

**CHAPTER 4751**  
**NURSING HOME ADMINISTRATORS**

**GENERAL PROVISIONS**

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## GENERAL PROVISIONS

### 4751.01 Definitions

As used in sections 4751.01 to 4751.11 of the Revised Code:

- (A) "Nursing home administrator" means any individual responsible for planning, organizing, directing, and managing the operation of a nursing home, or who in fact performs such function, whether or not such functions and duties are shared by one or more other persons.
- (B) "Nursing home" means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.
- (C) "Temporary license" means a license for a period not to exceed one hundred eighty days issued pursuant to division (B) of section 4751.06 of the Revised Code.
- (D) "Valid license" means a license which is current and in good standing.

HISTORY: 133 v S 481 (Eff 4-12-70);  
135 v S 322 (Eff 8-30-73);  
144 v S 132 (Eff 7-22-91);  
144 v H 298 (Eff 7-26-91)

### 4751.02 Requirements for nursing home administration; reports

- (A) No person shall operate a nursing home unless it is under the supervision of an administrator whose principal occupation is nursing home administration or hospital administration and who holds a valid nursing home administrator's license and registration, or a temporary license, issued pursuant to Chapter 4751. of the Revised Code.
- (B) No person other than a licensed and registered nursing home administrator or person holding a temporary license as required by Chapter 4751. of the Revised Code shall practice or offer to practice nursing home administration in this state. All nursing home administrators and temporary licensees shall comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder.
- (C) Every operator of a nursing home shall report to the board of examiners of nursing home administrators the name and license number of each nursing home administrator for said home within ten days after the operator engages a nursing home administrator, and within ten days after a nursing home administrator is no longer engaged as such by such operator for said home.
- (D) Each individual who holds a nursing home administrator license or temporary license shall report his residence mailing address and the name and address of each place of employment to the board within ten days after any change.

HISTORY: 133 v S 481 (Eff 4-12-70);  
135 v S 322 (Eff 8-30-73)

### 4751.03 Establishment of board; requirements of members

- (A) There is hereby established in the department of health a board of examiners of nursing home administrators, which board shall be composed of nine members, eight of whom shall be representative of the professions and institutions concerned with care and treatment of chronically ill or infirm aged patients, and one of whom shall be a public member at least sixty years of age, provided that less than a majority of the board members shall be representative of a single profession or institutional category, and provided further that a person appointed as a noninstitutional member shall neither have nor acquire any direct financial interest in a nursing home. For purposes of this section, nursing home administrators are considered representatives of institutions.

Four members shall be nursing home administrators, owners of nursing homes or an officer of a corporation owning a nursing home. The director of health or his designated representative shall be a member. All members of the board shall be citizens of the United States and residents of this state.

- (B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of his appointment until the end of the term for which he was appointed. No member shall serve more than two consecutive full terms.
- (C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of his term until his successor takes office, or until a period of sixty days has elapsed, whichever occurs first.
- (D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.
- (E) Each member of the board, except the director of health or his designated representative, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for his actual and necessary expenses incurred in the discharge of such duties.
- (F) The board shall elect annually from its membership a chairman and a vice-chairman.
- (G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the board shall constitute a quorum. The affirmative vote of a majority of the members of the board is necessary for the board to act.
- (H) The board shall appoint a secretary who has no financial interest in a nursing home, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it. Administrative, technical, or other services shall be performed, insofar as practicable, by personnel of the department of health.

HISTORY: 133 v S 481 (Eff 4-12-70);  
135 v S 131 (Eff 8-21-73);  
135 v S 322 (Eff 8-30-73);  
136 v H 1 (Eff 6-13-75);

136 v H 155 (Eff 6-29-75);  
143 v H 623. (Eff 7-24-90)

#### 4751.04 Powers and duties

- (A) The board of examiners of nursing home administrators shall:
- (1) Develop, adopt, impose, and enforce regulations prescribing standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators are of good character and are otherwise suitable, and who, by training and experience, are qualified to serve as nursing home administrators;
  - (2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;
  - (3) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses or registrations previously issued by the board in any case where the individual holding such license or registration is determined to have failed substantially to conform to the requirements of such standards;
  - (4) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during any period that they serve as such, comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;
  - (5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;
  - (6) Take such other actions as may be necessary to enable the state to meet the requirements set forth in the "Social Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g;
  - (7) Pay all license and registration fees collected under Chapter 4751. of the Revised Code into the general operations fund created by section 3701.83 of the Revised Code to be used in administering and enforcing this chapter and the rules adopted under it;
  - (8) Administer, or contract with a government or private entity to administer, examinations for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury.
- (B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section

119.11 of the Revised Code. The court, at its discretion, may grant a stay of any regulation in its application against the person filing the notice of appeal.

HISTORY: 133 v S 481 (Eff 4-12-70);  
135 v S 322 (Eff 8-30-73);  
144 v H 298 (Eff 7-26-91);  
145 v H 152 (Eff 7-1-93);  
148 v H 640. (Eff 9-14-2000)  
The effective date is set by section 79 of HB 640.

#### **4751.041 Disclosure of examination materials**

Except when the board of examiners of nursing home administrators considers it necessary, the board shall not disclose test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer.

HISTORY: 148 v H 640. (Eff 9-14-2000)  
The effective date is set by section 79 of HB 640.

## **LICENSING**

#### **4751.05 Requirements for examination and license**

- (A) The board of examiners of nursing home administrators, or a government or private entity under contract with the board to administer examinations for licensure as a nursing home administrator, shall admit to an examination any candidate who:
- (1) Pays the application fee of fifty dollars;
  - (2) Submits evidence of good moral character and suitability;
  - (3) Is at least eighteen years of age;
  - (4) Has completed educational requirements and work experience satisfactory to the board;
  - (5) Submits an application on forms prescribed by the board;
  - (6) Pays the examination fee charged by the board or government or private entity.
- (B) Nothing in Chapter 4751. of the Revised Code or the rules adopted thereunder shall be construed to require an applicant for licensure or a temporary license, who is employed by an institution for the care and treatment of the sick to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided by the institution if the institution is all of the following:
- (1) Operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs;

- (2) Accredited by a national accrediting organization;
  - (3) Exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended;
  - (4) Providing twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.
- (C) If a person fails three times to attain a passing grade on the examination, said person, before the person may again be admitted to examination, shall meet such additional education or experience requirements, or both, as may be prescribed by the board.

HISTORY: 133 v S 481 (Eff 4-12-70);  
 135 v S 1 (Eff 1-1-74);  
 135 v S 322 (Eff 8-30-73);  
 136 v H 1 (Eff 6-13-75);  
 140 v H 291 (Eff 7-1-83);  
 144 v H 298 (Eff 7-26-91);  
 147 v H 243 (Eff 5-21-98);  
 148 v H 640 (Eff 9-14-2000);  
 148 v H 511. (Eff 4-10-2001)

**4751.06 Issuance of license; temporary license; duplicates**

- (A) An applicant for licensure as a nursing home administrator who has successfully completed the requirements of section 4751.05 of the Revised Code, passed the examination administered by the board of examiners of nursing home administrators or a government or private entity under contract with the board, and paid to the board an original license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such license shall certify that the applicant has met the licensure requirements of Chapter 4751. of the Revised Code and is entitled to practice as a licensed nursing home administrator.
- (B) A temporary license for a period not to exceed one hundred eighty days may be issued to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness, or other unexpected cause, pursuant to regulations adopted by the board.
- (C) The fee for a temporary license is one hundred dollars. Said fee must accompany the application for the temporary license.
- (D) Any license or temporary license issued by the board pursuant to this section shall be under the hand of the chairperson and the secretary of the board.
- (E) A duplicate of the original certificate of registration or license may be secured to replace one that has been lost or destroyed by submitting to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction of the certificate or license and by paying a fee of twenty-five dollars.
- (F) A duplicate certificate of registration and license may be issued in the event of a legal change of name by submitting to the board a certified copy of the court order or marriage license establishing the change of name, by returning at the same time the original license and certificate of registration, and by paying a fee of twenty-five dollars.

HISTORY: 133 v S 481 (Eff 4-12-70);  
135 v S 322 (Eff 8-30-73);  
140 v H 291 (Eff 7-1-83);  
147 v H 215 (Eff 9-29-97);  
148 v H 640. (Eff 9-14-2000)  
The effective date is set by section 79 of HB 640.

**4751.07      Registration certificate; duty to display license**

- (A) Every individual who holds a valid license as a nursing home administrator issued under division (A) of section 4751.06 of the Revised Code, shall immediately upon issuance thereof be registered with the board of examiners of nursing home administrators and be issued a certificate of registration. Such individual shall annually apply to the board for a new certificate of registration on forms provided for such purpose prior to the expiration of the certificate of registration and shall at the same time submit satisfactory evidence to the board of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board.
- (B) Upon making an application for a new certificate of registration such individual shall pay the annual registration fee of three hundred dollars.
- (C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator.
- (D) The license of a nursing home administrator who fails to comply with this section shall automatically lapse.
- (E) A nursing home administrator who has been licensed and registered in this state who determines to temporarily abandon the practice of nursing home administration shall notify the board in writing immediately; provided, that such individual may thereafter register to resume the practice of nursing home administration within the state upon complying with the requirements of this section regarding annual registration.
- (F) Only an individual who has qualified as a licensed and registered nursing home administrator under Chapter 4751. of the Revised Code and the rules adopted thereunder, and who holds a valid current registration certificate pursuant to this section, may use the title "nursing home administrator," or the abbreviation "N.H.A." after the individual's name. No other person shall use such title or such abbreviation or any other words, letters, sign, card, or device tending to indicate or to imply that the person is a licensed and registered nursing home administrator.
- (G) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current registration certificate.
- (H) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.

HISTORY: 133 v S 481 (Eff 4-12-70); 135 v S 322 (Eff 8-30-73); 140 v H 291 (Eff 7-1-83); 144 v H 298 (Eff 7-26-91); 147 v H 215. (Eff 9-29-97);  
The effective date is set by section 222 of HB 215.

#### **4751.08      Waiver of examination**

The board of examiners of nursing home administrators, in its discretion, and otherwise subject to Chapter 4751. of the Revised Code and the rules adopted by the board thereunder prescribing the qualifications for a nursing home administrator license, may license a nursing home administrator without examination if he has a valid license issued by the proper authorities of any other state, upon payment of a fee of one hundred fifty dollars, and upon submission of evidence satisfactory to the board both:

- (A) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator license which were substantially equivalent to those required in this state at the time such other license was issued by such other state;
- (B) That such other state gives similar recognition to nursing home administrators licensed in this state.

HISTORY: 133 v S 481 (Eff 4-12-70);  
140 v H 291 (Eff 7-1-83);  
144 v H 298 (Eff 7-26-91)

#### **4751.09      Prohibitions**

No person shall:

- (A) Sell or fraudulently obtain or furnish any license, or temporary license, or aid or abet therein;
- (B) Practice as a nursing home administrator under cover of any license, registration, or temporary license illegally or fraudulently obtained, unlawfully issued, or which has lapsed;
- (C) Practice as a nursing home administrator or use in connection with his name any designation tending to imply that he is a nursing home administrator unless licensed and registered to so practice under the provisions of Chapter 4751. of the Revised Code, except a temporary licensee who makes it clear that he is the holder of a temporary license only;
- (D) Otherwise violate any of the provisions of Chapter 4751. of the Revised Code or the regulations adopted thereunder.

HISTORY: 133 v S 481 (Eff 4-12-70);  
135 v S 322. (Eff 8-30-73)



#### **4751.10      Revocation of license**

The license or registration, or both, or the temporary license of any person practicing or offering to practice nursing home administration, shall be revoked or suspended by the board of examiners of nursing home administrators if such licensee or temporary licensee:

- (A) Is unfit or incompetent by reason of negligence, habits, or other causes;
- (B) Has willfully or repeatedly violated any of the provisions of Chapter 4751. of the Revised Code or the regulations adopted thereunder; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the nursing home in which he is the administrator;
- (C) Is guilty of fraud or deceit in the practice of nursing home administration or in his admission to such practice;
- (D) Has been convicted in a court of competent jurisdiction, either within or without this state, of a felony.

Proceedings under this section shall be instituted by the board or shall be begun by filing with the board charges in writing and under oath.

**HISTORY:** 133 v S 481 (Eff 4-12-70);  
135 v S 322. (Eff 8-30-73)

#### **4751.11      Reissuance of license**

- (A) The board of examiners of nursing home administrators may, in its discretion, reissue a license or registration, or both, to any person whose license or registration, or both, has been revoked.
- (B) Application for the reissuance of a license or registration, or both, shall not be made prior to one year after revocation and shall be made in such manner as the board may direct.
- (C) If a person convicted of a felony is subsequently pardoned by the governor of the state where such conviction was had or by the president of the United States, or receives a final release granted by the adult parole authority of this state or its equivalent agency of another state, the board may, in its discretion, on application of such person and on the submission of evidence satisfactory to the board restore to such person the nursing home administrator's license or registration, or both.

**HISTORY:** 133 v S 481. (Eff 4-12-70)

#### **4751.12      Effect of child support default**

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the board of examiners of nursing home administrators shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

**HISTORY:** 146 v H 167 (Eff 11-15-96);  
148 v S 180. (Eff 3-22-2001)

## PENALTIES

### 4751.99 Penalties

Whoever violates section 4751.02 or 4751.09 of the Revised Code shall be fined not less than fifty nor more than five hundred dollars for the first offense; for each subsequent offense such person shall be fined not less than one hundred nor more than five hundred dollars or imprisoned for not more than ninety days, or both.

HISTORY: 133 v S 481 (Eff 4-12-70);  
135 v S 322. (Eff 8-30-73)

**RULES OF THE  
BOARD OF EXAMINERS OF  
NURSING HOME ADMINISTRATORS**

**RULES 4751-1-01 THROUGH 4751-1-17**

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## **4751-1-01 Notice of adoption, amendment, or rescission of rules.**

- (A) Prior to the proposed adoption, amendment or rescission of any rule by the board, public notice thereof shall be given at least thirty days prior to the date set for the public hearing thereon, by publication of that notice in the Register of Ohio. Such notice shall include a statement of the board's intention to consider adopting, amending, or rescinding a rule; a synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment or rescission relates; a statement of the reason or purpose for adopting, amending, or rescinding the rule; and the date, time, and place of the public hearing on said proposed action.
- (B) The board may give whatever other notice it reasonably considers necessary including, but not limited to, the following:
- (1) The board shall post the notice of the public rules hearing on the board's web site. The board may also post the full text of the proposed rules on its web site.
  - (2) The board may maintain a mailing list of all persons who have made a prior written request to receive a copy of each public notice provided for in paragraph (A) of this rule, and copies of such notices shall be sent by regular mail or electronic mail to each person on the mailing list at least thirty days prior to the date set for the hearing. Upon request, the board shall also promptly send a copy of any notice provided for in paragraph (A) of this rule by regular mail or electronic mail to any person not appearing on its mailing list. The board may assess a reasonable fee, not to exceed the cost of copying and mailing, for notices sent to persons in accordance with this rule.
  - (3) Copies of the notice of the public rules hearing and the full text of the proposed rules shall be available at the board's offices at least thirty days prior to the date of the public rules hearing.
- (C) Prior to the effective date of a rule, amendment, or rescission, the board shall make a reasonable effort to inform those affected by the rule, amendment, or rescission. The method of notification may include posting the full text of the rule as adopted or amended on the board's web site, publishing the rules in the board's newsletter, and /or sending by regular mail or electronic mail a notice of the action to all persons whose name appears on the mailing list maintained by the board pursuant to paragraph (A) of this rule, or to any person or his attorney who provided evidence, oral testimony, and /or a written statement which were made part of the record of the public hearing held pursuant to section 119.03 of the Revised Code. The board may assess a reasonable fee, not to exceed the cost of copying and mailing, for notices sent to persons in accordance with this rule.

HISTORY: Replaces rule 4751-1-01; Eff 9/29/1970; Prior Eff. Dates 10/16/1983  
Rule promulgated under: RC 119.03, 119.032 Statutory Authority: 4751.04; Rule Amplifies: 4751.04

## **4751-1-02 Definitions**

As used in Chapter 4751. of the Revised Code and rules 4751-1-02 to 4751-1-17 of the Administrative Code, the following terms are defined to mean:

- (A) "Accredited educational institution," for the purpose of the requirements of Chapter 4751. of the Revised Code and the rules adopted thereunder, means an academic institution of higher learning which includes general education courses as requisite to such institution's principal educational programs and which institution has received institutional accreditation from at least one of the following:
- (1) Commission on higher education, "Middle States Association of Colleges and Secondary Schools";
  - (2) Commission on institutions of higher education, "New England Association of Schools and Colleges";
  - (3) Commission on institutions of higher education, "North Central Association of Colleges and Secondary Schools";
  - (4) Commission on higher schools, "Northwest Association of Secondary and Higher Schools";
  - (5) Commission on colleges, "Southern Association of Colleges and Schools";
  - (6) Accrediting commission for senior colleges and universities, "Western Association of Schools and Colleges."
- (B) "Administrator/preceptor" means the licensed nursing home administrator approved by the board to supervise the practical training and experience of the administrator-in-training during the period of internship.
- (1) A preceptor may not train his or her employer or supervisor.
  - (2) A preceptor may not train a relative of the following degree: spouse, son or daughter, parent, stepparent, stepchild, brother or sister, cousin, niece or nephew, uncle or aunt.
- (C) "Approved program in nursing home administration" means a baccalaureate or higher degree program offered by a college or university accredited as defined in paragraph (A) of the rule, and which program has been submitted by the college or university, and which has been accepted by the board as satisfying the general education, special academic preparation, and experience requirements precedent to admission to examination.
- (D) "Board" means the board of examiners of nursing home administrators created by section 4751.03 of the Revised Code.
- (E) "Candidate" means any person who has been approved by the board as meeting the conditions precedent to admission to examination.
- (F) "Certificate of registration" means the document issued by the board to each licensee certifying the original and annual renewal of registration of the nursing home administrator license as required in section 4751.07 of the Revised Code and the rules adopted pursuant thereto.

- (G) "Continuing education" means postlicensure education in nursing home administration undertaken to maintain professional competency to practice nursing home administration, improve administrative skills and effect standards of excellence for the practice of the profession in the interest of the safety, health, and welfare of the patients served.
- (H) "Core of knowledge in nursing home administration" means the subject areas outlined in rule 4751-1-06 of the Administrative Code.
- (I) "Course of study or program of instruction" means any educational activity in the subject areas of the core of knowledge in nursing home administration approved by the board to fulfill the requirements for prelicensure education or for continuing education.
- (J) "Department" means the department of health of the state of Ohio.
- (K) "Full time" means at least thirty-five hours per week in the practice of nursing home administration.
- (L) "General education" means a program of education intended to develop students as personalities and to transmit a common cultural heritage. General education is not connected with one branch or department of learning, is not technical or vocational education, and is not intended to train specialists.
- (M) "Health care administration" means that specialty of health administration requiring knowledge and skills specific to the administration of a health care facility or institution, with emphasis on administration of long-term care facilities.
- (N) "Health care facility" means an institution or facility operating within the framework of the appropriate regulatory agencies which provides, on a long-term care basis, residence accommodations and personal care, supervision, or assistance to persons dependent, in whole or part, upon such services.
- (O) "Internship" means the period of practical training and experience, approved by the board, required of the nursing home administrator-in-training as a condition precedent to admission to examination for licensure as a nursing home administrator.
- (P) "Internship site" means a nursing home licensed under Chapter 3721. of the Revised Code or a nursing home operated by a governmental agency and certified under Title XVIII or XIX of the Social Security Act which is approved by the board for the practical training and experience of the administrator-in-training.
- (Q) "License" means the document issued by the board which indicates that the licensee has met the requirements for licensure of Chapter 4751. of the Revised Code and the rules adopted thereunder.
- (R) "Nursing home" means a nursing home as defined by or under the authority of divisions (A), (C) and (D) of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.
- (S) "Nursing home administrator" as defined in the statute means an individual who is responsible for planning, organizing, directing, and managing the operation of a nursing

home, or who in fact performs such functions, whether or not such functions and duties are shared by one or more other persons.

- (T) "Nursing home administrator-in-training" means an individual registered as such with the board pursuant to rule 4751-1-09 of the Administrative Code.
- (U) "Nursing home administrator-in-training program" means that program established by the board to assure that an applicant for licensure as a nursing home administrator will have at least the minimum essentials in professional education and experience.
- (V) "Operator" means the person, firm, partnership, association, or corporation required to obtain a license to operate a nursing home as defined in paragraph (W) of rule 3701-17-01 of the Administrative Code adopted by the public health council pursuant to Chapter 3721. of the Revised Code.
- (W) "Patient" means a patient or resident receiving the care and services of a long-term facility.
- (X) "Practice of nursing home administration" means exercising management responsibility in or in fact planning, organizing and directing the overall operation of a nursing home, including, but not limited to, such functions as:
  - (1) Making operating decisions, providing general supervision, employing and discharging staff;
  - (2) Instituting and maintaining methods of administrative management which demonstrate attempts in good faith to assure that the nursing home is in conformity with pertinent federal, state, and local laws, codes, and regulations pertaining to the operation of said facility and to the rights, health, safety, and welfare of the patients therein;
  - (3) Such acts and duties in this paragraph must occur in accordance with the provisions of paragraph (AA) of this rule.
- (Y) "Qualifying administrative experience" is a residency/practicum required for an academic degree in nursing home administration in all the subject areas of the core of knowledge or all the subject areas of rule 4751-1-06 of the Administrative Code or actual work experience in the subject areas of rule 4751-1-06 of the Administrative Code.
- (Z) "Sanitary code" means that entire body of rules adopted by the public health council of the department of health, which pertain to the operation of a nursing home as defined in section 3721.01 of the Revised Code.
- (AA) "Supervision of a nursing home" as required by division (A) of section 4751.02 of the Revised Code means that the nursing home administrator spend no less than the minimum amount of hours as prescribed by the Ohio department of health, for nursing home licensure purposes on site. The majority of such hours shall be spent between six a.m. and six p.m. during the normal workweek of Monday through Friday in which the nursing home administrator exercises such authority and responsibility and performs such acts and duties as are defined or implied, or both, in paragraphs (S) and (X) of this rule.

- (BB) "Temporary license" means a license for a period of time not to exceed one hundred eighty days issued pursuant to division (B) of section 4751.06 of the Revised Code and to these rules.
- (CC) "Training agency for continuing education" means an accredited college or university; a statewide or national agency, association or professional society related to the field of nursing home administration approved by the board to provide courses of study or programs of instruction required for the annual renewal of the certificate of registration.
- (DD) "Valid license" means a license which is current, as effected by the annual renewal of the certificate of registration, and which is in good standing.

HISTORY: Eff 10-1-74; 1-1-77; 2-20-84, 4/29/2004  
 Rule promulgated under: RC Chapter 119.  
 Rule amplifies: RC 4751.01 to 4751.11  
 Statutory Authority: 4751.04

### **4751-1-03 Board of examiners; officers and duties**

- (A) The board shall elect annually from its membership a chairperson and a vice chairperson. The board shall appoint a secretary as provided in division (H) of section 4751.03 of the Ohio Revised Code, whose job title may also be Executive Director.
- (B) The chairperson shall preside at all meetings of the board. In the absence of the chairperson, the vice chairperson shall preside at meetings, and perform all duties usually performed by the chairperson.
- (C) In addition to the duties imposed by law, the secretary shall attend all meetings of the board; keep a full and complete record of the minutes of said meetings; notify the members of the board of the time and place fixed for meetings of the board; maintain the records pertaining to licensees and registrants and rules 4751-1-01 to 4751-1-17 inclusive; and countersign all licenses and certificates.
- (D) The secretary shall conduct all routine correspondence for the board, shall issue all notices of meetings and hearings, shall have custody of all books, records, and property of the board, and shall perform all duties pertaining to the office of secretary.
- (E) The secretary shall receive all monies payable to the board and shall deposit such monies with the treasurer of state as provided by law, and shall keep such financial records as are approved by the board and the fiscal authorities of the state.
- (F) The secretary shall have such other authority as prescribed by and delegated by the board.
- (G) The board shall perform its duties in accordance with Chapter 4751. of the Revised Code and rules of this chapter unless otherwise prohibited by state law.
- (H) On receipt of a notice pursuant to section 2301.373 of the Revised Code, the board shall comply with that section with respect to a license issued pursuant to this chapter.

HISTORY: Eff 9-29-70; 10-1-74; 1-1-99  
 Rule promulgated under: RC Chapter 119.  
 Statutory Authority: 4751.03, 4751.04, 4751.12  
 Rule amplifies: RC 4751.03, 4751.04, 4751.12, 119.032



## 4751-1-04 Meetings

(A) Notification:

- (1) The board shall hold quarterly meetings. The dates of the quarterly meetings shall be set with the consent of a majority of the members of the board. Special meetings may be called on the request of the chairman or by the request of a majority of the members of the board. A regular or special meeting may be cancelled at the request of a majority of the members of the board.
- (2) A notice of each regular and special meeting of the board of examiners of nursing home administrators shall be filed forthwith by the secretary of the board with the office of the director of the Ohio department of health, stating the time and place of each regular meeting of the board and the time, place and purpose of each special meeting of the board. Any person may determine or obtain such information at the office of the director of the department of health or from the secretary of the board of examiners of nursing home administrators.
- (3) Any person may obtain reasonable advance written notification in the form of a copy of the agenda of all meetings of the board at which any specific type of public business is to be discussed by providing the secretary of the board with self-addressed envelopes to which has been affixed the equivalent of one first class U.S. postage stamp. Eight envelopes should be supplied to cover one board year from July one through June thirtieth.
- (4) The secretary of the board shall maintain a list of news media which have requested notification, and such media shall be given at least twenty-four hours advance notice of each special meeting of the board, except in the event of an emergency requiring immediate official action. In the event of an emergency, the office of the director of the Ohio department of health or the secretary of the board on behalf of the chairman or members calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.

(B) A majority of the members of the board shall constitute a quorum. The affirmative vote of a majority of the members of the board is necessary for the board to act.

(C) When not otherwise provided for, "Roberts Rules of Order" shall govern at all meetings of the board.

(D) The purpose of the special meeting shall be stated in the call therefor, and no other business shall be considered at such meeting, except by unanimous consent of the members present. The date and place of a special meeting shall be specified in the request.

(E) Notice of any special meeting shall be given all members at least five days in advance except in case of an emergency.

(F) Minutes:

- (1) The minutes of the previous meeting and reports of any matters to the board may be made available to each member at such time prior to said meeting as will enable him to become familiar with the matter.
- (2) The minutes of a regular or special meeting shall be promptly recorded and shall be open for public inspection in the office of the board within ten days after their approval by the board.

HISTORY: Replaces rule 4751-1-04; Eff 1-1-77; 10-16-83  
Rule promulgated under: RC Chapter 119.  
Rule amplifies: RC 4751.03, 4751.04, 119.032

**4751-1-05 Pre-examination requirements; conditions precedent to application for admission to examination**

- (A) The board shall admit to examination for licensure as a nursing home administrator any applicant who has paid the required fees as provided in rule 4751-1-16 of the Administrative Code and who shall have first submitted credentials satisfactory to the board which establish that all of the following conditions have been met; namely, that the applicant:
- (1) Is at least eighteen years of age;
  - (2) Is of good moral character;
  - (3) Is suitable and fit to be licensed as a nursing home administrator as evidenced by:
    - (a) Presence of good health and freedom from communicable disease;
    - (b) Absence of any physical or mental impairment that would be likely to interfere with the performance of the duties of a nursing home administrator;
    - (c) Ability to understand and communicate general and technical information necessary to the administration and operation of a nursing home;
    - (d) Ability to assume responsibility for the administration of a nursing home as evidenced by prior activities and prior qualifying administrative experience;
    - (e) Ability to relate the physical, psychological, spiritual, emotional, and social needs of the patients to the administration of a nursing home, and to create a climate necessary to meet the needs and rights of the patients.
  - (4) Has met the requirements of general education as defined in paragraph (L) of rule 4751-1-02 of the Administrative Code and which requirements are applicable on the date the completed application is received by the board:

On and after January 1, 1980 has successfully completed a course of study and has been awarded a baccalaureate degree from an accredited educational institution;

- (5) Has successfully completed the special academic requirements in the subject areas specific to nursing home administration, which consist of:
  - (a) No less than one hundred clock hours of academic directed study in core of knowledge subjects in nursing home administration, as listed in rule 4751-1-06 of the Administrative Code; or accredited college courses covering the subject areas of the core of knowledge in nursing home administration as approved by the board; or
  - (b) An approved baccalaureate degree program in nursing home administration, as defined in paragraph (C) of rule 4751-1-02 of the Administrative Code; or
  - (c) An approved master's degree program in nursing home administration, as defined in paragraph (C) of rule 4751-1-02 of the Administrative Code.
- (6) The applicant has met the qualifying administrative experience requirements as defined in paragraph (Y) of rule 4751-1-02 of the Administrative Code appropriate to his educational level, namely:
  - (a) With a baccalaureate degree, the requirement is nine months (fifteen hundred hours) of full-time internship in an internship site;
  - (b) With a baccalaureate degree in a related health care profession, the requirement is six months (one thousand hours) of full-time internship in an approved internship site;
  - (c) With a baccalaureate degree containing an approved program in nursing home administration as defined in paragraph (C) of rule 4751-1-02 of the Administrative Code, no further qualifying administrative experience is required;
  - (d) With a master's or higher degree, the requirement is six months (one thousand hours) full-time internship experience in an approved internship site;
  - (e) With a master's or higher degree containing an approved program in nursing home administration as defined in paragraph (C) of rule 4751-1-02 of the Administrative Code, no further qualifying administrative experience is required;
  - (f) With a master's or higher degree in a related health care profession, the requirement is three months (five hundred hours) full-time internship in an approved internship site;
  - (g) For qualifying administrative experience, the board may reduce the required hours of internship for both baccalaureate and master degrees.

- (B) Applying for admission to examination:
- (1) An applicant for examination for licensure as a nursing home administrator shall make application therefor which shall be in writing on forms provided by the board and shall furnish evidence satisfactory to the board that he has met the requirements of section 4751.05 of the Revised Code and of paragraph (A) of this rule, such evidence to include, but not be limited to:
    - (a) The application form having complete and accurate entries of information, signed and certified under penalty of perjury, filed in the office of the board;
    - (b) Certified transcript(s) of college credits and proof of degree(s), unless previously filed with the board, in accordance with paragraph (A)(4) of this rule, said transcripts to be sent by the institution directly to the office of the board;
    - (c) Certificate or other specific and adequate documentation of completion of approved course of study or program of instruction meeting the special academic requirements in the subject areas specific to health care administration in accordance with paragraph (A)(5) of this rule;
    - (d) Any additional or supplemental documentation, properly notarized, required to support data entries on the application form, and to establish qualifying administrative experience in accordance with paragraph (A)(6) of this rule;
    - (e) Notarized statement from the supervisor of the internship attesting said completion of the required period of the internship and documentation of time.
  - (2) The application and its supporting documentation shall be filed with the board at least thirty days before the regular quarterly meeting of the board just preceding the date of the examination for which the application is filed.
  - (3) The application form shall be signed and certified under penalty of perjury.
  - (4) The application form shall be accompanied by the application examination fee as provided in rule 4751-1-16 of the Administrative Code.
- (C) Any person whose registration in the administrator-in-training program has been approved prior to the effective date of these rules shall be eligible for admission to examination under the conditions of rules 4751-1-05 and 4751-1-09 of the Administrative Code in effect on the date of approval of said registration.
- (D) When an applicant has been denied admission to examination or when a candidate has abandoned the application for examination, he may submit a new application for admission to examination, provided, however, that he shall be required to meet the qualifications and conditions for admission and for licensing which are in force at the time of such new application.

- (E) Abandonment of application:
- (1) A candidate shall be deemed to have abandoned the application if he does not take such examination within three consecutive examination dates from and including the first approved date.
  - (2) A candidate who has failed the licensure examination shall sit for each successive examination within six months after notice of failure or shall be deemed to have abandoned said application.
  - (3) An application submitted subsequent to the abandonment of a former application or after failure of the examination three times shall be treated as a new application and the law in force at the time of such new application shall govern.
- (F) The board may designate a reasonable time and place at which an applicant may be required to present himself for an inquiry as to his qualifications and suitability as provided for herein. Notification of such meeting shall be provided to the applicant in writing no less than ten days prior to said date.

**HISTORY:** Eff 10-1-74; 1-1-77; 2-20-84; 4-22-86  
Rule promulgated under: RC Chapter 119.  
Rule authorized by: RC 4751.04  
Rule amplifies: RC 4751.05, 119.032

#### **4751-1-06 Subjects for examination**

Every applicant for a license as a nursing home administrator, after meeting the requirements for qualification for examination as set forth in these rules and regulations, shall successfully pass a written or oral examination or a combination thereof which shall include the following subject areas:

##### CORE OF KNOWLEDGE IN NURSING HOME ADMINISTRATION

- (A) Applicable standards of environmental health and safety:
- (1) hygiene and sanitation
  - (2) communicable diseases
  - (3) management of isolation
  - (4) the total environment (noise, color, orientation, stimulation, temperature, lighting, air circulation)
  - (5) elements of accident prevention
  - (6) special architectural needs of nursing home patients
  - (7) drug handling and control
  - (8) safety factors in oxygen usage

- (B) Pertinent federal, state and local health and safety laws and rules.
- (C) General administration:
  - (1) institutional administration
  - (2) planning, organizing, directing, controlling, staffing, coordinating and budgeting
  - (3) human relations
    - (a) management/employee interrelationships
    - (b) employee/employee interrelationships
    - (c) employee/patient interrelationships
    - (d) employee/family interrelationships
  - (4) training of personnel
    - (a) training of employees to become sensitive to patient needs
    - (b) on-going inservice training/education
- (D) Psychology of patient care:
  - (1) anxiety
  - (2) depression
  - (3) drugs, alcohol and their effect
  - (4) motivation
  - (5) separation reaction
- (E) Principles of medical care:
  - (1) anatomy and physiology
  - (2) psychology
  - (3) disease recognition and prevention
  - (4) disease processes
  - (5) nutrition
  - (6) aging processes
  - (7) medical terminology

- (8) materia medica (pharmacology)
  - (9) medical social service
  - (10) utilization review
  - (11) professional and medical ethics
- (F) Personal and social care:
- (1) resident and patient care planning
  - (2) activity programming
    - (a) patient participation
    - (b) recreation
  - (3) environmental adjustment - interrelationship between patient and:
    - (a) patient
    - (b) staff (staff sensitivity to patient needs as a therapeutic function)
    - (c) family and friends
    - (d) administrator
    - (e) management (self-government/patient council)
  - (4) rehabilitation and restorative activities
    - (a) training in activities of daily living
    - (b) techniques of group therapy
  - (5) interdisciplinary interpretation of patients' care to:
    - (a) the patient
    - (b) the staff
    - (c) the family
- (G) Therapeutic and supportive care and services in long-term care:
- (1) individual care planning as it embraces all therapeutic care and supportive services
  - (2) meaningful observations of patient behavior as related to total patient care
  - (3) interdisciplinary evaluation and revision of patient care plans and procedures

- (4) unique aspects and requirements of geriatric patient care
  - (5) professional staff interrelationships with patient's physician
  - (6) professional ethics and conduct
  - (7) rehabilitative and remotivational role of individual therapeutic and supportive services
  - (8) psychological, social and religious needs, in addition to physical needs of the patients
  - (9) needs for dental services
- (H) Departmental organization and management
- (1) criteria for coordinating establishment of departmental and unit objectives
  - (2) reporting and accountability of individual departments to administrator
  - (3) criteria for departmental evaluation (nursing, food service, therapeutic services, maintenance, housekeeping)
  - (4) techniques of providing adequate professional, therapeutic, supportive and administrative services
  - (5) the following departments may be used in relating matters of organization and management:
    - (a) nursing
    - (b) housekeeping
    - (c) dietary
    - (d) laundry
    - (e) pharmaceutical services
    - (f) social services
    - (g) business office
    - (h) recreation
    - (i) medical records
    - (j) admitting
    - (k) physical therapy



- (l) occupational therapy
  - (m) medical and dental services
  - (n) laboratories
  - (o) x-ray
  - (p) maintenance
- (l) Community interrelationships:
- (1) community medical care, rehabilitative and social services resources
  - (2) other community resources
    - (a) religious institutions
    - (b) schools
    - (c) civil and voluntary service agencies
    - (d) government agencies
  - (3) third-party payment organizations
  - (4) comprehensive health planning agencies
  - (5) volunteers and auxiliaries

**HISTORY:** (former NH-1-06); Eff 9-29-70; 10-1-74  
 Rule promulgated under: RC Chapter 119.  
 Rule authorized by: RC 4751.04  
 Rule amplifies: RC 4751.05 to 4751.10, 4751.13, 119.032

#### **4751-1-07 Examination and passing grade**

- (A) Every applicant for a nursing home administrator's license shall be required to pass the examination.
- (B) The board shall determine a passing grade for each section of the examination separately, and shall apply such grade uniformly to all persons taking that examination.
- (C) If an oral examination is used, totally or as part of the examination process, the board must use as a basis for such oral examination a written prepared outline of subject matter based upon the core of knowledge in nursing home administration and upon practical training and experience. The board shall designate weighted values to the subject matter for such oral examination. Prior authorization for use of an oral examination must be granted by the board.
- (D) Failure to make a passing grade on any section of the examination constitutes failure to pass the examination. The candidate shall be required to repeat in the whole the section or sections previously failed.

- (E) If a candidate fails three times to attain a passing grade on the examination, he is no longer eligible to sit for the examination until he meets the requirements of rule 4751-1-05 and such additional education and experience requirements as may be prescribed by the board.

HISTORY: Replaces rule NH-1-07; Eff 9-29-70; (Amended) 10-1-74; 1-1-77  
Rule promulgated under: RC Chapter 119.  
Rule authorized by: RC 4751.04  
Rule amplifies: RC 4751.04, 4751.06, 119.032

**4751-1-08 Registration of institutions and training agencies; approval of courses of study and programs of instruction**

- (A) The board may approve any educational institution or affiliate or other training agency to provide the educational requirements of Chapter 4751. of the Revised Code and the rules adopted thereunder.

Any educational institution or affiliate or other training agency, if approved, shall be registered with the board for the purpose of offering any course of study or program of instruction deemed sufficient to meet the education and training requirements for the purpose of qualifying applicants for licensure as nursing home administrators or for the renewal of registration of licenses as nursing home administrators as required pursuant to Chapter 4751. of the Revised Code and the rules adopted thereunder.

- (1) Accredited educational institutions shall be deemed approved without application or registration.
- (2) Training agencies other than accredited educational institutions must individually apply to the board and if approved be registered by the board before submitting requests for the board's approval of educational activities. Registration with the board may be initiated by a letter of intent or written request from a training agency.
- (B) Prelicensure education – Courses of study or programs of instruction offered for the purposes of general educational requirements set forth in paragraph (A)(4) of rule 4751-1-05 of the Administrative Code and for the special academic requirement in health care administration, as set forth in paragraph (A)(5) of rule 4751-1-05 of the Administrative Code shall be deemed acceptable for such purposes, provided that:
- (1) The courses of study and programs of instruction in general education are offered for academic credit by an accredited educational institution which meets the standards set forth in paragraph (A) of rule 4751-1-02 of the Administrative Code.
- (2) The special courses of study or programs of instruction in health care administration must at least cover the subject areas set forth in the core of knowledge in nursing home administration as outlined in rule 4751-1-06 of the Administrative Code; course content need not be limited to these subject areas; these courses and programs must be approved by the board.
- (3) If academic credit is not offered, such course of study or program of instruction is within the jurisdiction of an academic department of an accredited university or college.

- (C) Continuing education – Courses of study or programs of instruction offered to meet the educational requirements for annual renewal of the certificate of registration of the nursing home administrator license as required pursuant to Chapter 4751. of the Revised Code and the rules adopted thereunder shall be in the subject areas of the core of knowledge in nursing home administration as outlined in rule 4751-1-06 of the Administrative Code, and shall be:
- (1) Credit or non-credit courses provided by an accredited educational institution which meets the standards set forth in paragraph (A) of rule 4751-1-02 of the Administrative Code;
  - (2) Non-degree courses or programs associated with accredited educational institutions;
  - (3) Courses or programs offered by other educational institutions which have been approved by the board;
  - (4) Courses or programs provided by approved training agencies as defined in paragraph (CC) of rule 4751-1-02 of the Administrative Code and which have been approved by the board.
- (D) Courses of study or programs of instruction offered for continuing education purposes on a non-academic credit basis shall be submitted to the board for approval at least ninety days prior to the anticipated date of registration for the course or program; such submittal shall be on forms prescribed and furnished by the board and shall provide thereon all required information. The board may grant a variance to the time frame for submittal upon a showing that a recent change in state or federal regulatory requirements affecting the nursing home industry necessitates prompt approval of the course of study or program of instruction so that nursing home administrators may receive timely information concerning compliance with the requirements.

HISTORY: Eff 1-1-77; 4-22-86; 6-14-89 (Emer.); 9-22-89  
Rule promulgated under: RC Chapter 119.  
Rule authorized by: RC 4751.04 Rule amplifies: RC 4751.07119.032

## **4751-1-081            Training agency approval**

A training agency for continuing education may either apply for provider status or submit each proposed continuing education course of study or program of instruction to the board for approval.

- (A) Provider status shall initially be granted for a one-year probationary period. Approval thereafter shall be granted for a two-year period.
- (1) An applicant for provider status shall, at least three months prior to the date of the first scheduled program offering, submit a completed application prescribed by the board. To be approved as a provider, the applicant shall establish all of the following:
    - (a) The proposed programs and program goals for the approval period meet or exceed the requirements of these rules;

- (b) The educational facilities and instructional aids are adequate and appropriate;
  - (c) The program presenters have the professionally recognized skills to conduct the programs being offered;
  - (d) The programs are in the subject areas of the core of knowledge in nursing home administration as outlined in rule 4751-1-06 of the Administrative Code;
  - (e) There are adequate procedures to maintain records for each program presented, including, but not limited to, the program content, presenter qualifications, and attendee names.
- (2) A provider shall comply with all of the following:
- (a) Operate in compliance with the requirements of paragraph (A)(1) of this rule;
  - (b) Seek the evaluation of each program attendee;
  - (c) Ensure that one clock hour of continuing education is earned by sixty minutes of classroom instruction;
  - (d) Provide each program attendee who completes the program with a certificate of completion that includes the following information:
    - (i) Name of the provider and provider number;
    - (ii) Name and date of the program;
    - (iii) Name of the attendee;
    - (iv) Core of knowledge subject area into which the program falls;
    - (v) Number of clock hours earned;
    - (vi) Nursing home administrator license number of the attendee, if applicable;
  - (e) Prominently display its provider number and the license renewal requirement to which the program will apply on all promotional literature;
  - (f) At the board's request, furnish records of program content, presenter qualifications, and attendee names for each program presented during the approval period.
  - (g) Assume responsibility for the quality of any program presented under its provider number;
  - (h) Ensure that all continuing education programs are open and offered to the public.

- (3) An applicant for renewal of provider status shall submit to the board no later than three months prior to the expiration of its approval, a completed application demonstrating continued compliance with the requirements of these rules. An applicant seeking its first two-year approval shall also submit a synopsis of all programs conducted during the probationary period.
  - (4) The board, in compliance with chapter 119. of the Revised Code, may refuse to issue or renew or may suspend or revoke the provider status of a training agency that fails to comply with the requirements of rules in this chapter.
- (B) Courses of study or programs of instruction offered for continuing education purposes by an entity other than an accredited or approved educational institution or approved provider shall be submitted to the board on a completed application prescribed by the board at least ninety days prior to the anticipated date of registration for the course or program; the board may consider applications received after the deadline upon a showing that a recent change in state or federal regulatory requirements affecting the nursing home industry necessitates prompt approval of the course or program so that nursing home administrators may receive timely information concerning compliance with the requirements.

HISTORY: Eff 1-1-99  
Rule promulgated under: RC Chapter 119.  
Rule authorized by: RC 4751.03, 4751.04  
Rule amplifies: RC 4751.03, 4751.04, R. C. 119.032

#### **4751-1-09 Administrator-in-training program; practical training and experience**

The board has established the administrator-in-training program as the way whereby a person seeking initial licensure as a nursing home administrator may obtain practical training and experience in nursing home administration under direct supervision of a licensed nursing home administrator (administrator/preceptor) who is in full-time practice in the nursing home approved by the board as the applicant's internship training site.

- (A) Applying for registration in the AIT program:
- (1) An applicant for registration in the nursing home administrator-in-training program shall submit such application in the manner and on the forms prescribed by the board, which consists of:
    - (a) The application form having complete and accurate entries of information;
    - (b) Certified transcript(s) of college credits and proof of degree(s), in accordance with division (A)(4) of rule 4751-1-05; said transcripts to be sent by the institution directly to the office of the board;
    - (c) Certificate or other specific and adequate documentation of completion of approved course of study or program of instruction meeting the special academic requirements in the subject areas specific to health care administration in accordance with division (A)(5) of rule 4751-1-05;

- (d) Any additional or supplemental documentation to support data entries on the application form and to establish any qualifying administrative experience;
  - (e) The training plan, with its supporting documentation;
- (2) All parts of the application shall be on file with the board at least thirty days prior to the regular meeting of the board preceding the requested beginning date of the AIT program;
  - (3) AIT program shall begin only on the first day of the first month of the calendar quarter, namely: January 1, April 1, July 1, October 1.
- (B) The applicant – before approving the registration of an applicant for internship in the administrator-in-training program, the board must be satisfied that the applicant meets or will meet the following requirements. The applicant:
- (1) Is at least eighteen years of age; and
  - (2) Is of good character; and
  - (3) Is in good health and is otherwise suitable to the practice of nursing home administration under the criteria set forth in division (A)(3) of rule 4751-1-05; and
  - (4) Has attained the general education qualifications as prescribed in division (A)(4) of rule 4751-1-05; and
  - (5) Has completed, or has arranged for completing, the special academic requirements prescribed in division (A)(5) of rule 4751-1-05, and has submitted documentation of such to the board; and
  - (6) Has arranged for a period of practical training and experience (internship), pursuant to rule 4751-1-05(A)(6), in a training agency (internship site) approved by the board; and
  - (7) Shall not be employed in the internship site in any capacity other than that of administrative trainee during the period of practical training and experience; and
  - (8) Does not have a substantial financial interest in the nursing home which is to be the site wherein the major portion of the training time will be served.
- (C) The training plan for practical training and experience (internship) for the AIT program must provide documentation that the following requirements have been or will be met:
- (1) A pre-training assessment of the applicant's background in terms of educational level, pertinent experience, maturity, motivation, initiative has been made jointly by the applicant and his preceptor, the supervisor of this practical training experience.
  - (2) Based on the assessment, the applicant and his preceptor jointly have developed a detailed goal-oriented training plan with adequate supporting documentation which relates educational objectives, subject areas of the core

of knowledge-nursing home administration, training sites, and/or agencies involved, estimated number of hours needed for mastering each objective, and total of hours in training plan.

- (3) Supporting documentation for the training plan shall include qualifications of the preceptor and of the director of nursing in the training sites, and such descriptive information for each training site and staff as is necessary to determine its adequacy for the specific educational objective(s) for which it is designated.
- (4) The board shall have the right to monitor and call for conference any party or parties thereto during the course of said internship.
- (5) Following the completion of the internship and preceding admission to examination for licensure, the board shall determine if the applicant has received training consistent with the guidelines established by the board in these rules.

(D) Reports

- (1) Each administrator-in-training shall file such periodic and summary reports as required by and in the format prescribed by the board.
- (2) All reports are to be co-signed by the administrator-in-training and the administrator/preceptor and filed with the board no more than ten days following the end of the reporting period.
- (3) If an administrator-in-training fails to file reports promptly, such trainee may be deemed to have abandoned the administrator-in-training program.

(E) Reciprocity

Any administrator-in-training in an approved preceptorial training program of another state who transfers residence to the state of Ohio may receive credit at the discretion of the board toward the internship requirements of this state, provided that:

- (1) The administrator-in-training applies for registration with this board within sixty days after leaving the former training program;
- (2) There is in effect a reciprocity agreement for the administrator-in-training program between the state of origin and the state of Ohio.

(F) Interruption, discontinuance, or disqualification

- (1) Discontinuance by the administrator-in-training of the internship in the approved training site shall be reported to the board by the trainee and by the administrator/preceptor within ten days after such discontinuance.
- (2) The internship period in whole or in part may be disqualified or disallowed if it is determined by the board that the administrator-in-training has failed to serve a bona fide internship in conformity with these rules.

- (3) Approved registration in the administrator-in-training program in no way implies authority for the trainee to serve in the capacity of a nursing home administrator; such action by a trainee may disqualify the entire period of internship.
  - (4) In the event the preceptor fails to provide the administrator-in-training an opportunity for adequate professional and occupational experience under supervision in the administrative and operating activities of a nursing home, the board may disqualify the administrator/preceptor from further service as such in the administrator-in-training program.
- (G) Miscellaneous
- (1) Any financial arrangements between administrator/preceptor and administrator-in-training are the joint responsibility of the parties involved and are not the responsibility of the board.
  - (2) Should investigation by the board disclose any falsification or misrepresentation in an application or supportive documents, said application shall be rejected and the applicant disqualified.
  - (3) Any falsification or misrepresentation contained in any report or document attesting the facts, conditions and activities of the internship and submitted by the AIT, administrator/preceptor or other participants therein may be grounds for denial of admission to examination or for suspension or revocation of the nursing home administrator license in addition to any other penalties provided by law.
  - (4) In the event that during the administrator-in-training internship the training experience proves unsatisfactory, the board, at its discretion, may terminate or rearrange all or part of the internship.

HISTORY: Replaces rule NH-1-09; Eff 9-29-70; (Amended) 10-1-74; 1-1-77  
Rule promulgated under: RC Chapter 119.  
Rule authorized by: RC 4751.04  
Rule amplifies: RC 4751.05, 119.032

#### **4751-1-10 Licenses and registrations**

- (A) An applicant for a license as a nursing home administrator who has complied with the requirements of Chapter 4751. of the Revised Code and pertinent rules adopted pursuant thereto and who has passed the required examinations and has paid to the board an original license fee of two hundred fifty dollars, shall be issued a license certifying that such person is entitled to practice as a licensed nursing home administrator under Chapter 4751. of the Revised Code, unless the board is prohibited from doing so pursuant to section 2301.373 of the Revised Code.
- (B) Every licensee shall annually register with the board. The application for renewal shall contain such information as may be specified by the board, including, but not limited to, name, address, practice status, employer(s), place(s) of employment, hours of employment, job assignment and continuing education training taken during the annual period immediately preceding such application. Annual registration must be completed prior to the date of expiration of the last issued certificate of registration in order to maintain continuing compliance with Chapter 4751. of the Revised Code.



- (C) Annually, a minimum of twenty clock hours of approved continuing education, as set forth in rule 4751-1-13 of the Administrative Code, shall be required for renewal of registration of the nursing home administrator license. Failure to renew the certificate of registration prior to the date of expiration invokes the penalty of additional hours of continuing education as set forth in paragraph (D) of this rule.
- (D) The nursing home administrator whose certificate of registration has not been renewed by the renewal date shall be required to have completed an additional five clock hours of continuing education per calendar quarter, up to forty hours.
- (E) Any nursing home administrator who has not renewed his or her certificate of registration after six months of the renewal date and who has not notified the board of his or her intention to abandon practice is deemed to have abandoned practice of nursing home administration pursuant to division (E) of section 4751.07 of the Revised Code and must re-apply for licensure as a nursing home administrator under the current requirements.
- (F) The board shall issue a certificate of registration to each nursing home administrator who meets the requirements of Chapter 4751. of the Revised Code and rules adopted by this board pursuant thereto, unless the board is prohibited from doing so pursuant to section 2301.373 of the Revised Code.
- (G) The license of a nursing home administrator who fails to qualify for renewal prior to the expiration date shall automatically lapse and become invalid on said date; practice of nursing home administration by the licensee subsequent thereto is in violation of sections 4751.02 and 4751.09 of the Revised Code, and subjects the licensee to proceedings against him or her under the cited sections of the statute and/or under section 4751.10 of the Revised Code.
- (H) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current certificate of registration.
- (I) The current certificate of registration must be exhibited by the nursing home administrator when requested by any of the following:
  - (1) An officer or employee of the board, or of the state, county or city health department, or other governmental agency engaged in the administration or enforcement of the public health law, the sanitary code, and rules and regulations pertaining to nursing homes or nursing home administrators;
  - (2) An employer in whose employ the licensee practices or intends to practice nursing home administration.
- (J) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.

**HISTORY:** Eff 1-1-77; 2-20-84; 1-1-99  
 Rule promulgated under: RC Chapter 119.  
 Rule authorized by: RC 4751.06, 4751.07  
 Rule amplifies: RC 4751.06, 4751.07, R.C. 119.032

## 4751-1-11 Temporary license

- (A) Upon request of the operator of a nursing home, a temporary license may be issued by the board for a period not to exceed one hundred eighty days to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness or such other cause as the board may deem sufficient to justify the issuance of such temporary license.
- (B) An individual applying to the board for temporary licensure shall be required to furnish satisfactory evidence; namely, that the applicant:
  - (1) Has graduated from high school or holds a general education development (GED) certificate of equivalent competency;
  - (2) Is at least eighteen years of age;
  - (3) Is of good moral character;
  - (4) Is suitable and fit to be licensed as a temporary nursing home administrator as evidenced by:
    - (a) Presence of good health and freedom from communicable disease;
    - (b) Absence of any physical or mental impairment that would be likely to interfere with the performance of the duties of a temporary nursing home administrator;
    - (c) Ability to understand and communicate general and technical information necessary to the temporary administration and operation of a nursing home;
    - (d) Ability to assume responsibilities for the temporary administration of a nursing home as evidenced by prior activities and prior service satisfactory to the board;
    - (e) Ability to relate the physical, psychological, spiritual, emotional and social needs of the patients to the temporary administration of a nursing home, and to create a climate necessary to meet the needs of the patients.
- (C) An applicant for temporary licensure shall submit with his application a certified check or money order for the fee as provided for in rule 4751-1-16 of the Administrative Code.
- (D) No portion of the one-hundred-eighty-day period allowed for a temporary license will be recognized as fulfilling any part of any internship requirement which is a condition precedent to admission to examination for licensure as a nursing home administrator.
- (E) A temporary license may be revoked for any violation contained in section 4751.10 of the Revised Code, and these rules.
- (F) The board may delegate its authority to review the applications for temporary licensure to its executive secretary in order that temporary licenses may be issued in emergency and hardship cases.

**HISTORY:** Replaces rule 4751-1-11; Eff 10-1-74; 10-16-83  
Rule promulgated under: RC Chapter 119.

## 4751-1-12 Suspension or revocation of license

- (A) The board shall suspend or revoke the license or certificate of registration, or both, or the temporary license of a nursing home administrator if such licensee or temporary licensee:
- (1) Has willfully or repeatedly violated any of the provisions of chapter 4751. of the Ohio Revised Code or the rules adopted thereunder; or
  - (2) Has willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the nursing home in which he is the administrator; or
  - (3) Is guilty of fraud or deceit in the practice of nursing home administration or in his admission to such practice; or
  - (4) Has been convicted in a court of competent jurisdiction, either within or without this state, of a felony; or
  - (5) Is unfit or incompetent by reason of negligence, habits, or other causes.
- (B) The following shall be deemed prima facie examples of those activities which demonstrate that a person is unfit or incompetent by reason of negligence, habits, or other causes to serve as a nursing home administrator:
- (1) Failure to make good faith attempts, via methods of administrative management, to assure that the nursing home in which he is the administrator conforms with the provisions of pertinent statutes, codes, rules and regulations of the licensing or supervising authority or agency, federal, state or local, having jurisdiction over the operation and licensing of nursing homes;
  - (2) Dependency upon or addiction to the use of alcoholic beverages or drugs regulated by the local, state and Federal Narcotics Law;
  - (3) Failure to conform with the requirement imposed by rule 3701-17-08(A) or the sanitary code.
  - (4) Failure to be responsible for planning, organizing, directing, and managing the operation of a nursing home in such manner to insure the safety, health and welfare of the patients in any facility under his supervision;
  - (5) Physical inability to serve as a nursing home administrator as evidenced by the statement of two licensed physicians;
  - (6) Mental incompetency declared by a decree of any court;
  - (7) Willfully permitting unauthorized disclosure of information relating to a patient in a nursing home under his administration;

- (8) Lawful revocation or suspension by the duly constituted authorities of another state of any nursing home administrator's license which may have been issued said licensee by another state.
- (C) Licensed nursing home administrators governed by Chapter 4751. of the Ohio Revised Code, and by these rules, shall be disciplined in accordance with Chapters 4751. and 119. of the Ohio Revised Code.
- (D) Proceedings leading to suspension or revocation of the license or certificate of registration, or both, or the temporary license of a nursing home administrator shall be instituted by the board or shall be begun by filing with the board charges in writing and under oath.

**HISTORY:** Replaces rule 4751-1-12; Eff 10-1-74  
 Rule promulgated under: RC Chapter 119.  
 Rule authorized by: RC 4751.04  
 Rule amplifies: RC 4751.02, 4751.09, 4751.10

### **4751-1-13 Continuing Education**

- (A) As required in paragraph (C) of rule 4751-1-10 of the Administrative Code, nursing home administrators shall complete a minimum of twenty clock hours of approved continuing education each year in the fifteen-month period preceding renewal of the registration of the nursing home administrator license.
  - (1) A minimum of fourteen hours of continuing education must be taken through an approved training agency for continuing education as defined in paragraph (CC) of rule 4751-1-02 of the Administrative Code.
  - (2) A maximum of six hours of continuing education may be taken from other approved courses or programs.
  - (3) A maximum of five (5) hours of continuing education may be taken by self-study.
- (B) Continuing education credit prior to the last quarter of the previous registration anniversary year may not be accumulated from year to year.
- (C) Continuing education courses which are to be accreditable to fulfilling the requirements for annual renewal of the certificate of registration must be submitted to the board by the training agency conducting the educational activity, in accordance with rule 4751-1-08 of the Administrative Code. Board approval is granted to the training agency conducting the educational activity, not to the individual nursing home administrator.
- (D) Certificates of attendance at continuing education courses, or other substantiating documentation, must be submitted by the nursing home administrator at the same time as and be attached to the form for application for annual renewal of registration. An exact copy of the certificate or other documentation is acceptable. No documents will be returned.

**HISTORY:** Replaces rule 4751-1-13; Eff 1-1-77; 10-16-83  
 Rule promulgated under: RC Chapter 119.  
 Statutory Authority: 4751.06, 4751.07  
 Rule amplifies: RC 4751.07

## **4751-1-14**    **Recognition of out-of-state license**

- (A) The board, in its discretion, and otherwise subject to the provisions of Chapter 4751. of the Revised Code and the rules adopted thereunder, may license, without general examination, a nursing home administrator if the person has a valid license issued by the proper authorities of any other state or political subdivision of the United States, upon payment of the required fee as provided in rule 4751-1-16 of the Administrative Code, provided:
- (1) That such other state or subdivision of the United States maintained a system and standard of qualifications and examinations for a nursing home administrator license, which were substantially equivalent to those required in the state of Ohio; and
  - (2) That such applicant is familiar with Ohio's laws and rules relative to the licensure of the facility and to the licensure of the administrator and has successfully passed the board's examination on Ohio laws and rules; and
  - (3) That such applicant holds a valid license which has not been revoked in any state within three years of the time of application for licensure; and
  - (4) That such applicant's license has not been suspended in any state within one year of the time of application for licensure.
- (B) If the applicant meets all of the requirements in paragraph (A) of this rule and is also a certified administrator in good standing with the American college of health care administrators, the executive secretary of the board may issue the license without prior board approval. The issuance shall be presented for the board's ratification at the next meeting of the board.

**HISTORY:**    Eff 10-1-74; 10-16-83; 1-1-99  
                  Rule promulgated under: RC Chapter 119.  
                  Rule authorized by: RC 4751.03, 4751.04, 4751.08  
                  Rule amplifies: RC 4751.03, 4751.04, 4751.12, R.C. 119.032

## **4751-1-16**    **Fees**

Fees provided for throughout Chapter 4751. of the Administrative Code shall be published by the board on a fee schedule in the amounts allowable under Chapter 4751. of the Revised Code. Said fees are to be paid by check or money order and made payable to "Treasurer, State of Ohio." All fees are to be transmitted to the office of the board.

- (A) Administrator-in-training application fee: fifty dollars.
- (B) Licensure examination fee: one hundred fifty dollars.
- (C) Endorsement of out-of-state license fee: one hundred fifty dollars.
- (D) Temporary license fee: one hundred dollars.
- (E) Annual registration fee: three hundred dollars.
- (F) Duplication/replacement fee: twenty-five dollars.
- (G) Original license fee: two hundred fifty dollars.

HISTORY: Eff 9-29-70; 1-1-77; 10-16-83; 1-1-99  
Rule promulgated under: RC Chapter 119.  
Rule authorized by: RC 4751.04, 4751.05, 4751.06, 4751.07, 4751.08  
Rule amplifies: RC 4751.04, 4751.05, 4751.06, 4751.07, 4751.08, R.C. 119.032

## **4751-1-17 Personal information systems**

- (A) The board secretary shall be responsible for each personal information system maintained by the board of examiners of nursing home administrators. Said employee shall:
- (1) Inform other employees who have any responsibility for the operation, maintenance, or use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and the rules adopted thereunder; and
  - (2) Inform a person who is asked to supply personal information for a system whether the person is legally required to, or may refuse to, supply the information; and
  - (3) Assure that only that personal information which is necessary and relevant to the functions of the board as required or authorized by statute or rule is collected and maintained; and
  - (4) Upon the request and the proper identification of the person, allow the person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. The employee shall:
    - (a) Inform the person of any personal information in the system of which he is the subject;
    - (b) Except for investigative files or trial preparation files as provided for in division (E)(2) of section 1347.08 of the Revised Code, permit the person, his legal guardian, or an attorney who presents a signed, written authorization made by the person to inspect all personal information in the system of which he is the subject;
    - (c) Inform the person about the types of uses made of the personal information, including the identity of any user usually granted access to the system;
    - (d) Allow a person who wishes to exercise a right provided by this paragraph to be accompanied by another individual of his choice;
    - (e) Provide, upon request, copies of any personal information the person is authorized to inspect. Reasonable charges are made for providing requested copies, not to exceed cost of copying.
  - (5) Investigate disputes to the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code.
- (B) The board shall reprimand in writing any employee who initiates or contributes to any disciplinary or punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public, evidence of

unauthorized use of information contained in the system. A copy of such reprimand shall be entered in the employee's personnel file.

- (C) The board shall monitor the accuracy, relevance, timeliness, and completeness and in accordance with procedures, maintain information that is necessary to assure fairness in any determination made with respect to a person on the basis of the information, eliminating information that is no longer necessary; and

If a person who is the subject of personal information disputes the accuracy, relevance, timeliness or completeness of the information and requests the board to investigate the current status of the information, the board shall:

- (1) Within ninety days after receiving the request, make a reasonable investigation to determine whether the disputed information is accurate, relevant, timely, and complete; and
  - (2) Notify the disputant of the results of the investigation and of the action the board plans to take with respect to the disputed information; and
  - (3) Delete any information that it cannot verify or that it finds to be inaccurate; and
  - (4) Permit the disputant, if he is not satisfied with the board's determination, to include within the system:
    - (a) A brief statement of his position on the disputed information, such statement being limited to one hundred words with the board assisting the disputant to write a clear summary of the dispute; or
    - (b) A notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete, with the board maintaining a copy of the disputant's statement of the dispute.
- (D) The board shall not place personal information into an interconnected and combined system, unless such system will contribute to the efficiency of the involved agencies in implementing programs that are authorized by law.

**HISTORY:** Replaces rule 4751-1-17; Eff 10-16-83  
Rule promulgated under: RC Chapter 119.  
Rule amplifies: RC Chapter 1347.

Last reviewed 12-11-2009