



Proposed Regulation Agency Background Document

Agency name	Board of Long-Term Care Administrators, Department of Health Professions
Virginia Administrative Code (VAC) citation	18 VAC 95-20
Regulation title	Regulations Governing the Practice of Nursing Home Administrators
Action title	Qualifications for initial licensure
Document preparation date	8/24/05

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The Board of Long-Term Care Administrators has initiated regulatory action to amend educational requirements for initial licensure that have been problematic or confusing for some applicants. Degree requirements specify programs of study that are either non-existent or not clearly defined, so the Board has eliminated a field of study and further specified in a new section the content areas that must be included within a degree program in a health care related field and specified the content of the internship required for licensure. Other amendments are intended to clarify the existing regulations.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Chapter 24 of Title 54.1 of the Code of Virginia establishes the general powers and duties of the Board of Long-Term Care Administrators including the responsibility to promulgate regulations and administer a licensure and renewal program for nursing home administrators.

§ 54.1-2400. *General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:*

1. *To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
2. *To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
3. *To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
4. *To establish schedules for renewals of registration, certification and licensure.*
5. *To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
6. *To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 and Chapter 25 of this title.*
7. *To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate or license which such board has authority to issue for causes enumerated in applicable law and regulations.*

The statutory authority for licensure and regulation of nursing home administrators is found in Chapter 31 of Title 54.1 of the Code of Virginia:

<http://leg1.state.va.us/000/1st/h3304615.HTM>

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

The Board of Long-Term Care Administrators has addressed the issue of a lack of specificity in the degree requirements for initial licensure, resulting in denial of several applications from individuals who believed their program of study would qualify them for licensure as a nursing

home administrator. In section 220, regulations require a degree in “nursing home administration” or “a health care administration field.” The Board is unaware of any college or university offering a degree in “nursing home administration,” so it has eliminated that degree title. A degree in “a health care administration field” is not clearly defined and therefore may be confusing to applicants. While there are schools offering degrees in long term care administration, there are other related degree programs that may or may not qualify an individual to be licensed as a nursing home administrator. Rather than naming additional degree titles, the Board has added section 221 to specify the content areas that must be included in coursework obtained a health care related field in order to qualify a graduate for licensure.

With the current shortage of nursing home administrators, shrinking numbers of applicants and a growing population of aging residents, the Board is seeking to proactively address regulatory issues that have been detrimental or discouraging to persons who are seeking licensure. The Board holds nursing home administrators responsible for the care of an elderly, frail population but believes it can make certain amendments to regulation that will continue to protect those persons and eliminate barriers and clarify the rules for initial licensure and preceptorships.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)

To rectify the lack of specificity and set a clearer standard for applicants and educational programs, a new section is added to set out the coursework required to meet the educational requirements for a degree in a health care related field to include successful completion of a minimum of 21 semester hours of coursework concentrated on the administration and management of health care services to include a minimum of three semester hours in each of the five content areas of Resident Care and Quality of Life, Human Resources, Finance, and Physical Environment, six semester hours in Leadership and Management, and three semester hours for an internship. With the required coursework content specified, the Board has eliminated specific references to degree titles and will require a program in a health care related field that meets the coursework requirements. Other changes are clarifying and not substantive.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

- 1) While the public ultimately benefits from a supply of nursing home administrators who are adequately prepared in all aspects of operating a facility with safety and integrity, the real advantage of the proposed changes would be for persons who are pursuing an education in preparation for licensure and for educational programs that are seeking specificity in the qualifications for licensure in order to guide students to coursework that will qualify them for licensure.
- 2) There are no disadvantages to the agency or the Commonwealth.
- 3) There is no other pertinent matter of interest related to this action.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>a) As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation; b) The agency will incur some one-time costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending notice of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and Board meetings already scheduled.</p>
<p>Projected cost of the regulation on localities</p>	<p>None</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>The entities that are likely to be affected by these regulations would be persons enrolled in educational programs leading to licensure as nursing home administrators or participating in an A.I.T. program.</p>
<p>Agency’s best estimate of the number of such entities that will be affected</p>	<p>The agency has no estimate of the number of persons who may be affected by more a clearly-defined curriculum in health care administration. During the '05 fiscal year, there were 20 persons newly registered as preceptors, 36 persons newly registered as administrators-in-training and 44 persons newly licensed as nursing home administrators.</p>
<p>Projected cost of the regulation for affected individuals, businesses, or other entities</p>	<p>There would be no cost related to these regulations for the affected entities. The amendments provide specificity about curriculum and will affect course selection rather than cost.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

To address the issue of required coursework and to serve as the benchmark for determining educational qualifications for licensure, the Credentials Committee developed a guidance document (#95-7) that outlines the five content areas of coursework necessary to meet the degree qualifications for initial licensure. The regulatory proposal reflects the guidance document in that it specifies courses in a health care related degree that would include the content areas of: 1) resident care and quality of life; 2) finance; 3) leadership and management; 4) human resources; and 5) physical environment and atmosphere. While a guidance document is useful information in describing the Board's interpretation of a degree in "health care administration," it is not enforceable in a credentials hearing. The preferable solution was to clarify the regulation. Rather than specifying additional degree titles, the Board has specified the content areas and hours that must be included in the coursework for a health care related degree in order to qualify a graduate for licensure.

The Board also considered whether to allow a licensee to serve as a preceptor to persons in the AIT program without being employed full time as an administrator in a facility for a minimum of two of the past three years immediately preceding registration. Once registered as a preceptor, the licensee does not have to remain as an administrator-of-record in order to continue serving as a preceptor. However, the Board did determine that it was necessary for a preceptor to have served as the administrator-of-record for at least two years in order to understand the full range of activities and knowledge necessary to impart to a trainee. Therefore, after review and discussion, they declined to amend the regulation to allow someone who had not been employed as an administrator-of-record for two of the past three years to register as a preceptor.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

The Notice of Intended Regulatory Action was published on January 24, 2005 with comment received until February 23, 2005. The following public comment was received during that period:

The President of Virginia Commonwealth University and six persons who are graduates of the University's Department of Gerontology wrote to support clarification of the educational requirements but expressed concern that the proposed amendments would make students with a master's degree in Gerontology ineligible for licensure as nursing home administrators. The commenters urged the Board to adopt language that would include gerontology in the required course content. The comment requested that the Board adopt a mechanism whereby relevant course work from a program of study in gerontology could be applied toward approval for licensure.

Board response: While the Board did not chose to specifically recognize a degree in gerontology as qualifying as applicant for licensure as a nursing home administrator, its proposed

regulations do allow an applicant to use coursework obtained in the gerontology degree program toward meeting licensure requirements, provided that coursework meets the content requirements specified in section 221. An applicant with a “health care related field” would need to demonstrate adequate preparation in the administration of a nursing home with at least 21 semester hours in the coursework outlined in section 221 of the proposed regulations.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

There is no impact of the proposed regulatory action on the institution of the family and family stability.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
220	n/a	<p>Sets out the sets of qualifications required for licensure:</p> <ol style="list-style-type: none"> 1. Degree and practical experience to include a baccalaureate or higher degree from an accredited college or university, a 320-hour internship and a passing grade on the state examination and the national examination; 2. Certificate program to include a baccalaureate or higher degree from an accredited college or university, successful completion a program with a minimum of 21 semester hours study from an accredited college or university and not less than a 400-hour internship, and a passing grade on the state examination and the national 	<p>1. Amends the degree and practical experience and the certificate program requirements in subdivisions 1 and 2 to eliminate the degree in nursing home administration and to specify that a degree in a health care related field must meet the requirements of 18VAC95-20-221. Also clarifies that a 320-hour internship must address the Domains of Practice as specified in 18VAC95-20-390 in a licensed nursing home as part of the degree program under the supervision of a preceptor;</p> <ul style="list-style-type: none"> • <i>The degree in “nursing home administration was eliminated since the Board is not aware of any accredited program in Virginia offering such a degree.</i> • <i>The degree field of “health care administration” has been problematic. Applicants with degrees in similar fields or titles have been denied licensure because the Board found that their programs did not</i>

		<p>examination; or</p> <p>3. Administrator-in-training program that meets the requirements of Part IV of this chapter and a passing grade on the state examination and the national examination.</p>	<p><i>offer the full range of coursework necessary to prepare a person to safely operate a nursing home. To rectify the lack of specificity and set a clearer standard for applicants and educational programs, the Board has added section 221 and referenced it as required content for an approved degree program.</i></p> <ul style="list-style-type: none"> • <i>To ensure that an internship in a nursing home includes all the required elements for practice, the Domains of Practice has been specified and required.</i>
n/a	221	n/a	<p>Required content for coursework.</p> <p>The new section sets out the coursework required to meet the educational requirements for a degree in a health care related field to include successful completion of a minimum of 21 semester hours of coursework concentrated on the administration and management of health care services to include a minimum of three semester hours in each of the content areas in subdivisions 1 through 4, six semester hours in the content area set out in subdivision 5 of this subsection, and three semester hours for an internship.</p> <p>1. Resident Care and Quality of Life: Course content shall address program and service planning, supervision and evaluation to meet the needs of patients such as (a) nursing, medical and pharmaceutical care, (b) rehabilitative, social, psycho-social and recreational services, (c) nutritional services, (d) safety and rights protections, (e) quality assurance, and (f) infection control.</p> <p>2. Human Resources: Course content shall focus on personnel leadership in a health care management role and must address organizational behavior and personnel management skills such as (a) staff organization, supervision, communication and evaluation, (b) staff recruitment, retention, and training, (c) personnel policy development and implementation, and (d) employee health and safety.</p> <p>3. Finance: Course content shall address financial management of health care programs and facilities such as (a) an overview of financial practices and problems in the delivery of health care services, (b) financial planning,</p>

			<p>accounting, analysis and auditing, (c) budgeting, (d) health care cost issues, and (e) reimbursement systems and structures.</p> <p>4. Physical Environment and Atmosphere: Course content shall address facility and equipment management such as (a) maintenance, (b) housekeeping, (c) safety, (d) inspections and compliance with laws and regulations, and (e) emergency preparedness.</p> <p>5. Leadership and Management: Course content shall address the leadership roles in health delivery systems such as (a) government oversight and interaction, (b) organizational policies and procedures, (c) principles of ethics and law, (d) community coordination and cooperation, (e) risk management, and (f) governance and decision making.</p> <p><i>The areas of concentration adopted by the Board are related to the 2002 job analysis study conducted by the National Association of Boards of Examiners in which the essential domains, tasks, knowledge and skills were determined for an entry-level long term care administrator. The regulation in section 221 is identical to the guidance document adopted to aid applicants and the Board in determining qualifications for licensure.</i></p>
310	n/a	<p>Required hours of training in an administrator-in-training program (AIT).</p> <p>This section establishes the requirement for 2,000 hours of continuous training in a facility to be completed within 24 months. An extension may be granted by the board on an individual case basis. The section also establishes the experiential and educational qualifications that may reduce the required hours for applicants.</p>	<p><i>Amendments are editorial and clarifying or are necessary for consistency with changes to section 220 in which the recognized field of study must be related to health care.</i></p>
330	n/a	<p>Training facilities. Establishes the facilities in which an A.I.T. program can be conducted.</p>	<p><i>An editorial change was made to clarify that the training facilities named in section 330 are applicable to an A.I.T. program</i></p>
340	n/a	<p>Supervision of trainees. Subsection C specifies the responsibilities of a preceptor in an</p>	<p><i>Subdivision 1 is amended to specify that the direct instruction, planning and evaluation conducted by the preceptor with the A.I.T. must</i></p>

		<p>A.I.T. program to include:</p> <ol style="list-style-type: none"> 1. Providing direct instruction, planning and evaluation; 2. Being routinely present with the trainee in the training facility; and 3. Continually evaluating the development and experience of the A.I.T. to determine specific areas needed for concentration. 	<p><i>occur in the training facility.</i></p> <p><i>Subdivision 3 is amended to specify that the areas of instruction must include those found in <u>the Domains of Practice that need to be addressed.</u></i></p>
380	n/a	<p>Supervision of trainees.</p> <p>To be registered by the board as a preceptor, a person must hold a current, unrestricted Virginia nursing home administrator license and be employed full time as an administrator in a training facility for a minimum of two of the past three years immediately prior to registration</p>	<p>An amendment will specify that the preceptor must have been an administrator <u>of record</u> in a training facility. <i>There are persons licensed as nursing home administrators who provide consulting services or who represent a corporation in the oversight of a group of nursing homes. Those administrators do not have the full responsibility for the total operation of all resident services and compliance with state and federal laws. An administrator may be approved as a preceptor only if he has had such responsibility and experience as the administrator of record for a minimum of 2 of the past 3 years prior to application as a preceptor. Otherwise, the Board could not be assured that the preceptor can provide adequate supervision to an A.I.T. in all aspects of practice.</i></p>
390	n/a	<p>Training plan.</p> <p>The training plan shall include the 1996 Domains of Practice approved by the National Association of Boards of Examiners for Long Term Care Administrators and incorporated by reference into these regulations.</p>	<p><i>The amendments would eliminate the specific reference to <u>a date</u> for the publication of the Domains of Practice and would relate the requirement to the Domains that were in effect at the time the training program was submitted for approval. It would be unworkable and unfair to hold an applicant to a standard that was either adopted after his training plan or has become outdated and is no longer in effect.</i></p>