

**Office of Professional Regulation**  
**Administrative Rules for Nursing Home Administrators**  
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**Office of Professional Regulation**  
**Administrative Rules for Nursing Home Administrators**

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cite as NHA Rule x

**PART 1 GENERAL INFORMATION**

**1.1 The Purpose of Licensure** Vermont Law Title 18 Chapter 46 of the Vermont Statutes Annotated gives the Director of the Office of Professional Regulation (Director) certain powers and duties to protect the public health, safety, and welfare by regulating nursing home administrators. The Director has adopted these rules to aid applicants, licensees, and the general public in understanding the requirements for this profession.

**1.2 Business Address** Business Correspondence related to Nursing Home Administrators should be addressed to:

Secretary of State  
Office of Professional Regulation  
Nursing Home Administrators  
National Life Bldg., North, FL2  
Montpelier, VT 05620-3402

**1.3 Regular, Special and Emergency Meetings** The Director, or the Office on behalf of the Director, may, as necessary, hold public meetings to solicit public input in matters pertaining to this profession.

**1.4 Laws That Govern the Regulation of Nursing Home Administrators**

(a) The Director is authorized by Chapter 46, Title 18 of the Vermont Statutes Annotated to adopt rules, set standards, issue licenses, and regulate the profession. The statutes are online at <http://www.leg.state.vt.us/statutes/chapters.cfm?Title=18> . The Director's authority is also conferred by subchapter III of Chapter 5 of Title 3 "Professional Regulation," the statutes creating and governing the Office of Professional Regulation ( 3 V.S.A. §§ 121-131). In addition to the "Professional Regulation" statutes, the Director is subject to other state laws including the "Administrative Procedure Act" (3 V.S.A. §§ 801-849), the "Open Meeting Law" (1 V.S.A. §§ 310-314), the "Access to Public Records Law" (1 V.S.A. §§ 315-320), and the "Law of Professional Regulation" (3 V.S.A. §§ 121-131). In contested cases, hearings are conducted using the Vermont Rules of Evidence, as amended by the Administrative Procedure Act. These laws set forth the rights of applicants, license holders and members of the public.

(b) The Secretary of State appoints two advisors to advise the Director as set forth in section 129b of Title 3. The requirements for advisors are set forth in 18 V.S.A. § 2052(a). The Director is required by this statute to seek the advice of the advisors in carrying out the provisions of Chapter 46 of Title 18 regulating this profession.

(c) The complete text of these laws is available at most libraries and town clerks' offices. "Vermont Statutes Online" are also available on the Internet at <http://www.leg.state.vt.us>. The statutes and rules related to nursing home administrators may be accessed through the OPR website at <http://vtprofessionals.org/>.

**1.5 Administrative Rules** The Director is authorized to make these rules under Chapter 46 of Title 18. In making or revising rules, the Director must follow the Administrative Procedure Act ("Act"). These rules are approved by the Vermont Legislative Committee on Administrative Rules and have the force of law. 3 V.S.A. § 845(a).

**1.6 Definitions** In addition to the definitions found in 18 V.S.A. § 2051, the following definitions apply to these rules:

(a) "Approved Program or Activity" is a continuing education program or activity which meets the standards set forth in these rules, and which has received approval by the Director.

(b) "Director" means the Director of the Office of Professional Regulation. Where appropriate, the Director may delegate duties regarding the administration of this profession to staff of the Office of Professional Regulation. Therefore, as used in these rules the term "Director" may include staff of the Office of Professional Regulation to whom the Director has delegated specific duties. The Director retains ultimate legal responsibility and authority for those duties.

(c) "Hour" of continuing education means a clock hour spent by a licensee in actual attendance at and completion of an approved continuing education activity. Clock hours may not include travel time, lunch or breaks.

(d) "Licensee" means any person licensed to practice nursing home administration in the State of Vermont.

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## **PART 2 INFORMATION FOR APPLICANTS**

### **2.1 Applications**

(a) Applications for a license and information about the application process are available from the Office. An applicant shall submit a fully completed application form with all supporting documentation and the fee to the Office.- Applications are reviewed only after the fully completed application and documentation are received, including evidence of any required education, supervision, employment, training, or evidence of a license in another jurisdiction and its licensing standards.

(b) An applicant issued an initial license within 90 days of the renewal date will not be required to renew or pay the renewal fee. The license will be issued through the next full license period. An applicant issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.

### **2.2 License by Examination**

(a) To qualify to take the exam, the applicant must meet the following criteria:

(1) be at least 18 years of age;

- (2) hold at least a bachelor's degree from an accredited institution;
- (3) Violation of 3 V.S.A. § 129a may be grounds for denial or conditioning of a license under these rules;
- (4) be mentally and physically able to perform as a licensed nursing home administrator; and
- (5) have completed an administrator-in-training program approved by the Director.

(b) The Director may consider experience as a licensed Nursing Home Administrator in lieu of the educational requirements.

### **2.3 Administrator-in-Training Program**

(a) The Director has the exclusive authority to determine the qualifications, skill and fitness of any person to serve as a nursing home administrator and shall develop, impose and enforce standards designed to insure that nursing home administrators are, by training or experience in the field of institutional administration, qualified to serve as nursing home administrators. The former Board and the Director have determined that an administrator-in-training program is necessary to protect the public by insuring that nursing home administrators are experienced and qualified.

(b) Administrator-in-training (AIT) program components:

- (1) Content: The AIT program shall cover the subjects specified in the National Association of Long Term Care Administrator Boards (NAB) Five Step Program Administrator in Training Internship Manual and AIT, as it may be amended from time to time, which is available from the NAB.
- (2) Plan: The applicant must file a proposed plan for the AIT program for approval prior to starting the program. The plan must be submitted on forms provided by the Office and shall include the name and qualifications of the proposed preceptor.
- (3) Supervision: The program must be completed under the supervision of a preceptor approved by the Director. "Supervision" means on-site supervision (on the premises of the facility). The supervisor must be readily available to assist and answer questions, but may be off the premises for limited periods of time for vacations, conferences, etc. but still must be available by phone, not to exceed an average of more than one day per week.
- (4) Preceptors: To qualify for approval, preceptors must be currently licensed and in good standing as a Nursing Home Administrator in this state and have at least five years of experience as a licensed Nursing Home Administrator.
- (5) Hours: The program must cover 1,000 total hours in the areas specified and must be completed within two years.
- (6) Report: At the completion of the training program, the applicant must submit a final report, approved by the preceptor, verifying the completion of the training program. The report must be submitted on forms provided by the Office.

(c) Waiver of hours: The director may waive the AIT program requirement or reduce the number of hours needed if in the Director's discretion it is determined that the applicant has gained practical experience that would satisfy the components of the

program in the specific program areas. Some examples include, but are not limited to:

- (1) A Nursing Home Administrator licensed in another state with relevant experience in a long-term care facility but who has not completed an AIT program.
- (2) Relevant experience as a currently licensed registered nurse in a long-term care facility.
- (3) Relevant training in a long-term care facility received as part of a practical component of a course of study in long-term care administration.
- (4) Participation in an AIT program in another state which is substantially equivalent to Vermont's.
- (5) Relevant courses of instruction and training offered in Vermont or elsewhere for persons who wish to become nursing home administrators.

(d) Endorsement: Applicants who have completed an AIT program in another state which the Director determines to be substantially equivalent to Vermont's will not be required to complete an AIT program in Vermont prior to licensure.

## **2.4 Examinations**

(a) Applicants who are approved will be scheduled for examination in Vermont.

(b) Applicants must successfully complete a written examination given by the National Association of Boards of Examiners of Long Term Care Administrators (NAB) and a jurisprudence examination on the laws in the State of Vermont, which may cover these rules, the statutes contained in 18 V.S.A. Chapter 46, 3 V.S.A. Chapter 5, Subchapter 3, and the licensing and operating rules and regulations for nursing homes as per the Department of Disabilities, Aging and Independent Living, as amended.

(c) An applicant who fails the exam given by NAB may retake it as permitted by the NAB. A new application and fee must be submitted each time.

(d) After successful completion of the NAB examination, the applicant may schedule to take the Vermont examination. An applicant who fails the Vermont exam may retake it.

**2.5 Licensure by Endorsement** An applicant who is licensed and in good standing in another jurisdiction, whose licensing requirements are substantially equivalent to Vermont's may apply for a license without written examination for proficiency and competence. The applicant must still successfully complete the Vermont jurisprudence examination and meet continuing education requirements. A license may be denied, limited, or conditioned if the applicant has engaged in unprofessional conduct.

## **2.6 License Denials, Hearings, Appeals**

(a) The Director will notify applicants in writing of all decisions to either grant or deny a license or license renewal. If a license or renewal is denied, the Director will give the applicant specific reasons and will also inform the applicant of the right to appeal the decision. This is called a "preliminary denial."

(b) The Director most often issues a preliminary denial of licensure or renewal when it appears from the application and accompanying documents that the applicant does not meet all of the requirements for licensure. When this occurs, the applicant is notified of the right to file an appeal which is heard as a formal hearing by an administrative law officer. At the hearing the burden of proof is on the applicant to show that the preliminary denial was in error. After that hearing the administrative law officer issues a final decision in writing.

(c) A party aggrieved by a final decision of an administrative law officer may appeal that decision to the Washington Superior Court which shall review the matter on the basis of the record created before the administrative law officer.

(d) Information about the appeal process may be obtained from the Office or online at <http://vtprofessionals.org/>.

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## **PART 3 INFORMATION FOR LICENSED NURSING HOME ADMINISTRATORS**

### **3.1 Renewal**

(a) Licenses are issued for a two year period. Before the license expiration date, the Office will send notice of the upcoming renewal. A license will expire automatically if the complete renewal application, along with proof of completion of the required continuing education and renewal fee are not submitted to the Office by the expiration date.

(b) Those who practice as nursing home administrators after expiration of a license are subject to late fees before renewal and unprofessional conduct prosecution or other penalties.

### **3.2 Lapsed Licenses**

A lapsed license may be reinstated within 5 years of expiration upon payment of the renewal fee and late renewal penalty, and verification of completion of continuing education for the last renewal period. A licensee whose license has lapsed for more than 5 years, must successfully complete the NAB examination and the Vermont jurisprudence examination before a license may be reinstated.

### **3.3 Continuing Education**

(a) Licensed nursing home administrators are required to continue their education in areas directly related to nursing home administration. Continuing education in nursing home administration is defined as specific learning experiences designed to enhance the knowledge and skills of nursing home administrators.

(b) Biennial Renewal Requirements:

(1) First Renewal: If a licensee is first licensed during the first 12 months of the biennium, the licensee shall complete at least 20 hours of continuing education for the first renewal. If a licensee is first licensed during the second year of the biennium, the licensee is not required to complete continuing education for the

first renewal.

(2) Subsequent renewals: For each subsequent renewal, a licensee shall accrue 40 hours of continuing education during the two year period immediately preceding the date of license renewal.

(c) Carry-over of continuing education credit will not be permitted from one biennium to the next.

(d) Record keeping requirements: Licensees shall maintain and upon request submit copies of certificates of attendance or transcripts which demonstrate completion of the requirements. Evidence of the completion of the total 40 hour requirement shall be submitted before licenses are renewed.

(e) A licensee whose continuing education submissions are not approved shall be given a notice from the Office that the education requirements are not satisfied. The licensee will have 90 days from the date of that notice to develop a corrective plan approved by the Director and complete that plan.

(f) The Director may temporarily waive the continuing education requirements of this policy in cases of extreme hardship.

### **3.4 Continuing Education: Course Content and Providers**

(a) The subject matter of each course shall be directly related to the duties and responsibilities of a nursing home administrator and in one of these areas:

- (1) Patient and Resident Care;
- (2) Personnel Relations;
- (3) Management and Law;
- (4) Business and Finance;
- (5) Governmental Regulations
- (6) Promoting Culture Change.

(b) Approved Courses:

- (1) Certain organizations and the continuing education courses they offer are pre-approved by the Director. A list of the currently approved course providers is available from the Office or via the web site <http://vtprofessionals.org>.
- (2) Courses from Providers who have not been pre-approved. Courses of study offered by an education institution, association, professional society, or organization for the purpose of providing continuing education for nursing home administrators, not on the list of approved course providers, shall be submitted for approval on forms provided by the Office. Licensees may avoid the risk of a course not being approved by requesting pre-approval. This is done by submitting course information on the continuing education approval application form which is available from the office or on-line.

(c) Distribution of Continuing Education Hours: Hours must be taken in more than one of the categories in 3.4(a) above.

(1) **Academic Credits** The Director shall approve for continuing education credit those courses taken for college academic credit if the content meets the criteria set forth in this rule and a transcript including a passing grade from the college is presented with a course outline. Each college credit may count for 15 hours continuing education.

(2) **Distance learning and web based continuing education:** Continuing education credits shall be granted for successful completion of Director approved distance learning courses. Proof of completion shall be presented with a course outline.

(3) **Workshops, Seminars & Conferences:** Attendance at workshops, seminars and conferences related to the role of Nursing Home Administrators in the approved categories of 3.2(a) are considered for approval.

(4) **Other categories:** No credit will be granted for professional activities, publishing, or serving as an administrator-in-training.

**3.5 Change of Name or Address** A licensee shall notify the Office in writing within 30 days of any changes of name, mailing address, or business address. A licensee notifying the Office of a change in his/her name must submit proof of the legal change in name.

**3.6 Unprofessional Conduct and Penalties** The Director may refuse to issue or renew a license or may suspend, revoke reprimand or otherwise limit or condition a license if the licensee violates any provisions 3 V.S.A. §129a, which includes violations of these rules or any other laws or regulations relating to the proper administration and management of a nursing home.

### **3.7 Complaint Procedure**

The Office follows the current investigation and disciplinary procedure adopted by the Office of Professional Regulation, except where these rules provide otherwise. Copies of the procedure, complaint forms and more information about the complaint process may be obtained from the Office.

**Effective March 15, 2009**