



## Final Regulation Agency Background Document

<b>Agency name</b>	Board of Long Term Care Administrators, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC95-20-10 et seq.
<b>Regulation title</b>	Regulations Governing the Practice of Nursing Home Administrators
<b>Action title</b>	Qualifications for initial licensure
<b>Document preparation date</b>	7/11/06

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

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

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.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

On July 11, 2006, the Board of Long Term Care Administrators adopted final amended regulations for 18VAC95-20-10 et seq., Regulations Governing the Practice of Nursing Home Administrators in order to specify and clarify requirements for licensure.

### 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 numbers, if applicable, and (2) promulgating entity, i.e., 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. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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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 identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.*

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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 there are no disadvantages to the public or the Commonwealth, please 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.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

There were no changes to the text of the proposed regulation since it was published at the proposed stage.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

Proposed regulations were published on December 26, 2005 with a comment period that closed on February 24, 2006. A public hearing on the proposed regulation was held on January 10, 2006. There was no public comment.

**All changes made in this regulatory action**

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

Current section number	Proposed new section	Current requirement	Proposed change and rationale
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	number, if applicable		
220	n/a	<p>Sets out the sets of qualifications required for licensure:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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 examination; or</li> <li>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.</li> </ol>	<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"> <li>• <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></li> <li>• <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 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></li> <li>• <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></li> </ul>
n/a	221	n/a	<p>Required content for coursework. 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</p>

		<p>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, 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:</p>
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310	n/a	<p><b>Required hours of training in an administrator-in-training program (AIT).</b></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><b>Training facilities.</b></p> <p>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><b>Supervision of trainees.</b></p> <p>Subsection C specifies the responsibilities of a preceptor in an A.I.T. program to include:</p> <ol style="list-style-type: none"> <li>1. Providing direct instruction, planning and evaluation;</li> </ol>	<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 occur <u>in the training facility</u>.</i></p> <p><i>Subdivision 3 is amended to specify that</i></p>



		<p>2. Being routinely present with the trainee in the training facility; and</p> <p>3. Continually evaluating the development and experience of the A.I.T. to determine specific areas needed for concentration.</p>	<p><i>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><b>Supervision of trainees.</b> 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><b>Training plan.</b> 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</u> date 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>

**Family impact**

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

In its analysis of the final regulatory action, the agency has determined that there is no potential impact on the institution of the family and family stability.