

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

NURSING HOME ADMINISTRATORS

GENERAL RULES

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, and 17309 of 1978 PA 368, MCL 333.16145, MCL 333.16148, and 333.17309 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

PART 1. GENERAL PROVISIONS

R 339.14001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Accredited institution" means a college or university that meets the standards set forth in R 339.14005.

(b) "Board" means the board of nursing home administrators.

(c) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.

(d) "Department" means the department of licensing and regulatory affairs.

(e) "Sponsor" means a person or an organization offering continuing education courses relating to the practice of nursing home administration.

(2) The terms defined in the code have the same meanings when used in these rules.

History: 1992 AACCS; 2014 AACCS.

R 339.14002 Training standards for identifying victims of human trafficking; requirements.

Rule 2. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content shall cover all of the following:

(i) Understanding the types and venues of human trafficking in Michigan or the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subrule (1)(a) of this rule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training may include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

History: 2016 AACCS.

R 339.14003 Rescinded.

History: 1992 AACCS; 1998-2000 AACCS; 2014 AACCS.

R 339.14005 Accreditation standards; adoption by reference.

Rule 5. (1) An institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located, and the accrediting body meets either the recognition standards and criteria of the council for higher education accreditation or the recognition procedures and criteria of the United States department of education.

(2) The procedures and criteria for recognizing accrediting agencies of the United States department of education, effective July 1, 2000, as contained in Title 34, Part 602 of the Code of Federal Regulations, and the "Recognition of Accrediting Organizations Policies and Procedures of the Council for Higher Education Accreditation, CHEA"

approved September 28, 1998 and revised June 28, 2010 are adopted by reference in these rules. The chea recognition standards may be obtained at no cost from the council's website at <http://www.chea.org/default.asp?link=9>. The federal recognition criteria may be obtained at no cost from the website for the United States Department of Education Office of Postsecondary Education at <http://www2.ed.gov/admins/finaid/accred>.

(3) All of the following standards of postsecondary accrediting organizations are adopted by reference in these rules:

(a) The standards of the Middle States Association of Colleges and Schools, Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled "Characteristics of Excellence in Higher Education: Requirements of Affiliation and Standards for Accreditation," 2011 edition, which is available at no cost on the association's website at <http://www.msche.org>.

(b) The standards of the New England Association of Schools and Colleges, Inc. Commission on Institutions of Higher Education, 209 Burlington Road, Suite 201, Bedford, MA 07130, in the document entitled "Standards for Accreditation," effective July 1, 2011, which is available at no cost on the association's website at <http://cihe.neasc.org>.

(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 230 South LaSalle Street, Suite 7-500, Chicago, IL 60604, set forth in the document entitled "Criteria for Accreditation, Assumed Practices, Obligations of Affiliation," effective January 1, 2013, which is available at no cost on the association's website at <http://www.ncahlc.org/information-for-institutions/obtaining-accreditation.html>.

(d) The standards of the Northwest Commission on Colleges and Universities, 8060 165th Avenue NE, Suite 100, Redmond, WA 98052 set forth in the document entitled "Standards for Accreditation," revised 2010, which is available at no cost on the association's website at <http://www.nwccu.org>.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, set forth in the document entitled "Principles of Accreditation: Foundations for Quality Enhancement," 2012 edition, which is available at no cost on the association's website at <http://www.sacscoc.org/principles.asp>.

(f) The standards of the Western Association of Schools and Colleges, The Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, set forth in the document entitled "Handbook of Accreditation," July 2008, which is available at no cost on the commission's website at <http://wascsenior.org/resources/eligibility>.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949, set forth in the document entitled "Accreditation Reference Handbook," July 2012 Edition, which is available at no cost on the commission's website at <http://www.accjc.org>.

(4) Copies of the standards and criteria adopted by reference in subrules (2) and (3) of this rule are available for inspection and distribution at cost from the Board of Nursing Home Administrators, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 1992 AACCS; 1998-2000 AACCS; 2014 AACCS.

R 339.14007 Approved course of instruction and training.

Rule 7. (1) The department, in consultation with the board, shall only approve a course of instruction and training that meets both of the following requirements:

(a) Complies with section 17309(2) of the code, MCL 333.17309(2). For the purposes of this rule, a course of instruction and training that complies with section 17309(2) of the code shall include, at a minimum, a total of 9 semester credits or 144 clock hours of instruction. The instruction provided shall include, at a minimum, all of the following subjects:

- (i) Administrative management of a nursing home.
- (ii) Human resources or personnel management in a nursing home.
- (iii) Financial management of a nursing home.
- (iv) State and federal laws governing the operation of a nursing home and the protection of patients in a nursing home.
- (v) Gerontology or the aging process.
- (vi) Patient care.
- (vii) Services provided in a nursing home.
- (viii) Infection control.
- (ix) Environmental issues.
- (x) Emergency preparedness.

(b) Is offered by an accredited institution that meets the standards in R 339.14005.

(2) A course of instruction and training that meets the requirements of subrule (1) of this rule qualifies as a course of instruction and training approved by the department.

History: 1992 AACCS; 1998-2000 AACCS; 2014 AACCS.

R 339.14008 Application for nursing home administrator license; requirements.

Rule 8. (1) An applicant for a nursing home administrator license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant for licensure shall meet 1 of the following:

(a) Complete a course of instruction and training that meets the requirements of R 339.14007(1)(a) and (b).

(b) Have been employed as a chief executive or administrative officer at a state-licensed hospital for not less than 5 of the 7 years immediately preceding the date of applying for a nursing home administrator license, as provided in MCL 333.17309(3) of the code.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant shall pass-both of the following examinations within 1 year of the date of application:

(a) The national nursing home administrators licensing examination of the national association of long-term care administrator boards that is administered by the

professional examination service or its successor organization, pursuant to R 339.14011(1).

(b) The Michigan nursing home licensure examination, pursuant to R 339.14011(2).

(3) An applicant may sit for the national and Michigan examinations a maximum of 6 times for each examination.

History: 2014 AACCS.

R 339.14009 Eligibility for examinations.

Rule 9. (1) To establish eligibility for the licensure examinations required under R 339.14008(2)(a) and (b), an applicant shall comply with both of the following:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Have documentation provided directly to the department from an accredited institution verifying the applicant meets the educational requirements specified in R 339.14008(1)(a) or (b), as applicable.

(2) An applicant shall not schedule a time to take the examinations required under R 339.14008(2)(a) and (b), until he or she receives authorization from the department that all documentation and fees are received.

History: 1992 AACCS; 2014 AACCS.

R 339.14011 National examination; state examination topics.

Rule 11. (1) The passing score of the exam by the national nursing home administrators licensing examination of the national association of long-term care administrator boards (nab), shall be the passing score recommended by the nab.

(2) The passing score for the examination on laws and rules related to the practice of nursing home administration in this state shall be a converted score of not less than 75.

(3) The examination topics of the Michigan nursing home administrator licensure examination shall include, but are not limited to, all of the following:

(a) Community and public health laws, which include, but are not limited to, all of the following:

- (i) State administration.
- (ii) Administrative management of facilities.
- (iii) Patient care.
- (iv) Physician services.
- (v) Nursing services.
- (vi) Infection control.
- (vii) Food services.
- (viii) Pharmaceutical services.
- (ix) Records.
- (x) Building and grounds.
- (xi) Emergency procedures.

(b) Medicaid regulations, which include, but are not limited to, both of the following:

- (i) Contractual obligations.
- (ii) Reporting requirements, which include all of the following:
 - (A) Admission and discharge.
 - (B) Patient financial status requirements.
 - (C) Trust fund reporting requirements.
 - (D) Annual cost reporting.
 - (E) Billing procedures.
- (c) Michigan's nursing home administrators' license law.
- (d) Michigan fire safety laws.
- (e) Michigan labor and management laws, which include but are not limited to, all of the following:
 - (i) Unemployment insurance.
 - (ii) Worker's compensation.
 - (iii) Labor relations.
- (4) The passing scores on the examinations approved under subrules (1) and (2) of this rule are valid for 1 year from the date the applicant completed the first examination that resulted in a passing score. An applicant who fails to pass both examinations within the 1-year time period shall retake and pass both examinations as required in this subrule.

History: 1992 AACCS; 1995 AACCS; 1998-2000 AACCS; 2014 AACCS.

R 339.14013 Rescinded.

History: 1992 AACCS; 1998-2000 AACCS; 2014 AACCS.

R 339.14015 Professional designation.

Rule 15. Only a holder of a valid license for the current licensing period may use the title "nursing home administrator" or the abbreviation "N.H.A." after his or her name.

History: 1992 AACCS.

R 339.14019 Rescission.

Rule 19. R 338.2801 to R 338.2849 of the Michigan Administrative Code appearing on pages 2585 to 2593 of the 1979 Michigan Administrative Code, are rescinded.

History: 1992 AACCS.

R 339.14020 Relicensure.

Rule 20. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant meets both of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Submits proof to the department of earning not less than 36 hours of board-approved continuing education credits during the 2 years immediately preceding the application for relicensure.

(2) An applicant whose Michigan license has lapsed for 3 years or more preceding the application for relicensure and who is currently not licensed or registered in another state or territory of the United States may be relicensed under section 16201(4), MCL 333.16201(4) of the code, if the applicant meets all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Meets the educational requirements specified in R 339.14008(1)(a) or (b), as applicable.

(c) Passes the national nursing home administrators licensing examination of the nab that is administered by the professional examination service or its successor organization, pursuant to R 339.14011(1).

(d) Passes the Michigan nursing home licensure examination, pursuant to R 339.14011(2).

(3) An applicant whose Michigan license has lapsed for 3 years or more preceding the application for relicensure and who is currently licensed or registered in another state or territory of the United States may be relicensed under MCL 333.16201(4) of the code if the applicant meets all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Meets the educational requirements specified in R 339.14008(1)(a) or (b), as applicable. An applicant who has been licensed or registered and practicing as a nursing home administrator for 5 consecutive years or more in any state or territory of the United States as of the date of application for a Michigan license shall be presumed to meet the requirements of this subdivision.

(c) Passes the Michigan nursing home licensure examination, pursuant to R 339.14011(2).

(4) In addition to meeting the requirements of subrule (1), (2), or (3) of this rule, as applicable, an applicant shall have his or her license or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as a nursing home administrator. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2014 AACCS.

R 339.14020a Licensure by endorsement.

Rule 20a. (1) An applicant for a nursing home administrator license by endorsement, in addition to meeting the requirements of the code and these rules, shall submit the required fee and a completed application on a form provided by the department. An applicant who satisfies the requirements of this rule, as applicable, meets the requirements of MCL 333.16186 of the code.

(2) If an applicant was first registered or licensed as a nursing home administrator in another state for 5 years or more immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant is presumed to meet the educational requirements in R 339.14008(1)(a) or (b) and shall pass the Michigan nursing home licensure examination, pursuant to R 339.14011(2).

(3) If an applicant was first registered or licensed as a nursing home administrator in another state for less than 5 years immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant shall meet both of the following requirements:

(a) Meet the educational requirements specified in R 339.14008(1)(a) or (b), as applicable.

(b) Pass the Michigan nursing home licensure examination, pursuant to R 339.14011(2).

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, as applicable, an applicant shall have his or her license or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as a nursing home administrator. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2014 AACCS.

PART 2. CONTINUING EDUCATION

R 339.14021 Rescinded.

History: 1992 AACCS; 1998-2000 AACCS; 2014 AACCS.

R 339.14023 Qualifying subjects.

Rule 23. Subjects qualifying for continuing education credit include the following:

- (a) Behavioral science.
- (b) Economics/finance.
- (c) Geriatrics/gerontology.
- (d) Health care.
- (e) Management.
- (f) Marketing.
- (g) Pharmacology and toxicology.
- (h) Labor relations.
- (i) Law.
- (j) Communications.

(k) Any other related subjects contributing to the professional competency of a licensee. The responsibility for substantiation of such subjects rests solely with the licensee.

History: 1992 AACCS.

R 339.14025 Application for approval of programs.

Rule 25. (1) A continuing education sponsor seeking approval of a continuing education program shall apply on forms provided by the department and submit the completed application not less than 45 days before the first date of instruction.

(2) A sponsor seeking approval of a program of group instruction shall submit all of the following materials with the application:

- (a) A course outline.
- (b) A list of instructional materials.
- (c) Instructor resumes.
- (d) The methodology for verifying and monitoring attendance.
- (e) A written policy regarding refunds of course fees.

(3) A sponsor seeking approval for a distance learning program, as defined in R 339.14031(5), shall submit all of the following materials with the application:

- (a) A course outline.
- (b) A list of instructional materials.
- (c) The methodology for verifying satisfactory completion.
- (d) A written policy regarding refunds of course fees.

History: 1992 AACCS; 1995 AACCS; 1998-2000 AACCS; 2014 AACCS.

R 339.14027 Standards for approval of programs.

Rule 27. (1) The department shall approve a continuing education group program for the designated continuing education period if the continuing education group program complies with all of the following requirements:

- (a) The subject matter as listed in R 339.14023.
- (b) Attendance is taken.
- (c) The program is not less than 50 minutes in duration.

(d) The program is conducted by an instructor or discussion leader whose background, training, education, or experience makes it appropriate for him or her to lead a discussion on the subject matter.

(e) The sponsor of the program maintains written records of individuals' completion of the program for a period of 3 years.

(2) The department shall approve a continuing education distance learning program, as defined in R 339.14031(5), for the designated continuing education period if the program is in compliance with all of the following requirements:

- (a) The subject matter as listed in R 339.14023.
- (b) The program is an educational course which is designed for self-study and which requires evidence of satisfactory completion.

(c) The sponsor maintains written records of individual course completion, including a program outline and the continuing education hours earned by participants, for a period of 3 years.

(3) The department shall issue an approval number to all approved programs.

(4) The department shall approve a course offered by an accredited institution for continuing education credit, if the subject matter as listed in R 339.14023 or the subject of the course is related to nursing home administration. Such courses do not require pre-approval pursuant to R 339.14025.

(5) Continuing education programs offered by the nab are considered approved.

History: 1992 AACCS; 1995 AACCS; 1998-2000 AACCS; 2014 AACCS.

R 339.14029 Withdrawal of approval.

Rule 29. Approval of a continuing education program may be withdrawn by the department for failure to comply with the requirements of R 339.14027(1).

History: 1992 AACCS.

R 339.14030 Continuing education; license renewal requirements.

Rule 30. (1) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall have earned 36 hours of board-approved continuing education credits that were earned within the 2 years immediately preceding the application for renewal. An applicant for license renewal shall not be required to complete a minimum number of hours of board-approved continuing education credits for each year of the license cycle.

(2) A licensee is not required to complete the requirements of subrule (1) of this rule for his or her first license renewal.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 years after renewal of the license. Failure to comply with this rule is a violation of MCL 333.16221(h) of the code.

History 2014 AACCS.

R 339.14031 Acceptable continuing education; limitations.

Rule 31. (1) For the purpose of this rule, "participation" means education time, exclusive of coffee breaks; breakfast, luncheon, or dinner periods; or any other breaks in the program.

(2) One continuing education credit hour shall be earned for each 50 to 60 minutes of participation in a continuing education program that complies with the standards in R 339.14027.

(3) An academic semester credit hour earned from an accredited college or university shall equal 15 continuing education hours.

(4) An academic quarter credit hour earned from an accredited college or university shall equal 10 continuing education hours.

(5) A maximum of 18 continuing education hours may be earned by successfully completing distance learning programs. For the purposes of these rules, distance learning

means approved continuing education courses, programs, or activities where the instructor and participant are apart and not able to immediately interact. Instruction takes place through media including, but not limited to, Internet courses, books, journal articles, manuals, CDs, DVDs, audio and video tapes, and home study courses. This subrule applies to an application for renewal that is filed for the first full renewal cycle after the effective date of these rules.

(6) Not less than 18 continuing education hours shall be earned by successfully completing live courses or programs that provide for direct interaction between faculty and participants, including but not limited to, lectures, symposia, workshops and teleconferences, such as interactive classrooms and computer conferencing. This subrule applies to an application for renewal that is filed for the first full renewal cycle after the effective date of these rules.

(7) An applicant for license renewal shall complete in each renewal period not less than 2 continuing education hours in pain and symptom management, as required under section 16204 of the code. This subrule applies to an application for renewal that is filed for the first full renewal cycle after the effective date of these rules.

History: 1992 AACCS; 2014 AACCS.

R 339.14033 Proof of completion of approved program.

Rule 33. (1) At the close of each approved program, a sponsor shall give to each person in attendance a completion certificate, which shall include all of the following information:

- (a) The name of the person.
- (b) The name of the program.
- (c) The approval number of the program.
- (d) The date of the program or the date the person attended the program.
- (e) The number of approved continuing education hours for the program.

(2) The sponsor shall retain a list of persons who satisfactorily completed the program for 3 years from the date of the program.

(3) Proof of completion of a course at an accredited college or university shall consist of a transcript or a grade report showing that the course has been satisfactorily completed and that university or college credit has been earned.

History: 1992 AACCS; 2014 AACCS.

R 339.14035 Satisfactory completion of continuing education requirements.

Rule 35. (1) Hours earned during 1 continuing education period cannot be carried forward to the next period.

(2) A licensee shall not submit for credit, and the board shall not give credit for, completing the same program within the same continuing education period.

History: 1992 AACCS; 1995 AACCS; 2014 AACCS.