

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 353

Introduced by Campbell, 25.

Read first time January 15, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Nursing Home Administrator Practice
2 Act; to amend sections 38-2408, 38-2412, 38-2421, and 38-2422,
3 Reissue Revised Statutes of Nebraska, and sections 38-2401, 38-2402,
4 38-2419, and 38-2420, Revised Statutes Cumulative Supplement, 2014;
5 to change provisions regarding educational requirements for and
6 licensure of nursing home administrators; to change and eliminate
7 definitions; to harmonize provisions; to repeal the original
8 sections; and to outright repeal sections 38-2403, 38-2409, 38-2410,
9 38-2413, 38-2415, and 38-2416, Reissue Revised Statutes of Nebraska.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2401, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 38-2401 Sections 38-2401 to 38-2426 and section 6 of this act shall
4 be known and may be cited as the Nursing Home Administrator Practice Act.

5 Sec. 2. Section 38-2402, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 38-2402 For purposes of the Nursing Home Administrator Practice Act
8 and elsewhere in the Uniform Credentialing Act, unless the context
9 otherwise requires, the definitions found in sections 38-2404 to 38-2414
10 ~~38-2403 to 38-2416~~ apply.

11 Sec. 3. Section 38-2408, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-2408 Core educational requirements means education courses
14 necessary for licensure as a nursing home administrator as provided in
15 section 6 of this act and ~~includes courses in patient care and services,~~
16 ~~social services, financial management, administration, and rules,~~
17 ~~regulations, and standards relating to the operation of a health care~~
18 ~~facility.~~

19 Sec. 4. Section 38-2412, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-2412 Internship means that aspect of the educational program ~~of~~
22 ~~the associate degree~~ in long-term care administration which allows for
23 practical experience in a nursing home and occurs under the supervision
24 of a certified preceptor.

25 Sec. 5. Section 38-2419, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 38-2419 (1) The department shall issue a license to an applicant who
28 submits (a) satisfactory evidence of completion of ~~(i) an associate~~
29 ~~degree which includes~~ the core educational requirements and an
30 administrator-in-training program or mentoring program under a certified
31 preceptor, ~~(ii) a degree or an advanced degree and a mentoring program~~

1 ~~under a certified preceptor, (iii) a nursing degree, previous work~~
2 ~~experience in health care administration, and a mentoring program under a~~
3 ~~certified preceptor, (iv) a degree or an advanced degree in health care~~
4 ~~and previous work experience in health care administration, or (v) an~~
5 ~~associate degree which includes the core educational requirements,~~
6 ~~previous work experience, and a mentoring program under a certified~~
7 ~~preceptor, and (b) evidence of successful passage of the National~~
8 Association of Boards of Examiners for Nursing Home Administration
9 written examination.

10 (2) The department shall license administrators in accordance with
11 the Nursing Home Administrator Practice Act and standards, rules, and
12 regulations adopted and promulgated by the department, with the
13 recommendation of the board. The license shall not be transferable or
14 assignable.

15 (3) Each administrator shall be responsible for and oversee the
16 operation of only one licensed facility or one integrated system, except
17 that an administrator may make application to the department for approval
18 to be responsible for and oversee the operations of a maximum of three
19 licensed facilities if such facilities are located within two hours'
20 travel time of each other or to act in the dual role of administrator and
21 department head but not in the dual role of administrator and director of
22 nursing. In reviewing the application, the department may consider the
23 proximity of the facilities and the number of licensed beds in each
24 facility. An administrator responsible for and overseeing the operations
25 of any integrated system is subject to disciplinary action against his or
26 her license for any regulatory violations within each system.

27 Sec. 6. (1) The board shall determine the core educational
28 requirements for licensure as a nursing home administrator pursuant to
29 the standards established in this section.

30 (2) For applicants for an initial license on or after October 1,
31 2015, the core educational requirements shall include a baccalaureate

1 degree from a postsecondary educational institution approved by the
2 board.

3 (3) For applicants for an initial license on or after October 1,
4 2017, the core educational requirements shall include (a) courses in
5 resident-centered care, quality of life, human resources, finance,
6 environment, leadership, and management and (b) an administrator-in-
7 training program, an internship, or a mentoring program.

8 (4) For applicants for an initial license prior to October 1, 2017,
9 the core educational requirements shall include (a) courses in patient
10 care and services, social services, financial management, administration,
11 and rules, regulations, and standards relating to the operation of a
12 health care facility and (b)(i) an associate degree, (ii) a degree or an
13 advanced degree from a postsecondary educational institution approved by
14 the board, (iii) a nursing degree or diploma in nursing from an
15 accredited program of nursing approved by the Board of Nursing and
16 previous work experience in health care administration which includes at
17 least two years working full time as an administrator or director of
18 nursing of a hospital with a long-term care unit or assisted-living
19 facility or director of nursing in a nursing home, (iv) a degree or an
20 advanced degree in health care from a postsecondary educational
21 institution approved by the Board of Nursing Home Administration and
22 previous work experience in health care administration, in lieu of an
23 administrator-in-training program or mentoring program, which includes at
24 least two years working full time as an administrator or director of
25 nursing of a hospital with a long-term care unit or assisted-living
26 facility or director of nursing in a nursing home, or (v) an associate
27 degree and previous work experience of at least two years working full
28 time in a nursing home or previous work experience in health care
29 administration.

30 Sec. 7. Section 38-2420, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 38-2420 (1) Except as provided in subdivision (4)(b) ~~(1)(a)(iv)~~ of
2 section 6 of this act 38-2419 and section 38-2426, in order for a person
3 to become licensed as a nursing home administrator, he or she shall
4 complete an administrator-in-training program or a mentoring program. The
5 administrator-in-training program shall occur in a nursing home under the
6 direct supervision of a certified preceptor, and it may be gained as an
7 ~~internship which is part of an approved associate degree~~. A mentoring
8 program shall occur in a nursing home under the supervision of a
9 certified preceptor. The certified preceptor in a mentoring program need
10 not be at such facility during the period of such supervision but shall
11 be available to assist with questions or problems as needed. A mentoring
12 program may be gained as an ~~internship which is part of a degree or~~
13 ~~advanced degree~~. A person in a mentoring program may apply for a
14 provisional license as provided in section 38-2423.

15 (2) An applicant may begin his or her administrator-in-training or
16 mentoring program upon application to the department with the required
17 fee, evidence that he or she has completed at least fifty percent of the
18 core educational requirements, and evidence of an agreement between the
19 certified preceptor and the applicant for at least six hundred forty
20 hours of training and experience, to be gained in not less than four
21 months. Such training shall occur in a Nebraska-licensed nursing home
22 under a certified preceptor.

23 (3) The certified preceptor shall submit a report to the department
24 by the fifth day of each month for the duration of the administrator-in-
25 training or mentoring program, describing the nature and extent of
26 training completed to date. At the conclusion of the program, the
27 certified preceptor shall report to the department whether the applicant
28 has successfully completed the board's approved course for such program.
29 With the concurrence of the certified preceptor, the applicant may remain
30 in such program until successfully completed or may reapply to enter
31 another administrator-in-training or mentoring program.

1 (4)(a) The administrator-in-training or mentoring program shall
2 occur under the supervision of a certified preceptor. An applicant to
3 become a certified preceptor shall (i) be currently licensed as a nursing
4 home administrator in the State of Nebraska, (ii) have three years of
5 experience as a nursing home administrator in the five years immediately
6 preceding certification, and (iii) complete a preceptor training course
7 approved by the board.

8 (b) All preceptor certificates shall expire on December 31 of every
9 fourth year beginning December 31, 2000. Before acting on an application
10 for renewal, the board shall review the performance of the applicant.
11 Such review may include consideration of survey and complaint
12 information, student evaluations, and any other related information
13 deemed relevant by the board. The board may deny an application for
14 renewal upon a finding that the applicant's performance has been
15 unsatisfactory based on such review.

16 Sec. 8. Section 38-2421, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-2421 The department may issue a license to any person who holds a
19 current nursing home administrator license from another jurisdiction and
20 is at least twenty-one ~~nineteen~~ years old.

21 Sec. 9. Section 38-2422, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-2422 Any person desiring to take the examination for a nursing
24 home administrator license may request to take the examination any time
25 after receiving notification of registration as an administrator-in-
26 training, an intern, or a person in a mentoring program, but the license
27 shall not be issued until the board receives documentation of completion
28 of the administrator-in-training program, internship, or mentoring
29 program and completion of all licensure requirements.

30 Sec. 10. Original sections 38-2408, 38-2412, 38-2421, and 38-2422,
31 Reissue Revised Statutes of Nebraska, and sections 38-2401, 38-2402,

1 38-2419, and 38-2420, Revised Statutes Cumulative Supplement, 2014, are
2 repealed.

3 Sec. 11. The following sections are outright repealed: Sections
4 38-2403, 38-2409, 38-2410, 38-2413, 38-2415, and 38-2416, Reissue Revised
5 Statutes of Nebraska.