1200-08-06-.04 ADMINISTRATION.

(4) Upon the unexpected loss of the facility administrator, the facility shall proceed according to

the following provisions:

(a) The term “unexpected loss” means the absence of a nursing home administrator due to
serious illness or incapacity, unplanned hospitalization, death, resignation with less than
thirty (30) days notice or unplanned termination.

(b) The facility must notify the department within twenty-four (24) hours after notice of the
unexpected loss of the administrator. Notification to the department shall identify an
individual to be responsible for administration of the facility for the immediate future not to
exceed thirty (30) days. This responsible individual need not be licensed as an
administrator and may be the facility's director of nursing.

(c) Within seven (7) days of notice of the unexpected loss, the facility must request a waiver
of the appropriate regulations from the board.

(d) On or before the expiration of thirty (30) days after notice of the unexpected loss, the
facility shall appoint a temporary administrator to serve until either a permanent
administrator is employed or the request for a waiver is considered by the board,
whichever occurs first. The temporary administrator shall be any of the following:

1. A full-time administrator licensed in Tennessee or any other state;

2. One (1) or more part-time administrators licensed in Tennessee. Part-time shall not be
less than twenty (20) hours per week; or,

3. A full-time candidate for licensure as a Tennessee administrator who has completed the
required training and the application process. Such candidate shall be scheduled for the
next licensure exam and is eligible for the continued administrator role only with the
successful completion of that exam.

(e) The procedures set forth above shall be followed until the next regularly scheduled
meeting of the board in which the board considers the facility's application for a waiver.
After reviewing the circumstances, the board may grant, refuse or condition a waiver as
necessary to protect the health, safety and welfare of the residents in the facility.
(f) Any facility which follows these procedures shall not be subject to a civil penalty for absence of an administrator at any time preceding the board's consideration of the facility's request for a waiver.