care (RC)**

**administrators [AMENDED]**

- (a) In addition to the general requirements found in this Chapter, each applicant for initial licensure as an RC administrator shall meet the requirements in this Section. Administrators holding an RC license may serve as an administrator in an RCF and may not serve in any other facility type.
- (b) Each applicant for initial licensure as an RC administrator shall provide, or shall cause to be provided, written evidence satisfactory to the Board of receipt of a high school diploma (or GED) or a higher level of education. When the applicant is providing proof of education beyond high school or GED, the same level of "proof" detailed in paragraph 10-1-3(b) is required.
- (c) Each applicant for initial licensure as a RC administrator shall provide, or shall cause to be provided, written evidence satisfactory to the Board of the following:
  - (1) Current training certification (completed within the twenty-four (24) months preceding the month in which the Board will be taking action to license the individual) through training from an institution of higher learning whose program has been approved by the Board, to include presumptively approved NAB-approved entry level courses completed within 24 months prior to licensure;
  - (2) Receipt of a passing score on the Oklahoma State Standards examination for RC administrators within the twenty-four (24) months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this 24-month time period, applicant will have to pay all required fees and re-take the examination prior to any future licensing attempts;
  - (3) Receipt of a passing score on the "NAB" Core examination conducted by the National Association of Long Term Care Administrator Boards (NAB) as discussed in paragraph 10-3-2 of this document,
  - (4) Payment of the required fee(s), and
  - (5) Training certification required in (c)(1) above is a prerequisite to being able to take the State Standards examination.
- (d) The Board, in its sole discretion, may waive re-completion of the training requirement if the applicant was previously licensed in Oklahoma as an RC administrator, was in good standing with the Board while applicant was previously licensed in Oklahoma, and has been active in long term care for at least two (2) of the last five (5) years.
- (e) After the Board's staff has determined that all requirements for initial licensure have been met, an applicant may apply for a "temporary" license. The Executive Director may review and approve or disapprove issuance of a temporary license after an application has been made and additional licensure fees paid. An approved temporary license shall expire at the next regularly scheduled meeting of the Board when the application for licensure (no longer temporary) must be approved or disapproved by the Board.

**490:10-1-3.4. Grandfathered license [REVOKED]**

**490:10-1-3.5. Requirements for initial licensure for adult day care (ADC) administrators [AMENDED]**

- (a) In addition to the general requirements found in this Chapter, each applicant for initial licensure as an ADC administrator shall meet the requirements in this Section.

- (b) Each applicant for initial licensure as an ADC administrator shall provide, or shall cause to be provided, written evidence satisfactory to the Board of the following:
- (1) One of the following:
    - (A) A high school diploma (or GED) AND five (5) consecutive years supervisory experience (full-time or equivalent) in a long term care or geriatric setting; OR
    - (B) A Bachelor's degree AND one (1) year of supervisory experience, preferably in a social or health services setting; Each applicant for initial licensure as an ADC administrator under this provision shall provide, or shall cause to be provided, written evidence satisfactory to the Board of receipt of Bachelor's degree. The same level of "proof" detailed in paragraph 10-1-3(b) is required; OR
    - (C) An active Oklahoma Nursing license (either LPN or RN), in good standing, and two years of nursing experience.
  - (2) Successful completion of Board approved training for adult day care administrators (completed within the twenty-four (24) months preceding the month in which the Board will be taking action to license the individual), to include presumptively approved NAB-approved entry level courses completed within 24 months prior to licensure;
  - (3) Receipt of a passing score on the Oklahoma State Standards examination for adult day care administrators within the twenty-four (24) months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this the twenty- four (24) month time period, applicant will have to pay all required fees and re-take the examination prior to any future licensing attempts;~~and~~
  - (4) Receipt of a passing score on the "NAB" Core examination conducted by the National Association of Long Term Care Administrator Board (NAB) as discussed in paragraph 10-3-2 of this document, and
  - (5) Payment of the required fee(s).
- (c) After the Board's staff has determined that all requirements for initial licensure have been met, an applicant may apply for a "temporary" license. The Executive Director may review and approve or disapprove issuance of a temporary license after an application has been made and additional licensure fees paid. An approved temporary license shall expire at the next Board meeting when the application for licensure (no longer temporary) must be approved or disapproved by the Board.

**490:10-1-3.6. Grandfathered license [REVOKED]**

**490:10-1-4. Requirements for licensure by endorsement for long term care administrators [AMENDED]**

- (a) In addition to the general requirements found in this Chapter, each applicant for licensure by interstate endorsement as a long term care administrator shall meet the requirements of this Section.
- (1) The Board permits licensure for candidates for Nursing Home Administrators from other jurisdictions who have met the following minimum requirements.
    - (A) Submission to the Board of "Official Proof" of successful



completion of a formal program(s) of study and, at a minimum, receipt of a bachelors degree that meets the requirements set forth in 490:10-1-3.;

- (B) Submission to the Board of evidence of current licensure, in good standing, as a long term care/nursing home administrator, and submission of proof that applicant has:
    - (i) served full time as the administrator-of-record for the past two (2) consecutive years in a jurisdiction regulated by a licensing authority.; or
    - (ii) been active as a licensed nursing home administrator in a jurisdiction regulated by a licensing authority for at least two (2) of the past three (3) consecutive years;
  - (C) Submission to the Board of proof of initial licensure as a long term care/nursing home administrator, including active NAB NHA Exam scores, and proof that such license is in ;
  - (D) Submission to the Board of full disclosure of any/all pending disciplinary actions or current investigations against applicant as well as any sanctions imposed against applicant's long term care/nursing home administrator license or against any professional license he presently holds or has ever held in any other State or jurisdiction, including, but not limited to: revocation; suspension; 'voluntary surrender'; other licensure restriction(s) that limited applicant's practice under such license; or the assessment of monetary penalties or fines or the assessment of additional CEUs by the licensing entity as a result of disciplinary proceedings. Loss of a professional license due to nonrenewal or failure to obtain the required number of annual CEU hours is excepted from the full and complete disclosure otherwise required herein;
  - (E) Documentation related to current or previous licensure shall be submitted directly to the Board by the state-appointed authority(ies) regulating the respective license(s) OR by NAB when the applicant has the HSE credential/qualification; and
  - (F) Payment of the required fee(s).
- (2) The Board, in its sole discretion, shall assess the magnitude of any disciplinary action taken by other licensing authorities in its determination of applicant's eligibility for an Oklahoma license.
- (3) In accordance with provisions detailed in 59 O.S. 4100.5(B) and (C), the Board will expedite the approval process for endorsement applicants where the license requirements of the other state are substantially equivalent to Oklahoma requirements. All applicants determined eligible for Oklahoma licensure by endorsement, the spouse of an active duty military member, a spouse subject to a military transfer or someone who left employment in another state to accompany the person's spouse to Oklahoma shall be required to sit for and receive a passing score on the Oklahoma State Standards examination and pay the required license fee before a license is granted by the Board through approval of the Executive Director. Only those applicants to whom this applies with a record of any form of disciplinary action by another licensing authority or any other possible negative indicator shall be required to be approved by a vote of the Board. It shall be the sole responsibility of the applicant to notify staff if this expedited pathway to licensure per Title 59 provisions applies to them and to provide satisfactory evidence of the same. A Temporary License may be

issued (fees shall not be waived) for those to whom this applies, at their request, upon a complete application and all qualifications being met except having passed the applicable State Standards Examination. The Temporary license shall expire after no more than sixty (60) days from the date of issuance and may only be issued one time per applicant.

- (b) In addition to the general requirements found in this Chapter, each applicant for licensure by interstate endorsement as a residential care/assisted living (RCAL) administrator shall meet the requirements of this Section.
- (1) The Board permits licensure for candidates for RCAL Administrators from other jurisdictions who have met the following minimum requirements.
- (A) Submission to the Board of "Official Proof" of successful completion of a formal program(s) of study and, at a minimum, receipt of a high school diploma; meeting the requirements of proof for a bachelors degree meeting the requirements set forth in 490:10- 1-3 exceeds the high school diploma minimum requirement.;
- (B) Submission to the Board of evidence of current licensure, in good standing, as a long term care/RCAL administrator, and submission of proof that applicant has:
- (i) served full time as the administrator-of-record for the past two (2) consecutive years in a jurisdiction regulated by a licensing authority; or
- (ii) been active as a licensed RCAL administrator in a jurisdiction regulated by a licensing authority for at least two (2) of the past three (3) consecutive years;
- (C) Submission to the Board of proof of initial licensure as a long term care/RCAL administrator, including active NAB RCAL Exam scores, and proof that such license is in good standing with that licensing authority;
- (D) Submission to the Board of full disclosure of any/all pending disciplinary actions or current investigations against applicant as well as any sanctions imposed against applicant's long term care/RCAL administrator license or against any professional license he presently holds or has ever held in any other State or jurisdiction, including, but not limited to: revocation; suspension; 'voluntary surrender'; other licensure restriction(s) that limited applicant's practice under such license; or the assessment of monetary penalties or fines or the assessment of additional CEUs by the licensing entity as a result of disciplinary proceedings. Loss of a professional license due to nonrenewal or failure to obtain the required number of annual CEU hours is excepted from the full and complete disclosure otherwise required herein;
- (E) Documentation related to current or previous licensure shall be submitted directly to the Board by the state-appointed authority(ies) regulating the respective license(s); and
- (F) Payment of the required fee(s).
- (c) There is typically no licensure by endorsement allowance for licensure for the RC license or the Adult Day Care License. All out of state licensure applications for these licensure types (except NHAs from other states applying for one these licenses) shall be treated as initial licensures with the exception of individuals who previously passed a required NAB sanctioned exam, shall not be required to re-take that exam, however these individuals must provide proof of having passed that exam if/when

required to meet Oklahoma licensure requirements. However, a person licensed in another jurisdiction as a NHA or equivalent but who does not have a bachelor's degree may be eligible to apply for the RCAL, RC or Adult Day Care Administrators license (or to be certified as a CAA) in Oklahoma if they have met all other requirements (experience, license in good standing, NAB scores, fees paid).

- (d) In accordance with requirements detailed in 59 O.S. 4100.5(A), it shall be incumbent on the applicant to notify OSBELTCA Staff during the application process if the applicant is the spouse of a military service member on active duty in Oklahoma, or is claiming permanent residency in the state for six (6) months prior to active duty or during the period of active duty. Staff will expedite the process to the extent possible. Approval of the license will be in accordance with OAC 490:10-1-4(a)(4) above.

#### **490:10-1-4.1. Requirements for registration for licensure reciprocity for long term care administrators [ADDED]**

- (a) In addition to the general requirements found in this Chapter and upon the applicant fully proving eligibility for licensure by endorsement (they must meet all the same requirement as outlined in 10-1-4), each applicant registering their license from another state to work in Oklahoma with that license shall be required to pay an application fee to begin the process of registering their out-of-state license in Oklahoma. Registrants will be required agree to comply with and culpable for Oklahoma and federal laws applicable to the facilities where they are employed as well as for the laws applicable to licensed Oklahoma long-term care administrators. Upon receipt of the required documents, and receipt of a registration fee equivalent to the licensure fee, the Executive Director may approve the registration so long as there are no negative indicators, or otherwise the application will have to be approved by the Board (similar to the licensure by endorsement process).
- (b) Renewals of the registrations will also follow similar procedures to licensure renewals expiring at the end of the calendar year and being renewed with a renewal fee equivalent to licensure fees.
- (c) Should the original license lapse or be vacated for any reason, the registration for use in Oklahoma will be considered invalidated.
- (d) Any violations of Oklahoma law as determined by the Board through the probable cause process can result in the same penalties as well as being reported to the NPDB and/or the jurisdiction where the original license(s) is/are held.

#### **490:10-1-5. Requirements for a provisional license as a nursing home administrator or residential care/assisted living (RC/AL) administrator**

- (a) To fill a position of administrator that unexpectedly becomes vacant, the Board may grant one (1) provisional license for a single period not to exceed six (6) months. The Board shall not grant another provisional license to fill a vacancy at the same facility for a period of one year after the date the provisional license is

granted.

- (b) In addition to the general requirements found in this Chapter each applicant for a provisional license shall meet the requirements of this Section.
- (c) A provisional license may be granted to a person who does not meet all of the licensing requirements established by the Board, but who:
  - (1) For a provisional nursing home administrator license, has successfully completed a formal program(s) of study and, at a minimum, received a bachelor's degree that meets the requirements set forth in 490:10-1-3(b)(1) (A) or (B).
  - (2) Has obtained the services of a currently-licensed Oklahoma long term care administrator to act as an on-site consultant to the provisional licensee;
  - (3) Has provided the Board with satisfactory evidence indicating he has at least two (2) years of experience in a long term care facility;
  - (4) Has received a passing score on the current applicable Oklahoma State Standards examination; and
  - (5) Has paid the required fee(s).
- (d) A provisional license shall not be issued to a current AIT and/or AU student unless that student/AIT had previously passed the NAB NHA exam.
- (e) The consultant administrator to a provisional licensee must have been employed as an administrator in a comparable long term care facility in Oklahoma for a minimum of the last two (2) years.
- (f) The consultant administrator to a provisional licensee shall:
  - (1) Provide direct supervision of the provisional licensee for at least eight (8) hours per week with no more than 10 calendar days lapsing between consultant visits to the provisional licensee's facility; and
  - (2) Submit monthly evaluation reports on the provisional licensee to the Board no later than the tenth day of each month for the duration of the provisional license.

**490:10-1-5.1. Requirements for a provisional license as a residential care administrator**

There is no provisional license provision for residential care administrators.

**490:10-1-5.2. Requirements for a provisional license as an adult day care administrator**

There is no provisional license provision for adult day care administrators.

**490:10-1-6. Administrator responsibilities [AMMENDED AND RENUMBERED TO 490:10-13-2]**

**490:10-1-7. Waiver of rule [REVOKED]**

**490:10-1-8. Administrator code of ethics [AMMENDED AND RENUMBERED TO 490:10-13-1]**

**490:10-1-9. Inactive license [REVOKED]**

**490:10-1-10. Requirements for reinstatement from inactive status [REVOKED]**

**490:10-1-11. Requirements for restoration from suspended status**

- (a) In addition to the general requirements found in this Chapter, each applicant for restoration of a suspended license shall meet the requirements in this Section.
- (b) Individuals seeking restoration of a license that has been suspended must petition and appear, in person, before the Board and provide the Board with written documentation that he has complied with all terms of the suspension.
- (c) The Board, in its sole discretion, may restore a suspended license after the suspension time has elapsed, upon submission of evidence satisfactory to the Board that the conditions responsible for the suspension no longer exist and that no other reasons exist which warrant continued suspension.
- (d) Evidence shall include complete documentation attested to under oath and by witnesses of facts that indicate that the conditions responsible for the suspension no longer exist. Letters of recommendations from employees, officers of courts, or respected members of the individual's community may also be submitted.
- (e) Petitioners who have been suspended may be required to complete continuing education hours (in addition to those required for license renewal), and/or specific Administrator-In-Training (AIT) modules, and/or the portions of or the entire Administrator University curriculum at the discretion of the Board, at the expense of the applicant.
- (f) Petitioners who were suspended but allowed their license to lapse while suspended or while pending adjudication of a case that resulted in suspension shall be required, at the time of their petition for reinstatement, to pay the renewal fees for every year they did not renew. If they are unable to show documented proof of completion of the continuing education requirements for the entire period of their suspension, they shall also be subject to the provisions of OAC 490:1-9-5(d) except that the penalty must be complied with (CE accomplished and fines paid) prior to the Board reviewing the petition for reinstatement. The license may however be removed from the former lapsed status and returned to suspended status (requiring annual renewal and annual completion of CE requirements) but meeting these requirements does not obligate the Board to reinstate the license.

### **SUBCHAPTER 3. APPLICATION FOR LONG TERM CARE ADMINISTRATOR LICENSURE**

#### **490:10-3-1. Application for initial licensure, licensure by endorsement, or provisional license [AMENDED]**

- (a) Each applicant for licensure as a long term care administrator shall make a verified application on a form furnished by the Board stating the license type for which he is applying and remit a non-refundable application fee as prescribed by the Board at OAC 490:1-7-2.
- (b) An application for initial license or for a provisional license is valid concurrent with the time constraints set for licensure following completion of training (see OAC 490:10-1-3 through 10-1-2.5 for requirements).
- (c) An applicant for licensure by endorsement or registering for reciprocity shall be deemed to have abandoned the application if he does not fulfill all requirements for licensure within one year from the date of application.
- (d) An application for Administrators University (AU) shall be used as an application for initial licensure. However, if this application is over a year old when all requirements have been met, the Board shall require that the application be updated. Such an application shall be deemed abandoned if it has not been updated within the time restrictions for licensure.
- (e) An application for licensure submitted subsequent to the abandonment of a former application shall be treated as a new application and the applicant must meet current requirements for licensure as a long term care administrator.
- (f) Upon receipt of an application for licensure, the Board shall request that a criminal history background check be performed on the individual requesting licensure. If the results of a criminal background check reveal that the applicant has been convicted of or pleaded guilty or nolo contendere to any felony or to any misdemeanor involving moral turpitude, the individual's application for licensure may be disapproved and no further action will be taken on the application.
- (g) An application is complete when:
  - (1) the application fee prescribed by the Board at OAC 490:1-7-2. has been remitted and deposited to the Board's credit with the State Treasurer (the date of payment of the application fee establishes the date of the application);
  - (2) all documentation required to be submitted along with or in support of the application has been received by the Board;
  - (3) the applicant has met all other requirements for an initial license, for licensure by endorsement, for a provisional license or a certification, as applicable, and
  - (4) the results of the criminal background check have been received by the Board .
- (h) Upon verification of compliance with all requirements, an applicant shall be eligible for consideration by the Board for purposes of licensure as a long term care administrator.
- (i) A license will not be issued until all fees are paid in full.
- (j) The certificate of license shall be presented at the Board meeting when it is approved, if possible, or mailed to the applicant within seven (7) working days of Board's formal grant of license to the applicant. Applicants are encouraged to attend the Board meeting.
- (k) A temporary license may also be applied for in accordance with the applicable provisions in paragraph 10-1-3(d), 10-1-3.1(e), 10-1-3.3(e), or 10-1-3.5(c) at the discretion of the applicant.

#### **490:10-3-1.1. Evidence requirements**

- (a) To satisfy the Board's requirement for evidence verifying educational degree(s) conferred or hours of post-secondary education completed, the applicant shall cause an official transcript(s) to be sent directly to the Board office from the educational institution(s) that awarded the degree(s) and/or from the educational institution(s) at which the post-secondary education was completed. Transcripts issued to the student, or copies thereof, shall not be accepted.
- (b) To satisfy the Board's requirement for evidence indicating experience, the applicant shall submit a declaration signed by a licensed long term care administrator, medical director, director of nurses, or registered nurse who can attest to the applicant's work experience.

#### **490:10-3-2. National examination**

- (a) "NAB Examination(s)" refers to the required examination(s) for a particular license type. Prior to July 2017, NAB conducted only two examinations - one for the NHA and one for the RCAL license types. Many administrators will have single scores from those exams on file. After this date, the examinations were broken into two (2) parts consisting of a "Core" examination and a "Line of Service" or "LOS" module exam, with three (3) different LOS exams possible - the existing NHA and RCAL with HCBS (Home and Community Based Services) being the third LOS "module" added. The "Core" examination items are those items that according to NAB's periodic professional practice analysis have been determined to be "core" to all lines of service as an administrator where the LOS exams or modules are specific to those lines of service. NAB's HSE credential, for example, would require that one will have passed all four (4) of these exams (the "Core" and all three LOS exams). Other licenses may require the Core and a corresponding LOS exam be passed, but viewed as a single exam requirement. It is also possible to simply have a requirement for the Core exam wherein the LOS exams available may not be viewed as wholly compatible with the license/certification type. When one speaks of the NAB Exam, they would typically be referring to the "whole" requirement for an exam or series of exams for the specified license type or credential which explains why it's possible to be referenced in singular or plural.
- (b) An individual applying for an initial license must receive a passing score on the applicable exam, either the Nursing Home Administrator ("NHA") examination (Core and NHA module) or the Residential Care/Assisted living ("RC/AL") exam (Core and RCAL module), administered by the National Association of Long Term Care Administrator Boards (NAB) (neither is applicable to Residential Care or Adult Day Care administrator applicants). The Board may waive this requirement if the applicant provides evidence that he has successfully passed the appropriate NAB examination at a previous time. The NAB's RC/AL (Residential Care/Assisted living) exam does not meet the requirements for a nursing home administrator license. An applicant showing proper evidence of having the HSE credential shall be considered to have shown evidence that he passed both the NHA and RCAL exams as well as the HCBS exam. An applicant who tested prior to the implementation of the Core and LOS modules shall be considered to have passed the Core as well as either the NHA or RCAL module (or both) depending on the test(s) taken and passed.
- (c) An applicant for licensure by endorsement who has previously passed the required

NAB examination will not be required to retake the examination if the applicant provides evidence of a passing score.

- (d) An individual applying for a provisional license shall not be required to pass the applicable NAB examination to be provisionally licensed.
- (e) Fees for all national examinations shall be in an amount prescribed by and are due and payable to the NAB or its authorized designee.

#### **490:10-3-3. State Standards examination**

- (a) An individual applying for an initial license, licensure by endorsement, registering for reciprocity, or a provisional license, must, prior to the issuance of the respective license, receive a passing score on the appropriate State Standards examination for the license for which he is applying. There shall be a separate examination for each type of license. First time applicants for initial licensure shall have received a passing score on the State Standards examination within the twenty-four (24)-months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this 24-month time period, applicant will have to pay all required fees and re-take the examination prior to any future licensing attempts. Applicants for licensure by endorsement, applicants for a provisional license and applicants for initial licensure who have previously held an Oklahoma long term care administrator license must, prior to the issuance of the respective license, successfully pass the applicable current State Standards examination.
  - (1) Applicants for an initial license must take and pass the appropriate State Standards Examination prior to being eligible for an applicable NAB exam.
  - (2) Board staff are required to receive the testing results from the testing source to validate the passing scores of all examinations, to include the State Standards Examinations.
- (b) The application must be complete and supporting documents required by the Board for licensure must be completed and on file with the Board prior to entering training and/or prior to being approved to take the applicable examination(s).
- (c) The Board will periodically schedule examinations and publish the dates and times in a timely manner on the website. Applicants are permitted to take the examination during these scheduled examinations or they may opt to take the examination at a testing facility where it is administered. State examinations taken in a testing facility shall be scheduled by the candidate when eligible and shall be administered through the same examination procedures as the NAB examinations are conducted, including but not limited to the use of electronic or online methods of examination.
- (d) The Board has determined the passing score for all State Standards examinations to be Seventy-Five percent (75%) or greater, and shall apply this standard uniformly to all persons taking the examinations.
- (e) Fees for the State Standards examination administered by the Board shall be in an amount prescribed by the Board at OAC 490:1-7-2. All examination fees must be paid prior to examination.



**490:10-3-4. Admission to the State Standards and National Examinations**

- (a) Applicants must meet requirements to sit for a state examination. When a NAB examination is required, they must first pass the state exam.
- (b) Applicants for licensure by endorsement, for a provisional license, registering for reciprocity and for a certification as an assistant administrator (nursing facility only) are eligible to sit for the State Standards examination on the next scheduled testing date, or pay the appropriate fee for an unscheduled testing date, or they may schedule the examination through a testing facility that administers the examination.
- (c) Applicants shall not compromise the NAB or the Oklahoma State Standards examination by disclosing any information, questions, or answers on these examinations. Applicants shall complete a "Test Confidentiality and Attestation" form provided by the Board or an online equivalent.
- (d) Failure to observe the confidentiality of a NAB Examination or an Oklahoma State Standards Examination may result in disciplinary action by the Board as outlined in OAC 490:10-5-3(a)(23).

**490:10-3-5. Application for licensure/certification/registration renewal**

**[AMENDED]**

- (a) Each applicant for a renewal of a license, certification or registration shall:
  - (1) File an application, on the form and in the manner as prescribed by the Board (online), prior to the expiration date of the current license/certification/registration.
  - (2) Submit evidence, upon request, satisfactory to the Board that the applicant has successfully completed the hours of continuing education as required for license renewal. During the renewal process, licensees certify that they have or will have accomplished the required continuing education requirements during the licensure year. The Board conducts random audits of this accomplishment each year per OAC 490:1-9-5(c).
  - (3) Be in compliance pursuant to 68 O.S. Section 238.1 with State income tax requirements. If a licensee whose license is on 'active' status is found to be in non-compliance with these State income tax requirements:
    - (A) such license shall not be renewed; and
    - (B) licensee shall not have recourse against the Board for non- renewal of his license.
  - (4) Submit to a criminal background check. Concurrent with the annual CE audits conducted per OAC 490:1-9-5(c), the Board will randomly select not less than a five (5%) percent sample from all renewed licenses against which sample the Board will perform criminal background checks. If the results of a criminal background check reveal that a licensee has been convicted of or pleaded guilty or *nolo contendere* to any misdemeanor involving moral turpitude or to any felony, or to any of the barrier offenses listed at OAC 490:10-1-2.1, the licensee will be subject to Board sanction(s), including license suspension or revocation.
  - (5) Remit the Annual License Renewal fee as prescribed by the Board at OAC 490:1-7-2 and ensure all outstanding fees and fines owed to the Board have been paid. If a licensee has outstanding fees or fines owed to the Board, licensee shall not be permitted to renew his license until the same have been paid in full to the Board, provided that such payment is made prior to the expiration of the current license. If such payment is not made prior to the expiration date of the current license, licensee no longer holds a valid license

and licensee is considered to have abandoned his license and the practice of long term care administration, and the Board shall take action to formally vacate his license. If this occurs, and if he wishes to resume the practice of long term care administration, he must re-apply to the Board, fully satisfy any/all outstanding fees or fines owed to the Board, and meet current requirements for initial licensure as a long term care administrator.

- (b) A suspended license is an 'active' license against which the Board has taken disciplinary action and suspended licensee's ability to engage in the practice of long term care administration. As such, a suspended license shall be subject to expiration and shall be renewed as provided in this Section. Renewal of a suspended license shall not entitle the licensee to engage in the practice of long term care administration until the suspension is removed by the Board and the privilege to practice long term care administration is restored by the Board.
- (c) It is the personal responsibility of each licensee to renew his license prior to the expiration date of the current license and, further, to ensure that the information he provides for purposes of renewal is true and accurate.
- (d) If the license is not renewed by the last day of the current licensing year, a late fee of \$100 per week shall be assessed wherein the first day equates to the first week (e.g., week 2 starts on the 8<sup>th</sup> day...) up until the first Board meeting of the year when all non-renewed licenses at that point shall be declared lapsed by the Board and those licensees shall be considered to have abandoned their licenses and do not hold a valid license as of 12:01 a.m. on the day after expiration and shall not hold a position or function in the capacity as a long term care administrator in Oklahoma.
  - (1) Credential holders (licensees, certificate holders, registrants) may actively opt out of renewing their credential for the following year by acknowledging that they have agreed to having their license vacated by the Board and are waiving the notices sent by Board staff regarding late renewals. The decision to have the credential vacated in these cases is made by the credential-holder.
  - (2) Should the credential holder who actively opted not to renew later decide to renew after the expiration date but before the Board has taken action to vacate other credentials for the year, they will follow the same procedures to renew late as those who failed to renew but take responsibility to do so without notifications from Board Staff, having waived such notices upon actively opting to not renew.
- (e) All lapsed licensees or certificate holders, following this declaration, (if he wishes to resume the practice of long term care administration) must re-apply to the Board and meet current requirements for initial licensure as a long term care administrator, provided that the individual petitioner can provide evidence to the Board that he complied with all lawful requirements for the retention or renewal of the license.
- (f) All non-renewed licenses shall be presented to the Board at a meeting of the Board. The Board shall take formal action at that meeting to vacate all non-renewed licenses.
- (g) Following this Board meeting, a listing of all licenses vacated by the Board shall be submitted to the Oklahoma State Department of Health, Long Term Care Services Division.
- (h) An individual who practices after the expiration (lapsed or vacated) of his license is practicing without a license and is subject to disciplinary action and/or sanctions as determined by the Board.
- (i) A license that is vacated with an open case is required to be reported to the National Practitioners Data Base (NPDB) and included in the Board's Complaint Registry.
- (j) Title 59 O.S. 4100.6(A), (B), (C) and (D), notwithstanding any other statutes to the contrary, provides for the automatic extension of license or certification for active duty military service members. The licensee to whom this applies shall be required to

notify OSBELTCA staff and provide satisfactory evidence they are active duty and the status of their license shall become "Military."

- (1) The license must be in good standing at the time the status is changed.
- (2) The licensee must keep the Board informed of address changes and any changes in their active duty status. Failure to keep the Board informed in a timely manner shall cause the status of the license to be vacated by an action of the Board.
- (3) While the active duty member is deployed and circumstances with military duty prevent obtaining training, the license will be renewed annually by staff without the payment of renewal fees and without a continuing education requirement .
- (4) The license or certificate issued/renewed pursuant to this paragraph may be continued as long as the licensee or certificate holder is a member of the Armed Forces of the United States on active duty and for a period of at least one (1) year after discharge from active duty.

**490:10-3-6. Provisional licensure term**

A provisional license shall expire six (6) months from the effective date of the provisional license and shall not be renewed.

## SUBCHAPTER 5. DISCIPLINE

### **490:10-5-1. Expiration [AMMENDED AND RENUMBERED TO 490:10-3-6]**

### **490:10-5-2. Renewal [AMMENDED AND RENUMBERED TO 490:10-3-5]**

### **490:10-5-3. Disciplinary action [AMENDED]**

- (a) This subchapter applies to all long term care administrators (licensed and/or registered), certified assistant administrators (CAAs), any person applying for licensure, registration, or certification, unlicensed persons acting as administrators without a license or certification, and any person acting as administrator with a revoked, suspended, surrendered, lapsed or vacated license.
- (b) The Board may take action against a licensed/registered administrator or an unlicensed person acting as administrator, and may deny an initial application; deny an application for reinstatement; deny a licensure by endorsement application; deny a renewal application; suspend or revoke a long term care administrator license or certification, a provisional license, a preceptor certification, an assistant administrator's certification, or an AIT internship training permit; warn; censure; reprimand; impose administrative fines and/or costs including attorney fees, impose probation or use other remedies that may be considered to be less than suspension or revocation upon satisfactory evidence of any of the following:
- (1) Obtaining or attempting to obtain a license, registration or certificate by fraud, deceit, or misrepresentation; or misrepresenting one's self as holding a license or certification when they do not.
  - (2) Conviction of or a plea of guilty or *nolo contendere* to any felony or to any misdemeanor involving moral turpitude, or any barrier offense listed in OAC 490:10-1-2.1.
  - (3) Use of legally-prescribed or illegal drugs (narcotics or other dangerous drugs) or alcohol or the dependence on legally-prescribed drugs or illegal drugs or alcohol, or gambling, if such use or dependence, or such gambling, or the behaviors related to or resulting from such use or dependence compromise the individual's ability or capacity to fulfill his duties or responsibilities in the long term care facility, or if the same constitute(s) a criminal offense.
  - (4) Commitment to a mental institution or judicial determination of incompetence.
  - (5) Gross negligence, or negligence that constitutes a danger to the health, welfare or safety of the residents or the public.
  - (6) Physical or verbal abuse of a resident or misappropriation of a resident's funds or property; failure to report an allegation of physical or verbal abuse of a resident or misappropriation of a resident's funds or property to appropriate state authorities as required by law.
  - (7) Fraudulent, deceptive or dishonest conduct in the management of a long term care facility, or other conduct unbecoming to a person licensed or subject to licensure under this law when, in the judgment of the Board, such conduct is detrimental to the best interest of the long term care field, the long term care

- administrator profession and/or the public.
- (8) Except as otherwise permitted in this Chapter, concurrently serving or acting as the administrator of more than one nursing facility or assisted living facility; or exceeding the conditions placed on administrators of ICFs/MR with 16 beds or less as stated in this Chapter; or otherwise serving as an administrator beyond the scope of their licensed authority.
  - (9) Failure to comply with State or federal requirements applicable to the facility.
  - (10) Failure to comply with rules and requirements for administrators established by the Board, including the Administrator Code of Ethics and Administrator Responsibilities adopted by the Board.
  - (11) Evidence that the administrator has paid, given, has caused to be paid or given or offered to pay or to give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of long term care facility patronage.
  - (12) Intentional retaliation or discrimination against any resident or employee for contacting or providing information to any State official, licensing agency or regulatory agency.
  - (13) Failure to provide verification of continuing education hours.
  - (14) Sexual abuse, sexual harassment, or sexual exploitation of any resident, employee, trainee, volunteer, consultant, or visitor to the facility in which the licensee practices.
  - (15) Falsification of any records or documents relating to the operation of a long term care facility; falsification of records or documents submitted to the Board or any other state or federal agency; falsification of a resident's records, or causing a resident's records to be falsified.
  - (16) Use of the licensee's professional status, title, position, or relationship as a long term care facility administrator to coerce, improperly influence, or obtain money, property, or services from a resident, resident's family member, employee, visitor, or any person served by or doing business with the facility that employs the administrator.
  - (17) Interfering with, refusing to participate in, or impeding any investigation, inspection, or disciplinary proceeding authorized by Statute.
  - (18) Violation of any disciplinary order, consent agreement, term of suspension, condition, stipulation, or any other limitation imposed on the licensee by the Board.
  - (19) Unlicensed practice, practice on a revoked, suspended, or lapsed license; or practice on a provisional license without the use of an on-site consultant or practice as a Certified Assistant Administrator without the oversight of an Administrator-of-Record.
  - (20) Failure to pay fees or fines established or imposed by the Board.
  - (21) Knowingly aiding, assisting, or advising a person to unlawfully practice as an administrator without a required license/registration.
  - (22) Failure to adequately supervise an assistant administrator and/or failure to assure that the assistant administrator complies with state and federal requirements applicable to the facility.
  - (23) Conduct that violates the security of any licensure examination materials.
  - (24) Coercion or harassment, or the attempt to coerce or harass, or the use of any other form of uninvited solicitation directed toward a resident of a long term care facility or toward a member of the resident's family or the resident's guardian for the purpose of attempting to persuade the resident to change long term care facilities.
  - (25) Failure to notify the Board of a change of name, business or personal mailing

address(es), or change of employment within fifteen (15) calendar days of the occurrence.

- (26) Coercion or harassment of, or the attempt to coerce or harass, a member of the Board, a Board employee or an authorized agent or representative of the Board as related to any matter or issue over which the Board has jurisdiction.
  - (27) Exclusion by the Department of Health and Human Services Office of Inspector General from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act.
- (c) When the Board places a license in probationary status, it may require the licensee to have a "consultant" administrator during the probationary period. The consultant shall agree to the terms of the consultant role as defined in 490:10-1-5(c) (2), meet the qualifications in 490:10-1-5(e), and agree to the requirements of a consultant as listed at 490:10-1-5(f)(1) and (2).
  - (d) The Board may stipulate requirements for reinstatement in disciplinary orders that are consistent with OAC 490:10-1-11 requirements for reinstatement from suspended status.

#### **490:10-5-4. Auditing of continuing education [REVOKED]**

#### **490:10-5-5. Summary suspension**

- (a) The Board may order a summary suspension of an administrator's license/certification or an intern/trainee Administrator-In-Training internship permit, if, in the course of an investigation, it is determined that the respondent has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of one-or-more residents or to the health, safety or welfare of the public, or detrimental to the profession of long term care administration, and which conduct necessitates immediate action to prevent further harm.
- (b) The Board shall be charged with making the determination that an emergency exists and that a summary suspension is necessary, and shall incorporate in its Order that public health, safety or welfare requires emergency action.
- (c) Proceedings for revocation or other appropriate action shall be promptly instituted and a determination promptly rendered by the Board.

## **SUBCHAPTER 7. ADMINISTRATOR UNIVERSITY**

### **490:10-7-1. Application [REVOKED]**

### **490:10-7-2. Acceptance and notification [REVOKED]**

### **490:10-7-3. General provisions [AMENDED]**

- (a) The Board is committed to providing learning opportunities to individuals interested in pursuing a career in long term care administration, and enhancing the development of licensed administrators. To further this objective, the Board has established an Administrator University (AU) for nursing home administrator and Certified Assistant Administrator (CAA) applicants with curriculum designed specifically to educate individuals with knowledge and skills that may assist them in becoming a successful nursing home and/or ICF/MR administrator or CAA. The Board will periodically review and approve or establish training for residential care/assisted living and adult day care administrators as deemed necessary.
- (b) Effective August 1, 2006, individuals applying to become nursing home administrators shall successfully complete Administrator University (AU) prior to being licensed. Effective January 1, 2019, individuals applying to become Certified Assistant Administrators shall successfully complete AU prior to being certified. The Board presumptively approves NAB-approved entry level training designed for Nursing Home Administrators for either the NHA or CAA requirement to complete AU.
- (c) Administrators who are already licensed in the State of Oklahoma as a nursing home administrator may enter Administrator University at their own expense for enhanced training if classroom space is available.
- (d) Upon mutual agreement of the Board and licensee, specific classes or the entire Administrator University curriculum may be imposed as a penalty for the violation of rules and/or standards established by the Board.
- (e) The Board may also designate certain days or classes within the curriculum as eligible for continuing education (CE) credit and may charge an appropriate fee (as a workshop) for administrators to attend on a space available basis.
- (f) The application fee and Administrator University fee prescribed by the Board at OAC 490:1-7-2 shall be submitted during the online application process prior to admission to Administrator University.
- (g) An applicant for licensure who successfully completes Administrator University (AU) will not have to repeat Administrator University if he is successfully licensed in Oklahoma as a long term care administrator within twenty-four (24) months after the completion of AU which is marked by the scheduled date of class for that particular class.
- (h) If applicant fails to become licensed/certified as an Oklahoma long term care administrator during this 24-month time frame, applicant will have to pay all applicable fees and repeat Administrator University prior to any future licensing/certification attempts.

**SUBCHAPTER 8. ADMINISTRATOR IN TRAINING (AIT) INTERNSHIP  
PROGRAM FOR NURSING HOME ADMINISTRATORS AND CERTIFIED  
ASSISTANT ADMINISTRATORS**

**490:10-8-1. Training requirement [REVOKED]**

**490:10-8-2. Application**

- (a) The applicant shall submit to the Board an application, which shall contain such information as name, education, employment history, information pertaining to moral character, any other information the Board requires, and an affidavit stating that the applicant, if granted a license, will obey the laws of the State and the rules of the Board, and will maintain the honor and dignity of the profession. The application for licensure and/or to attend AU meets this requirement.
- (b) To satisfy the Board's requirement for evidence verifying educational degree(s) conferred or hours of post-secondary education completed, the applicant shall meet the requirements found at OAC 490:10-3-1.1.
- (c) The applicant will be subjected to a criminal background check as described in this Chapter prior to beginning an AIT internship.
- (d) A fee as prescribed by the Board at OAC 490:1-7-2 shall be submitted with the application.
- (e) An applicant who successfully completes a Board-approved AIT internship will not have to repeat the internship if he is successfully licensed/certified as a long term care administrator/CAA in Oklahoma within the twenty-four (24) months following the month in which he first began his internship, and if applicant fails to secure licensure/certification within this 24-month time frame, applicant will have to pay all applicable fees and serve a new AIT internship prior to any future licensing/certification attempts.

**490:10-8-3. Training permit**

- (a) In order for a training permit to be issued, the facility or facilities at which the AIT internship is to be served must be:
  - (1) licensed by the Oklahoma State Department of Health as a long term care facility; and
  - (2) in substantial compliance with the rules and regulations governing licensure and operation of long term care facilities.
- (b) After approval of the proposed AIT internship, the Board shall issue an applicable AIT internship training permit to the applicant (the 'intern/trainee'), one that shall be valid for a maximum one-year time period beginning on the date the permit is issued.
- (c) Should the intern/trainee not maintain acceptable standards and submit the required reports, the Board shall place the intern/trainee on probation or may rescind the AIT internship training permit.



#### **490:10-8-4. Preceptor selection**

- (a) From a list of preceptors 'certified' by the Board, the intern/trainee may indicate his choice.
- (b) It shall be the responsibility of the Board to contact a preceptor to determine if the preceptor will accept the applicant.
- (c) Once a preceptor accepts an AIT intern/trainee, any subsequent changes must be approved by the Board.
- (d) The preceptor shall notify the Board of the date of acceptance and the date of any discontinuance of AIT internship.

#### **490:10-8-5. Preceptor qualifications**

- (a) A licensed administrator wishing to be certified as a preceptor for the AIT program shall apply online and pay the required fees.
- (b) To be certified as a preceptor, the applicant shall:
  - (1) exemplify the highest ethical and professional standards as an administrator for at least the preceding twenty-four (24) consecutive months;
  - (2) be licensed and be able to document employment as:
    - (A) an Oklahoma long term care administrator for at least twenty- four (24) months of the preceding sixty (60) months; OR
    - (B) an Oklahoma long term care administrator for at least twenty four (24) of the preceding sixty (60) months and supervising administrators in multiple locations wherein an AIT could be appropriately trained under his direct and/or indirect supervision, e.g., as a regional supervisor or operations officer with multiple homes; OR
    - (C) an Oklahoma long term care administrator for at least twenty- four (24) months of the preceding sixty (60) months currently serving as an assistant administrator in a Veterans Administration (ODVA) home (not the administrator of record);
  - (3) successfully complete preceptor training that meets the requirements established by the Board; and
  - (4) has not been the subject of any action by any Board or licensing authority which resulted in formal reprimand, suspension or revocation of license, within the preceding twenty-four (24) consecutive months;
  - (5) has not been the subject to any other action by any Board or licensing authority which resulted in a Board order prohibiting serving as a Preceptor.
- (c) If the Board imposes a disqualifying sanction against an administrator, such administrator may not be eligible to be certified as a preceptor for twenty-four (24) months from the date of the sanction, as specified in the sanction's final or agreed order.
- (d) Preceptors shall be certified for a period of thirty-six (36) months if active (who trained at least one trainee during the first twenty four (24) months of their preceptorship or twenty four (24) months if inactive). Preceptors may be re- certified at the discretion of the Board. There shall be an automatic extension of the certification period for any preceptor whose certification expires while overseeing an AIT intern/trainee, provided that the preceptor otherwise meets all other requirements for certification and those governing assignment of a preceptor to an AIT intern/trainee. The extension shall be granted to the end of the training period for the particular intern/trainee.

#### **490:10-8-5.1. Preceptor designation/assignment to an AIT intern/trainee**

In order to be designated/assigned as the preceptor for an AIT training program, a 'certified' preceptor must:

- (1) be either the full-time administrator-of-record of the facility at which the AIT intern/trainee would be completing his internship rotation, OR a licensed administrator and the direct supervisor of the administrators(s)-of-record at the facility(s) at which the AIT intern/trainee would be completing his internship rotation;
- (2) agree to give the intern/trainee an opportunity to observe and take part in the managerial tasks associated with the operation of a facility, acquaint the intern/trainee with the organization and operation of all the various departments of the facility by permitting his observation and/or participation in department activities subject to the training program approved by the Board;
- (3) hold regular meetings and/or discussions with the intern/trainee to discuss progress to date, consider refinements to hours spent in each module/domain of practice (in preparation for the NAB NHA exam), and interview him upon completion of the internship to mutually discuss noted strengths and weaknesses; and
- (4) upon satisfactory completion of the program, provide the Board a letter certifying the completion of the required internship hours.

#### **490:10-8-6. Curriculum for nursing home administrator and certified assistant administrator (CAA) AITs**

- (a) The preceptor, in conjunction with the AIT intern/trainee, will assess and evaluate the background, training and experience of the intern/trainee to determine specific areas of concentration within the domains of practice and departmental rotations.
- (b) The preceptor will submit to the Board, prior to or within the first week of an AIT internship, an individualized curriculum for the intern/trainee, one that meets the Board's AIT internship requirements. The Board requires that the training be carried out in modules as delineated in the training materials.

#### **490:10-8-7. Module reports for nursing home administrator and certified assistant administrator (CAA) AITs**

- (a) At the conclusion of each module of training, the preceptor will submit to the Board an evaluation of progress on a form approved by the Board for that purpose.
- (b) Module reports must be received in the Board's office within ten (10) working days of completion of the module.

#### **490:10-8-8. Preceptor's final report**

- (a) At the end of the approved AIT internship, the preceptor will submit a final report and an evaluation of the intern/trainee on the form(s) and in the manner as prescribed by the Board. The preceptor will sign the form(s). The form(s) will indicate whether

or not the intern/trainee has satisfactorily completed the prescribed internship program.

- (b) The reports will be filed in the intern/trainee's record and will become a permanent part of the record in the individual's file.
- (c) Preceptors for nursing home AIT candidates shall be awarded 3 CEUs per each 560 hour trainee completed or 4 CEUs per each 700 hour trainee completed (awarded in the year the training was completed) and may earn up to 12 CEUs in this manner per calendar year (credited for a maximum of 3 students in any one calendar year).
- (d) CEU credit is awarded for the year the training was completed.

#### **490:10-8-9. Preceptor's checklist**

- (a) The preceptor will maintain a current program completion checklist in the facility on the intern/trainee on a form approved by the Board to be reviewed by the Board upon request.
- (b) The program completion checklist shall be submitted to the Board along with the final report and evaluation.

#### **490:10-8-10. Change of status and discontinuance**

- (a) If the intern/trainee wishes to change to another preceptor, or discontinues the training, the intern/trainee must notify the Board prior to making this change.
- (b) The notification requires the name of the intern/trainee and preceptor, the change requested, the effective date, reasons for the change, and any other information that the Board may request. Either the intern/trainee or the preceptor must sign the notification.
- (c) If a substandard quality of care finding in a facility is upheld against an administrator who is a certified preceptor working with an intern/trainee, the Board shall evaluate the situation and determine if there is a need to assist the intern/trainee in finding a new preceptor and may, at its sole discretion, direct that a new preceptor be assigned to the AIT.

#### **490:10-8-11. Dismissal from program**

- (a) The preceptor will inform the intern/trainee of his performance as the program progresses.
- (b) If the intern's/trainee's performance is not acceptable, the preceptor will so inform him, and the intern/trainee will be given an opportunity to correct the deficiencies.
- (c) If the intern/trainee does not correct the deficiencies, the preceptor will notify Board staff of the same, and a member of the Board's staff will notify the intern/trainee that he will be dismissed from the program.
- (d) If the intern/trainee violates any of the Board's rules or regulations, or if the intern/trainee violates any of the policies or procedures of the facility(ies) at which he is serving his AIT training, the preceptor or authorized representatives of the facility(ies) will notify the Board's staff of the same, and the Board staff will notify the intern/trainee that he can no longer participate in the program.

- (e) The intern/trainee may appeal dismissal from the program by petitioning the full Board for a formal hearing.

**490:10-8-12. Compensation of AIT Interns/Trainees**

The facility or facilities in which the intern/trainee is training may compensate the intern/trainee, but is/are not required to do so.

**490:10-8-13. AIT time on the job**

- (a) The intern/trainee with a degree in a field related to any of the NAB defined domains of practice, OR with experience in long term care for 2 of the last 5 years shall serve a 560 hour internship, unless in the opinion of the Board or preceptor, the intern/trainee requires additional hours of training; or unless the hours required to complete the internship, are otherwise reduced by formal action of the Board. All others (with a degree not related to a NAB defined domain of practice or without experience in long term care for 2 of the last 5 years) shall serve a minimum of a 700 hour internship with the same exceptions noted wherein additional hours are required in the opinion of the Board or preceptor.
- (b) An internship that has been discontinued due to a period of active duty military service of the intern/trainee shall be allowed to be completed within one (1) year after the intern/trainee has completed his military service obligation. If this time frame cannot be met by the intern/trainee, the previously-started internship shall be cancelled by the Board and he will have to reapply to the Board for a new internship and pay all applicable fees. If an internship has been discontinued due to active duty military service of the preceptor, the Board will work with the intern/trainee to secure another preceptor.
- (c) An internship that has been discontinued for any purpose other than military service, and such discontinuance exceeds one year from the date of the beginning of the discontinuance, that internship will be cancelled by the Board, and the AIT intern/trainee shall be required to reapply to the Board for a new internship and pay all applicable fees.
- (d) Only one discontinuance is allowed.
- (e) 560 hour internships shall be completed in not less than fourteen (14) consecutive weeks nor more than twelve (12) consecutive months. 700 hour internships shall be completed in not less than seventeen and a half (17.5) consecutive weeks nor more than fifteen (15) consecutive months (where no more than 40 hours in any one week of the program is ever permitted).
- (f) This section shall be subject to the requirements of any other provisions of law.
- (g) The intern/trainee must complete the internship in a facility or facilities that is (are) licensed in Oklahoma for the level of care equivalent to the administrators license/certification being sought.

**490:10-8-14. AIT Internship exempt status**

The Board, in its sole discretion, may waive the AIT internship requirement entirely, or portions thereof, for those applicants who show evidence of successful completion of a formal internship program that meets or exceeds Board requirements, such as in another state or in a NAB

accredited long term care degree program.

**490:10-8-15. Admission to national and state exams [AMENDED AND RENUMBERED TO 490:10-3-4]**

**490:10-8-16. Refusal to approve or renew preceptor or intern assignment**

The Board may, at its sole discretion, refuse to approve or renew a preceptor certification or may refuse to approve an assignment of an intern/trainee to a preceptor.

**490:10-8-17. Supervision of AIT interns/trainees**

A preceptor shall not concurrently supervise more than two (2) AIT interns/trainees unless otherwise approved by the Board.

**SUBCHAPTER 9. LICENSE STATUS [REVOKED]**

**490:10-9-1. License status [REVOKED]**

**490:10-9-2. Reinstatement [REVOKED]**

**SUBCHAPTER 10. FEE SCHEDULE [REVOKED] 490:10-10-1. Fee Schedule [REVOKED]**

## SUBCHAPTER 13. STANDARDS FOR ADMINISTRATORS

### 490:10-13-1. Administrator Code of Ethics

- (a) The Board is committed to ethical professional conduct and therefore adopts the following standards to establish and maintain a high degree of integrity and dignity in the profession and to protect the public against unprofessional conduct on the part of long term care administrators. All long term care administrators and AITs shall be encouraged to participate in their professional association, the American College of Health Care Administrators (ACHCA and often referred to as "the college") as a means of continually improving themselves as long term care professionals and another source for CEUs.
- (b) The American College of Health Care Administrators Code of Ethics is adopted as follows:
- (1) Preamble: The preservation of the highest standards of integrity and ethical principles is vital to the successful discharge of the professional responsibilities of all long-term health care administrators. This Code of Ethics has been promulgated by the American College of Health Care Administrators (ACHCA) in an effort to stress the fundamental rules considered essential to this basic purpose. It shall be the obligation of members to seek to avoid not only conduct specifically proscribed by the code, but also conduct that is inconsistent with its spirit and purpose. Failure to specify any particular responsibility or practice in this Code of Ethics should not be construed as denial of the existence of other responsibilities or practices. Recognizing that the ultimate responsibility for applying standards and ethics falls upon the individual, the ACHCA establishes the following Code of Ethics to make clear its expectation of the membership.
  - (2) Expectation I: Individuals shall hold paramount the welfare of persons for whom care is provided.
    - (A) Prescriptions: The Health Care Administrator shall:
      - (i) Strive to provide to all those entrusted to his or her care the highest quality of appropriate services possible in light of resources or other constraints.
      - (ii) Operate the facility consistent with laws, regulations, and standards of practice recognized in the field of health care administration.
      - (iii) Consistent with law and professional standards, protect the confidentiality of information regarding individual recipients of care.
      - (iv) Perform administrative duties with the personal integrity that will earn the confidence, trust, and respect of the general public.
      - (v) Take appropriate steps to avoid discrimination on the basis of race, color, religion, sex, pregnancy, sexual orientation, citizenship status, national origin, age, physical or mental disability, past, present or future status in the U.S. uniformed services, genetics, or any other characteristic protected under applicable law.
    - (B) Proscription: The Health Care Administrator shall not: Disclose professional or personal information regarding recipients of service to unauthorized personnel unless required by law or to protect the public welfare.
  - (3) Expectation II: Individuals shall maintain high standards of professional competence.
    - (A) Prescriptions: The Health Care Administrator shall:
      - (i) Possess and maintain the competencies necessary to effectively perform his or her responsibilities.

- (ii) Practice administration in accordance with capabilities and proficiencies and, when appropriate, seek counsel from qualified others.
    - (iii) Actively strive to enhance knowledge of and expertise in long-term care administration through continuing education and professional development.
    - (iv) Demonstrate conduct that is in the best interest of the profession.
  - (B) Proscriptions: The Health Care Administrator shall not:
    - (i) Misrepresent qualifications, education, experience, or affiliations.
    - (ii) Provide services other than those for which he or she is prepared and qualified to perform.
    - (iii) Conduct themselves in a manner detrimental to the best interest of the profession.
- (4) Expectation III: Individuals shall strive, in all matters relating to their professional functions, to maintain a professional posture that places paramount the interests of the facility and its residents.
  - (A) Prescriptions: The Health Care Administrator shall:
    - (i) Avoid partisanship and provide a forum for the fair resolution of any disputes which may arise in service delivery or facility management.
    - (ii) Disclose to the governing body or other authority as may be appropriate, any actual or potential circumstance concerning him or her that might reasonably be thought to create a conflict of interest or have a substantial adverse impact on the facility or its residents.
  - (B) Proscriptions: The Health Care Administrator shall not: Participate in activities that reasonably may be thought to create a conflict of interest or have the potential to have a substantial adverse impact on the facility or its residents.
- (5) Expectation IV: Individuals shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of related professions.
  - (A) Prescriptions: The Health Care Administrator shall:
    - (i) Foster increased knowledge within the profession of health care administration and support research efforts toward this end.
    - (ii) Participate with others in the community to plan for and provide a full range of health care services.
    - (iii) Share areas of expertise with colleagues, students, and the general public to increase awareness and promote understanding of health care in general and the profession in particular.
    - (iv) Inform the ACHCA Standards and Ethics Committee of actual or potential violations of this Code of Ethics, and fully cooperate with the ACHCA's sanctioned inquiries into matters of professional conduct related to this Code of Ethics.
  - (B) Proscription: The Health Care Administrator shall not: Defend, support, or ignore unethical conduct perpetrated by colleagues, peers or students.
- (c) The Board adopts the following as an addition to the code of ethics: Administrators have a fiduciary duty to the facility and cannot serve as guardian of the person or of the estate, or hold a durable power of attorney or power of attorney for any resident of a facility of which they are an administrator.

- (d) Licensees shall place a copy of the Administrator Code of Ethics approved by the Board in a conspicuous location in a public area in the place of business requiring such license.

**490:10-13-2. Administrator responsibilities**

- (a) It is the responsibility of the long term care administrator, as the managing officer of the facility to plan, organize, direct, and control the day-to-day functions of a facility and to maintain the facility's compliance with applicable laws, rules, and regulations. The administrator shall be vested with adequate authority to comply with the laws, rules, and regulations relating to the management of the facility.
- (b) Long term care administrators licensed/certified by the Board shall adhere to the Administrator Code of Ethics as adopted by the Board.
- (c) Nursing home administrators licensed by the Board shall not concurrently serve as the administrator-of-record (AOR) of more than one long term care facility except as otherwise permitted in this Chapter. A licensed nursing home administrator may serve as the administrator of more than one intermediate care facility for the mentally retarded with sixteen or fewer beds (ICF/MR-16), only if such facilities are located within a circle that has a radius of not more than fifteen (15) miles, and the total number of facilities and beds does not exceed the lesser of six (6) facilities or total licensed capacity of sixty-four (64) beds.
  - (1) An NHA may not concurrently serve as AOR of more than one long term care facility except where authorized in statute and this chapter. Exceptions are discussed at OAC 490: 10-13-2(c) as it relates to ICF/MR- 16; OAC 490:10-13-2(d) as it relates to Assisted Living facilities; OAC 490:10-13-2(e) as it relates to an NHA concurrently serving as AOR of a SNF/NF and another facility which includes an Assisted Living Facility, a Residential Care Facility and/or an Adult Day Care Facility; and OAC 490:10- 13-3 as it relates to the use of a CAA).
  - (2) An NHA may not concurrently serve as the Director of Nursing (DON) of a facility while serving as the AOR of a nursing facility.
  - (3) When functioning under one of these exceptions, the requirement to designate a person in the facility to act on the AOR's behalf during their absence must be strictly adhered to (see OAC 310, Chapter 675, paragraph (a) for this requirement).
- (d) NHA and RCAL Administrators are limited to serving concurrently as AOR of two (2) Assisted Living Facilities with the requirement that the facilities are within sixty (60) miles of each other and have less than one hundred and thirty (130) occupied beds.
- (e) An NHA may concurrently serve as the AOR of a SNF/NF and one other facility (Assisted Living, Residential Care or Adult Day Care) provided that the two facilities have the same owner, the facilities are within 15 miles, and the number of occupied beds (or occupied beds and participants) does not exceed 130.
- (f) Every person licensed/certified as an administrator and designated the "Administrator-of-Record" (AOR) shall display the appropriate "Certificate of" or "License" in a conspicuous place in the facility or place of business requiring such license/certification. Certified Assistant Administrators (CAAs), where utilized in this capacity, shall display their certification.
- (g) Each licensed/certified administrator shall update their licensure record, online, within fifteen (15) calendar days following the change of his name, business and/or personal mailing address, change in employment or change in employment status, online in the manner as prescribed or as may be prescribed by the Board. The Board will assess a late fee as



prescribed at OAC 490:1-7-2 if it is determined that the administrator failed to provide current contact information within this fifteen day period.

- (h) Upon receipt of satisfactory evidence that "Certificate" or "License" has been lost, mutilated, or destroyed, the Board may issue a duplicate replacement license upon payment of a fee as prescribed by the Board at OAC 490:1-7-2.
- (i) To change his name on a "Certificate of License", the licensee must provide legal proof of the name change (e.g., copy of marriage certificate, divorce decree, etc.) before a replacement "Certificate of License" will be issued upon payment of a fee as prescribed by the Board at OAC 490:1-7-2.
- (j) An administrator shall not knowingly initiate contact with an individual currently residing in a long term care facility, or knowingly initiate contact with the family or guardian of an individual currently residing in a long term care facility, for the purpose of attempting to persuade a change in that individual's residence to another long term care facility.
- (k) An administrator shall not knowingly solicit, or permit an employee to solicit clients for his long term care facility through coercion or harassment. If an administrator has knowledge of such actions by an employee, the administrator shall take such steps as are reasonable and necessary to stop such conduct.
- (l) An Administrator, or applicant for Administrator licensure/certification, in connection with a license/certificate application or an investigation conducted by the Board or an investigation conducted by the Oklahoma State Department of Health, the Oklahoma Department of Human Services, the Oklahoma Health Care Authority, or any other agency of the State or federal government having regulatory responsibility over or relating to the delivery of care to persons in a facility operated or managed by the Administrator, shall not:
  - (1) knowingly make a false statement of material fact;
  - (2) fail to disclose a fact necessary to correct a misrepresentation known by the Administrator or applicant for licensure/certification to have arisen in the application or the matter under investigation; or
  - (3) fail to respond to a demand for information made by the Board or such government agency or any designated representative thereof.
- (m) To enable CEU attribution and uploads by NAB approved CEU providers, all administrators and CAAs will register with the NAB CE Registry.

**490:10-13-3. Requirements for administrators who serve as the Administrator- of-Record of two (2) or more licensed long term care (nursing) facilities employing Certified Assistant Administrators**

- (a) The Administrator-of-Record is responsible for ensuring that all minimum requirements delineated herein and in the Nursing Home Care Act (see Title 63, Section 1-1943.1) relating to individuals who wish to serve in the capacity of Certified Assistant Administrator (CAA) are met prior to the delegation of duties and responsibilities to such individual.
- (b) The Administrator-of-Record shall provide qualified individuals serving as a CAA with adequate authority and responsibility to administer those aspects of the operations of the facility that are to be delegated to them, including the authority to act in an emergency.
- (c) The Administrator-of-Record shall clearly, and in writing, develop a formal job description for the position of CAA, wherein the duties and responsibilities of the individual serving as a CAA are clearly delineated.

- (d) The Administrator-of-Record shall provide supervision, training and direction to the CAA and delegate only those duties and responsibilities that may safely be performed by the individual filling that role and that are not otherwise proscribed by law, rule or statute.
- (e) The Administrator-of-Record, being licensed by the Board, is legally and ultimately responsible for the management and operation of the facility and, as such, shall maintain sufficient on-site presence in the facility to effectively supervise the CAA.
- (f) The Administrator-of-Record shall ensure the CAA does not concurrently serve as CAA of more than one (1) long term care facility.
- (g) The Administrator-of-Record shall spend at least ten (10) hours per calendar week on-site in the facility, providing guidance and direction to the CAA, and further, such on-site supervisory visits shall not be more than ten (10) calendar days apart.
- (h) The Administrator-of-Record shall establish a clearly-written policy delineating who the individual residents, residents' family members and/or guardians, and facility staff should contact when the Administrator-of-Record is absent from the facility as well as the procedure that is to be utilized that clearly indicates 'when' and 'how' such contact shall be made. The policy and procedure shall be provided to residents, residents' family and/or guardians, and facility staff and shall be posted in a conspicuous place in the facility.
- (i) The Administrator-of-Record shall not delegate nor cause to be delegated to the CAA any duty or responsibility that has been specified in State or federal law, statute, rule or regulation as being a duty or responsibility that can only be performed by a duly licensed Administrator or any duty or responsibility that is otherwise prohibited by State or federal law, statute, rule or regulation.
- (j) The Administrator-of-Record shall ensure that no individual serve as the CAA if that individual holds a license granted by this Board, but which license is suspended, revoked or otherwise restricted, or if that individual has been sanctioned (formally excluded from participation in federally-funded health programs) by the U.S. Department of Health and Human Services (DHHS), Office of Inspector General (OIG).
- (k) The Administrator-of-record shall ensure that no individual serves as a CAA if the facility at which the Assistant Administrator is to serve is not one of two-or- more facilities at which the Administrator serves as the Administrator-of-Record, that have a total bed complement not to exceed one-hundred-twenty (120) occupied beds and that are located with a fifty (50) mile radius of each other.
- (l) The Administrator-of-Record shall establish a requirement for the certified assistant administrator to successfully complete no less than twenty-four (24) continuing education clock hours during each licensure period as a condition of employment and shall be responsible to ensure the certified assistant administrator(s) working under their license has renewed their certification with the Board by the end of each licensure period.

## **CHAPTER 15. LONG TERM CARE CERTIFIED ASSISTANT ADMINISTRATORS**

[Authority: 63 O.S. §330.51 et seq.]

[Source: Codified 7-11-08]

### **SUBCHAPTER 1. CERTIFICATION OF LONG TERM CARE ASSISTANT ADMINISTRATORS**

#### **490:15-1-1. Purpose**

This Chapter implements the specific rules allowing the Board to 'certify' that individuals have met certain minimum requirements established by the Board, enabling such individuals to serve as a long term care Certified Assistant Administrator (CAA) in those situations wherein the Administrator-of-Record (AOR) at the facility in which they are to serve also serves as the Administrator-of-Record of one-or-more additional licensed nursing facilities in compliance with the Nursing Home Care Act (Title 63, Section 1-1943.1) requirements. Individuals who serve as Certified Assistant Administrators do so under the direct supervision and license of the licensed long term care Administrator-of-Record.

#### **490:15-1-2. Definitions**

Definitions set forth in Chapter 1 of this Title shall also apply to this Chapter.

#### **490:15-1-3. Minimum qualifications for an individual applicant to meet certification requirements for a Certified Assistant Administrator (CAA) [AMENDED]**

- (a) In addition to the general requirements for administrators found at OAC 490:10-1-2.1, each applicant seeking certification as having met the minimum qualifications to be able to serve as a CAA shall meet the requirements in this Section.
- (b) In order to qualify to receive certification from the Board that the individual met the minimum qualifications to be able to serve as CAA, each applicant must provide evidence satisfactory to the Board of the following:
- (1) Successful completion of a high school education and receipt of a high school diploma, or receipt of his G.E.D.;
  - (2) Successful completion of Administrators University (AU), or presumptively approved NAB-approved entry level training for NHAs, completed within 24 months prior to certification;
  - (3) Receipt of a passing score on the current Oklahoma State Standards examination;
  - (4) Receipt of a passing score on the national "NAB" Core examination conducted by the National Association of Long Term Care Administrator Boards (NAB) as discussed in paragraph 10-3-2 of this document; and either
    - (i) One (1) year of current management, leadership or supervisory experience in a long term care facility; OR
    - (ii) Successful completion of Board sanctioned Administrator-in-Training (AIT) program.

#### **490:15-1-3.1. Evidence requirements**

To satisfy the Board's requirement for evidence indicating experience, the applicant shall submit a declaration signed by a licensed administrator of a long term care facility, facility medical director, facility director of nurses, or registered nurse, who can attest to the applicant's work and supervisory experience, explicitly stating how many individuals the candidate supervised in his supervisory role(s). The supervision of a program is not considered the same as supervision of personnel.

#### **490:15-1-4. Conditions of employment for individuals 'certified' by the Board as having met the minimum qualifications required for them to serve as an Assistant Administrator**

(a) Under the supervision, direction and license of the licensed Administrator-of-Record, it shall be the responsibility of the CAA to plan, organize, direct, and control those day-to-day functions of a facility delegated to him and to maintain the facility's compliance with applicable laws, rules, and regulations during the absence of the licensed administrator.

(b) A CAA shall practice only under the direct supervision and license of a licensed Administrator-of-Record who is in charge of two-or-more licensed nursing facilities within a 50-mile radius wherein the total number of occupied beds does not exceed 120, and whose license is active and otherwise unrestricted. A CAA shall not continue to serve at a facility in the CAA capacity if the Administrator-of-Record is the Administrator-of-Record at a single nursing facility, the administrator's license is suspended, or revoked, or if the Administrator-of-Record resigns his employment or his employment is otherwise terminated, until such time as another licensed administrator is designated and begins serving as the Administrator-of-Record of two-or-more facilities. These facilities shall be owned/managed by the same owner/corporation.

(c) An individual serving as a CAA shall be employed by the facility full-time in that capacity, regularly-scheduled for 40 hours per calendar week; shall not concurrently serve as the CAA of more than one (1) nursing facility; and shall spend at least eighty (80%) percent of his working time on-site at the facility, equitably distributing his on-site time throughout each calendar week, with emphasis placed on weekdays, Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m.

### **SUBCHAPTER 3. APPLICATION FOR CERTIFICATION AND REQUIREMENTS FOR CONTINUED ELIGIBILITY**

#### **490:15-3-1. Application process [AMENDED]**

- (a) Applicants for approval as a certified assistant administrator (CAA) shall apply online, supplying all required documentation and shall pay a non-refundable application fee. Once the application is complete and the applicant has completed the required training and passed the appropriate examination(s), the applicant will be required to pay the non-refundable fee referenced at OAC 490:1-7-2(x) before being placed on the agenda for Board certification determination.
- (b) An application for 'certifying' an individual to serve in the capacity of a CAA is valid consistent with the time constraints for NHA licensure following completion of training (see OAC 490:10-1-3 and 10-3-1).
- (c) An application shall be determined complete when:
  - (1) the criminal background check is received;
  - (2) all documentation required for the application has been received; and
  - (3) the application fee prescribed at OAC 490:1-7-2 has been remitted and the monies credited to the Board's account with the State Treasurer.
- (d) Once an application is determined complete, the applicant must then meet the remaining requirements for certification found in this Chapter.

#### **490:15-3-2. Approval process**

- (a) Upon verification of compliance with all requirements, the Board shall 'certify' an individual as having met, as of the date of the certification, the minimum requirements to be eligible to serve as a CAA within a single nursing facility, one which is administered by a licensed nursing home administrator who is serving as the administrator-of-record for that facility and for one-or-more additional licensed facilities within a 50-mile radius of each other and wherein the total number of occupied beds at all such facilities administered by this Administrator-of-Record does not exceed 120.
- (b) The applicant shall be presented to the Board for consideration at the next Board meeting. Applicants are encouraged to attend the Board meeting.
- (c) Certified applicants will receive a certificate documenting the Board's decision at the Board meeting if they are present or it will be mailed within 7 business days.
- (d) As of the date the Board 'certifies' that an individual applicant meets the minimum requirements for that individual to serve in the capacity of an Assistant Administrator, the individual may serve in such an unlicensed capacity. However, it shall be the obligation of the Administrator-of-Record to subsequently verify that the individual serving as an Assistant Administrator continues to meet the minimum qualifications for continued certification (i.e. criminal background check and current employment in the industry as a supervisor). The administrator of record shall also require completion of CEUs in accordance with provisions in OAC 490:1-9-4, as a condition of employment, and a mechanism to ensure the assistant is current and professionally trained.

**490:15-3-3. Requirements for certified assistant administrators**

(a) As of the effective date of these rules, an individual certified as an assistant administrator is required to continue to meet the minimum requirements to maintain their certification. They shall be required to renew their certification annually during the Board's annual renewal period, starting in 2012, following Board established renewal processes and paying the prescribed renewal fees. Failure to renew shall be treated in the same manner as lapsed licenses are treated by the Board and the certification vacated following this same process.

(b) Certified Assistant Administrators who are not working as certified assistant administrators are responsible for accomplishing the minimum annual CEU employment requirements to remain qualified and are responsible to renew their own certification with the Board.