

LEGISLATIVE BILL 733

Approved by the Governor April 10, 1989

Introduced by Health and Human Services Committee,
Wesely, 26, Chairperson; Dierks, 40;
Schellpeper, 18; Crosby, 29; Lynch, 13

AN ACT relating to public health and welfare; to amend sections 71-2041.03 and 71-2041.04, Revised Statutes Supplement, 1988, section 71-2041.02, Revised Statutes Supplement, 1988, as amended by section 19, Legislative Bill 344, Ninety-first Legislature, First Session, 1989, and Laws 1987, LB 390, section 26, as amended by Laws 1988, LB 1100, section 180; and to provide for an additional nursing home administrator license as prescribed; to provide requirements for education and training; to provide exceptions; to harmonize provisions; to change an operative date for provisions relating to X-ray system operators; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-2041.02, Revised Statutes Supplement, 1988, as amended by section 19, Legislative Bill 344, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

71-2041.02. (1)(a) The board shall issue a license to an each applicant who submits (i) ~~(a)~~ satisfactory evidence of completion of an associate degree or its equivalent in long-term care administration, allied health, or human services, including completion of one two-credit-hour course in each of the following areas: General administration; social gerontology; health problems of the aged; patient services and care; health and social service delivery systems; and a seminar on contemporary developments in aging, including the Older Americans Act, (ii) ~~(b)~~ completion of an administrator-in-training program under a certified preceptor, and (iii) ~~(c)~~ evidence of successful passage of the National Association of Boards of Examiners for Nursing Home Administration written examination and a state examination that covers applicable state statutes and rules and regulations adopted and promulgated by the department as approved by

the board, except that two years of successful experience as an administrator of a domiciliary or residential care facility of at least one hundred residents, immediately preceding application for licensure, may be considered equivalent to the requirements prescribed in subdivision (ii) ~~(1)(b)~~ of this section subdivision. The board shall evaluate the experience of an applicant requesting the substitution of the requirements listed in subdivision (ii) of this subdivision ~~(1)(b)~~ of this section with two years of experience and shall obtain the affidavit of at least two licensed nursing home administrators in Nebraska testifying that the applicant is of good moral character and in good standing as an administrator of a domiciliary or residential care facility. In no case shall the board accept such substitution if the domiciliary or residential care facility while under the direction and administration of the applicant had its license suspended, denied, or revoked. The board shall license administrators in accordance with sections 71-2041.01 to 71-2045.10 and standards, rules, and regulations adopted and promulgated by the board pursuant to such sections. The license shall not be transferable or assignable, and each administrator shall be full time and responsible for the operation of only one licensed facility.

(b) Notwithstanding the provisions of sections 71-2041.01 to 71-2045.10, the board shall issue a license as a nursing home administrator to an applicant who will function as the administrator of a facility caring primarily for persons with head injuries and associated disorders who submits satisfactory evidence that he or she (i) has at least two years of experience working with persons with head injuries or severe physical disabilities, at least one of which was spent in an administrative capacity, (ii) is (A) a psychologist with at least a master's degree in psychology from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (B) a physician licensed under the Uniform Licensing Law to practice medicine and surgery or psychiatry and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (C) an educator with at least a master's degree in education from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe

physical disability, or (D) certified as a social worker under the Uniform Licensing Law and has at least three years of social work experience and specialized training or one or more years of experience working with persons who have experienced traumatic head injury or are severely physically disabled, and (iii) is of good moral character.

A license issued pursuant to this subdivision shall be issued without examination and without the requirement of completion of an administrator-in-training program. Such license may be renewed without the completion of any continuing education requirements.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

(3) Licenses may be denied, suspended, refused renewal, or revoked by the board for due cause which shall include: (a) Fraud in procuring a license; (b) immoral, unprofessional, or dishonorable conduct; (c) habitual intoxication or addiction to the use of drugs; (d) distribution of intoxicating liquors or drugs for other than lawful purposes; (e) conviction of a felony; (f) physical or mental incapacity to perform professional duties; (g) violation of any provision of sections 71-2041.01 to 71-2045.10 or standards, rules, and regulations adopted and promulgated thereunder or of any law; or standards, rules, and regulations adopted and promulgated by the department relating to the proper administration and management of a home for the aged or infirm or nursing home; (h) commission of any of the acts or offenses set forth in sections 71-147 and 71-148; and (i) failure to pay the required fees. Except in cases of failure to pay the required fees, no license shall be denied, suspended, refused renewal, or revoked except after due notice and opportunity for a hearing. Any denial, suspension, refusal of renewal, or revocation of such license may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act. A person whose license has been revoked,

suspended, or limited may petition the board for reinstatement in the manner provided by sections 71-161.04 to 71-161.06.

Sec. 2. That section 71-2041.03, Revised Statutes Supplement, 1988, be amended to read as follows:

71-2041.03. (1) Except as provided in subdivision (1)(b) of section 71-2041.02, in order for a person to become a nursing home administrator, he or she shall complete an administrator-in-training program. Such training shall occur in a home for the aged or infirm or nursing home under the supervision of a certified preceptor, and it may be gained as an internship which is part of an approved associate degree in long-term care administration or, until January 1, 1992, after receipt of the associate degree in long-term care administration.

(2) An applicant may begin his or her administrator-in-training program upon application to the board with the required fee provided for in section 71-2045.05, evidence that he or she meets the requirements of subdivision (1)(a)(i) of section 71-2041.02, and evidence of an agreement between the certified preceptor and the applicant for at least nine hundred and sixty hours of training and experience, or six hundred and forty hours of training and experience as an internship in an approved associate degree program, in the nine-point core of knowledge in a Nebraska-licensed home for the aged or infirm or nursing home under the direct supervision of a certified preceptor. Commencing January 1, 1992, this training may only be gained as an internship which is a part of the associate degree in long-term care administration.

(3) Upon approval by the board to begin the administrator-in-training program, the certified preceptor and the administrator-in-training shall submit to the department a progress report describing the nature and extent of the training completed to date by the fifth day of each month of the duration of the training. The training shall be completed not more than one year prior to application for licensure as a nursing home administrator.

(4) The administrator-in-training program shall occur under the supervision of a certified preceptor. In order to become a certified preceptor an applicant shall (a) be currently licensed and practicing as a nursing home administrator in the State of Nebraska, (b) have three years of experience as a nursing home administrator, and (c) complete a preceptor

training course approved by the board.

Sec. 3. That section 71-2041.04, Revised Statutes Supplement, 1988, be amended to read as follows:

71-2041.04. The board may issue a license to any person who passes the state examination specified in subdivision ~~(1)(a)(iii)~~ ~~(1)(e)~~ of section 71-2041.02 and who holds a current nursing home administrator license from another jurisdiction if the board finds that the standards for licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant is a person who has been in active practice as a nursing home administrator for at least one year in some other state or territory or the District of Columbia, as established by the certificate of the proper licensing authority of the state, territory, or District of Columbia, certifying that the applicant is duly licensed, that his or her license has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following: (1) That the state, territory, or District of Columbia from which the applicant comes has and maintains standards regulating nursing home administration substantially equivalent to those maintained by Nebraska; (2) that his or her license was based upon a national licensure examination and the grades given at such examination; (3) the date of his or her license; (4) that such licensee has been actively engaged in the practice under such license since it was issued or, if not so engaged, the time when he or she was out of practice; (5) the affidavit of at least two practitioners in that state or territory or the District of Columbia testifying to the applicant being of good moral character and standing as a nursing home administrator; (6) completion of an administrator-in-training program as described in section 71-2041.03. Two years of experience as an administrator of a home for the aged or infirm or nursing home, immediately preceding application for Nebraska licensure, shall be considered substantially equivalent to completion of an administrator-in-training program; and (7) completion of twenty-five hours of continuing education relating to long-term care administration as defined in the nine-point core of knowledge within the twelve months prior to application for reciprocal licensure. An applicant for reciprocal licensure coming from any state may be licensed by

reciprocity if his or her individual qualifications meet such requirements.

Sec. 4. That Laws 1987, LB 390, section 26, as amended by Laws 1988, LB 1100, section 180, be amended to read as follows:

Sec. 26. Sections 23 and 24 of this act shall become operative on January 1, ~~1989~~ 1990. The remaining sections of this act shall become operative on their effective date.

Sec. 5. That original sections 71-2041.03 and 71-2041.04, Revised Statutes Supplement, 1988, section 71-2041.02, Revised Statutes Supplement, 1988, as amended by section 19, Legislative Bill 344, Ninety-first Legislature, First Session, 1989, and Laws 1987, LB 390, section 26, as amended by Laws 1988, LB 1100, section 180, are repealed.

br; Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.