
Minnesota Statutes—BOARD OF EXAMINERS FOR ADMINISTRATORS

144A.04 QUALIFICATIONS FOR LICENSE.

Subd. 5. Administrators. (a) Each nursing home must employ an administrator who must be licensed or permitted as a nursing home administrator by the Board of Examiners for Nursing Home Administrators. The nursing home may share the services of a licensed administrator. The administrator must maintain a sufficient on-site presence in the facility to effectively manage the facility in compliance with applicable rules and regulations. The administrator must establish procedures and delegate authority for on-site operations in the administrator's absence, but is ultimately responsible for the management of the facility. Each nursing home must have posted at all times the name of the administrator and the name of the person in charge on the premises in the absence of the licensed administrator.

(b) Notwithstanding sections [144A.18](#) to [144A.27](#), a nursing home with a director of nursing serving as an unlicensed nursing home administrator as of March 1, 2001, may continue to have a director of nursing serve in that capacity, provided the director of nursing has passed the state law and rules examination administered by the Board of Examiners for Nursing Home Administrators and maintains evidence of completion of 20 hours of continuing education each year on topics pertinent to nursing home administration.

Subd. 5a. Repealed, 2001 c 69 s 2

Subd. 6. Managerial employee or licensed administrator; employment prohibitions. A nursing home may not employ as a managerial employee or as its licensed administrator any person who was a managerial employee or the licensed administrator of another facility during any period of time in the previous two-year period:

(a) during which time of employment that other nursing home incurred the following number of uncorrected violations which were in the jurisdiction and control of the managerial employee or the administrator:

(1) two or more uncorrected violations or one or more repeated violations which created an imminent risk to direct resident care or safety; or

(2) four or more uncorrected violations or two or more repeated violations of any nature for which the fines are in the four highest daily fine categories prescribed in rule; or

(b) who was convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or care, during that period.

144A.18 ADMINISTRATOR'S LICENSES; PENALTY.

No person shall act as a nursing home administrator or purport to be a nursing home administrator unless that person is licensed by the board of examiners for nursing home administrators. A violation of this section is a misdemeanor.

144A.19 BOARD OF EXAMINERS FOR ADMINISTRATORS.

Subdivision 1. **Creation; membership.** There is hereby created the board of examiners for nursing home administrators which shall consist of the following members:

(a) a designee of the commissioner of health who shall be a nonvoting member;

(b) a designee of the commissioner of human services who shall be a nonvoting member; and

(c) The following members appointed by the governor:

(1) Two members actively engaged in the management, operation, or ownership of proprietary nursing homes;

(2) Two members actively engaged in the management or operation of nonprofit nursing homes;

(3) One member actively engaged in the practice of medicine;

(4) One member actively engaged in the practice of professional nursing; and

(5) Three public members as defined in section 214.02.

Subd. 2. **Provisions.** Membership terms, compensation of members, removal of members, the filling of membership vacancies, fiscal year and reporting requirements, the provision of staff, administrative services and office space, the review and processing of complaints, the setting of board fees and other

provisions relating to board operations for the board of examiners shall be as provided in chapter 214.

144A.20 ADMINISTRATOR QUALIFICATIONS

The board of examiners may issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for nursing home administrators. No license shall be issued to a person as a nursing home administrator unless that person:

- (a) Is at least 21 years of age and otherwise suitably qualified;
- (b) Has satisfactorily met standards set by the board of examiners, which standards shall be designed to assure that nursing home administrators will be individuals who, by training or experience, are qualified to serve as nursing home administrators; and
- (c) Has passed an examination approved by the board and designed to test for competence in the subject matters referred to in clause (b), or has been approved by the board of examiners through the development and application of other appropriate techniques.

144.21 ADMINISTRATOR LICENSES.

Subdivision 1. **Transferability.** A nursing home administrator's license shall not be transferable.

Subd. 2. **Rules; renewal.** The board of examiners by rule shall establish forms and procedures for the processing of license renewals. A nursing home administrator's license may be renewed only in accordance with the standards adopted by the board of examiners pursuant to section 144A.24.

144A.22 ORGANIZATION OF BOARD.

The board of examiners shall elect from its membership a chair, vice-chair and secretary-treasurer, and shall adopt rules to govern its proceedings. Except as otherwise provided by law the board of examiners shall employ and fix the compensation and duties of an executive director and other necessary personnel to assist it in the performance of its duties. The executive director shall be in the unclassified service and shall not be a member of the board of examiners.

144A.23 JURISDICTION OF BOARD.

Except as provided in section 144A.04, subdivision 5, the board of examiners shall have exclusive authority to determine the qualifications, skill and fitness required of any person to serve as an administrator of a nursing home. The holder of a license shall be deemed fully qualified to serve as the administrator of a nursing home.

144.24 DUTIES OF THE BOARD.

The board of examiners shall:

- (a) Develop and enforce standards for nursing home administrator licensing, which standards shall be designed to assure that nursing home administrators will be individuals of good character who, by training or experience, are suitably qualified to serve as nursing home administrators;
- (b) Develop appropriate techniques, including examinations and investigations, for determining whether applicants and licensees meet the board's standards;
- (c) Issue licenses and permits to those individuals who are found to meet the board's standards;
- (d) Establish and implement procedures designed to assure that individuals licensed as nursing home administrators will comply with the board's standards;
- (e) Receive and investigate complaints and take appropriate action consistent with chapter 214, to revoke or suspend the license of a nursing home administrator or acting administrator who fails to comply with sections 144A.18 to 144A.27 or the board's standards;
- (f) Conduct a continuing study and investigation of nursing homes, and the administrators of nursing homes within the state, with a view to the improvement of the standards imposed for the licensing of administrators and improvement of the procedures and methods used for enforcement of the board's standards; and
- (g) Approve or conduct courses of instruction or training designed to prepare individuals for licensing in accordance with the board's standards. Courses designed to meet license renewal requirements shall be designed solely to improve professional skills and shall not include classroom attendance requirements exceeding 50 hours per year. The board may approve courses conducted within or without this state.

144A.2511 COSTS; PENALTIES.

If the Board of Examiners has initiated proceedings under section [144A.24](#) or [144A.251](#) or chapter 214, and upon completion of the proceedings has found that a nursing home administrator has violated a provision or provisions of sections [144A.18](#) to [144A.27](#), it may impose a civil penalty not exceeding \$10,000 for each separate violation, with all violations related to a single event or incident considered as one violation. The amount of the civil penalty shall be fixed so as to deprive the nursing home administrator of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding. For purposes of this section, the cost of the investigation and proceeding may include, but is not limited to, fees paid for services provided by the Office of Administrative Hearings, legal and investigative services provided by the Office of the Attorney General, court reporters, witnesses, and reproduction of records.

HIST: 2003 c 66 s 1

144A.252 IMMUNITY

Members of the board of examiners for nursing home administrators and persons employed by the board or engaged in the investigation of violations and in the preparation and management of charges of violations of sections 144A.18 to 144A.27, or of rules adopted pursuant to sections 144A.18 to 144A.27 on behalf of the board, are immune for civil liability and criminal prosecution for any actions, transactions, or publication in execution of, or relating, to their duties under sections 144A.18 to 144A.27 provided they are acting in good faith.

144A.251 MANDATORY PROCEEDINGS.

In addition to its discretionary authority to initiate proceedings under section 144A.24 and chapter 214, the board of examiners shall initiate proceedings to suspend or revoke a nursing home administrator license or shall refuse to renew a license if within the preceding two year period the administrator was employed at a nursing home which during the period of employment incurred the following number of uncorrected violations, which violations were in the jurisdiction and control of the administrator and for which a fine was assessed and allowed to be recovered:

- (a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or
- (b) Ten or more uncorrected violations of any nature.

144A.26 RECIPROCITY WITH OTHER STATES.

The board of examiners may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction if the board finds that the standards for licensure in the other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant is otherwise qualified.

144A.27 ACTING ADMINISTRATORS.

If a licensed nursing home administrator is removed from the position by death or other unexpected cause, the controlling persons of the nursing home suffering the removal may designate an acting nursing home administrator who shall secure an acting administrator's permit within 30 days of appointment as the acting administrator.

144A.28 SEVERABILITY.

Any part of sections 144A.18 to 144A.27 which is in conflict with any act of congress of the United States or any rule of a federal agency, so as to deprive nursing homes of this state of federal funds, shall be deemed void without affecting the remaining provisions of sections 144A.18 to 144A.27.