

# CHAPTER 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

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### **Authority**

The provisions of this Chapter 39 issued under the Nursing Home Administrators License Act (63 P. S. § § 1101—1114), unless otherwise noted.

### **Source**

The provisions of this Chapter 39 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 122, unless otherwise noted.

### **Cross References**

This chapter cited in 49 Pa. Code § 41.26 (relating to professional corporations); and 49 Pa. Code § 47.21 (relating to professional corporations).

### **GENERAL**

#### **§ 39.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*AIT—Administrator-in-training*—An individual registered with the Board under § 39.101 (relating to AIT) to serve a period of practical training and experience under the supervision of a licensed nursing home administrator.

*AIT program*—A program established by the Board as a means for an applicant for licensure as a nursing home administrator to obtain practical training and experience under the supervision of a licensed nursing home administrator.

*Act*—The Nursing Home Administrators License Act (63 P. S. § § 1101—1114.2).

*Board*—The State Board of Examiners of Nursing Home Administrators, a departmental administrative board in the Department of State.

*Clock hour*—A minimum unit of education consisting of 60 minutes of instruction. Programs longer than 60 minutes will be credited in 30 minute increments.

*Continuing education record*—A document issued by the provider to the participant which contains the title of the program, the hours of education and the dates attended or completed.

*Examiner*—A member of the Board.

*Full-time*—A minimum of 4 days per week comprising a minimum of 35 hours.

*Governing authority*—The board of directors for a not-for-profit nursing home, the county commissioners for a county public nursing home, the licensee for an operated-for-profit nursing home and the Office of Medical Services and Facilities of the Department of Public Welfare for a Commonwealth restoration center.

*Individual study*—A continuing education course which does not have an instructor or other interactive learning methodologies and which requires a passing grade on a written examination or workbook.

*License*—Certification of an applicant who has met the requirements of the act and of this chapter that entitle the applicant to serve, act, practice and otherwise hold himself out as a licensed nursing home administrator.

*NAB*—The National Association of Boards of Examiners of Long-Term Care Administrators.

*Nursing home*—An institution or facility in which nursing care and related medical or other health services are provided for a period exceeding 24 hours, for two or more individuals, who are not relatives of the administrator, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or medical infirmity, need care.

*Nursing home administrator*—An individual licensed under the act who is charged with the general administration of a nursing home whether or not the individual has an ownership interest in the home and whether or not the individual's functions and duties are shared with one or more other individuals.

*Practice of nursing home administration*—The planning, organizing, directing and control of the operation of a nursing home.

*Related health facility*—An intermediate care facility for the mentally retarded (ICF/MR) licensed by the Department of Public Welfare or a public or private institution licensed by the Department of Health or operated by the Federal

government, for profit or not-for-profit, organized to provide professional services for the diagnosis, treatment or care of illness, injury or disease, which is limited to skilled and intermediate care nursing homes, special and general hospitals or other institutions of a similar nature that provide professional nursing and other professional health services to patients admitted for at least a 24-hour period. The term includes an institution or facility licensed by the Department of Health in which health services are provided on a regular basis to resident individuals who do not require the degree of care and treatment that a hospital or skilled nursing facility, as defined in section 802a of the Health Care Facilities Act (35 P. S. § 448.802a), is designed to provide but who, because of the individuals' mental or physical condition, require health services above the level of room and board.

*Supervision*—The act of overseeing or directing a license applicant during the period of qualifying work experience.

*Supervisor*—An individual who is present in a nursing home or related health facility on a full-time basis and who is charged with the responsibility of overseeing a specific department in a nursing home or related health facility; that is, nursing, housekeeping, dietary, laundry, pharmaceutical services, social service, business office, recreation, medical records, admitting, physical therapy, occupational therapy or medical and dental services.

*Supervisory experience*—Knowledge gained from having acted as a supervisor in the administration of a nursing home, 1,000 of which service shall have been under the supervision of a full-time licensed nursing home administrator. See § 39.5(c) (relating to for admission to licensing examination; examination procedures).

*Temporary permit*—A permit issued by the Board which authorizes an individual not licensed by the Board to serve as a nursing home administrator only in the particular facility indicated on the permit application for up to 1 year in the event of unusual circumstances affecting the administration of a nursing home, such as the death, disability, resignation or dismissal of the licensed administrator or other emergency as determined by the Board.

### **Authority**

The provisions of this § 39.1 amended under sections 4, 9(b) and 14 of the Nursing Home Administrators License Act (63 P. S. §§ 1104, 1109(b) and 1114).

### **Source**

The provisions of this § 39.1 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended April 18, 1975, effective April 19, 1975, 5 Pa.B. 931; amended March 5, 1976, effective March 6, 1976, 6 Pa.B. 418; amended January 25, 1985, effective January 26, 1985, 15 Pa.B. 254; amended December 13, 1991, effective December 14, 1991, 21 Pa.B. 5725; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362; amended July 11, 2008, effective July 12, 2008, 38 Pa.B. 3811; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3092. Immediately preceding text appears at serial pages (335549) to (335551).

## Notes of Decisions

### *Nursing Home*

A mental retardation facility does not meet the definition of a nursing home. *Bonham v. Board of Examiners of Nursing Home Administrators*, 375 A.2d 821 (Pa. Cmwlth. 1977).

### *Practice of Nursing Home Administration*

In holding that 49 Pa. Code § 39.5(b)(4)(ii) requires that the 1000 hours of service in nursing home administration be spent in the nursing facility, the Court noted that the Board has defined the “[p]ractice of nursing home administration” as “[t]he planning, organizing, directing, and control of the operation of a nursing home.” *Romeis v. State Board of Examiners of Nursing Home Administration*, 459 A.2d 891 (Pa. Cmwlth. 1983).

## § 39.2. Objectives.

The following are the principal objectives of the Board:

- (1) To investigate the credentials of an applicant seeking licensure in this Commonwealth as a nursing home administrator.
- (2) To provide a fair and uniform method of examining a nursing home administrator to evaluate the administrator’s knowledge of the field of nursing home administration and to judge whether the administrator meets other applicable licensure requirements.
- (3) To establish a standard of competence for nursing home administration.
- (4) To provide an effective organization for the scrutiny and evaluation of a licensed administrator practicing in a nursing home.

(5) To investigate reported misconduct, breaches of ethics or conduct prejudicial to the welfare of the patients, the staff or the nursing home and to take appropriate action when necessary.

(6) To evaluate the standard of nursing home administration.

(7) To evaluate and approve programs of continuing education and programs of study and training for nursing home administrators.

(8) To educate the public to understand that the practice of nursing home administration is a profession which requires special training and experience.

### **Source**

The provisions of this § 39.2 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended December 13, 1991, effective December 14, 1991, 21 Pa.B. 5725. Immediately preceding text appears at serial pages (141038) to (141039).

### **§ 39.3. Powers, duties and functions.**

The powers, duties and functions of the Board are as follows:

(1) To develop, impose and enforce standards which shall be met by an applicant interested in being licensed as a nursing home administrator.

(2) To develop and apply appropriate techniques such as examinations and investigations to determine whether the individual meets applicable standards.

(3) To issue a license and registration to an individual who meets applicable standards.

(4) To establish and carry out procedures designed to insure that a licensed nursing home administrator complies with applicable standards.

(5) To receive, investigate and take appropriate action with respect to a charge or complaint filed with the Board pertaining to the failure of a nursing home administrator to comply with applicable standards.

(6) To conduct in cooperation with appropriate State, Federal and local agencies having facility approval or licensure responsibility a continuing study of nursing homes and administrators of nursing homes in this Commonwealth with a view to the improvement of the standards imposed for the licensing of administrators, and of

procedures and methods for the enforcement of the standards with respect to administrators of nursing homes who have been licensed as such.

(7) To issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony concerning matters within the jurisdiction of the Board.

(8) To make rules and regulations, not inconsistent with law, necessary for the proper performance of its duties, and to take other actions necessary to enable the Commonwealth to meet the requirements in appropriate Federal law, and other pertinent Federal authority.

(9) To revoke or suspend a license or registration for cause and to levy civil penalties of up to \$1,000 against a current licensee who violates the act, or against a person who practices nursing home administration without being properly licensed.

### **Source**

The provisions of this § 39.3 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended December 13, 1991, effective December 14, 1991, 21 Pa.B. 5725. Immediately preceding text appears at serial page (141039).

### **§ 39.4. Admission to practice; temporary permits.**

Admission to the practice of nursing home administration in this Commonwealth will be granted by the Board as follows:

(1) By the issuance of a license by examination to an applicant who meets the requirements in section 6 of the act (63 P. S. § 1106) and in this chapter.

(2) By the issuance of a license by endorsement to an applicant who has been licensed by examination in another state of the United States, if the applicant meets the requirements in section 10 of the act (63 P. S. § 1110) and of this chapter.

(3) By issuance of a temporary permit to an applicant who meets the requirements in section 14 of the act (63 P. S. § 1114) and in this chapter. The issuance of a temporary permit is subject to the following conditions:

(i) A temporary permit entitles the holder to serve in an emergency as a nursing home administrator only in the particular facility indicated on his application, and is valid for a period as determined by the Board, not to exceed 1 year from the date of issuance, and may not be thereafter renewed or continued.



(ii) The issuance of a temporary permit will not be construed to mean that the holder qualifies to sit for the nursing home administrators licensing examination. However, if the holder meets the education and experience requirements in § 39.5(b) (relating to requirements for admission to licensing examination; examination procedures), the holder may apply to sit for the nursing home administrators licensing examination.

(iii) The Board will not issue a temporary permit to an applicant who has failed to pass any part of the nursing home administrators licensing examination.

(iv) Public notice of the issuance of a temporary permit will be given by the Board in accordance with 45 Pa.C.S. § § 301—310 (relating to Newspaper Advertising Act), with the cost of advertising the notice to be paid by the holder of the temporary permit. The public notice concerning the temporary permit will be advertised in a daily newspaper published in the county where the nursing home is located, once a week for 3 consecutive weeks, and will contain the following information: the name and address of the holder of the temporary permit, the name and address of the nursing home which the holder of the temporary permit is permitted to serve, the reason for the issuance of the temporary permit, the period for which the temporary permit is issued, the date the temporary permit expires and other information the Board may require as relevant.

(v) Prior to the issuance of a temporary permit, the applicant shall appear before the Board accompanied by the manager, owner or representative of the governing body of the facility in which the applicant will be acting as a nursing home administrator if the permit is issued.

(vi) A temporary permit becomes void if either the holder fails to pass any part of the nursing home administrators licensing examination or the facility obtains the services of a licensed nursing home administrator and the holder must cease performing his duties as a temporary nursing home administrator immediately upon the occurrence of either event.

(vii) The temporary permit holder shall notify the Board and immediately return the temporary permit to the Board if the holder fails to pass any part of the nursing home administrators licensing examination or when the facility obtains the services of a licensed nursing home administrator.

### **Authority**

The provisions of this § 39.4 amended under sections 4 and 14 of The Nursing Home Administrators License Act (63 P. S. § § 1104 and 1114).

## Source

The provisions of this § 39.4 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended March 5, 1976, effective March 6, 1976, 6 Pa.B. 418; amended December 13, 1991, effective December 14, 1991, 21 Pa.B. 5725; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3092. Immediately preceding text appears at serial pages (208644) and (335553).

### **§ 39.5. Requirements for admission to licensing examination; examination procedures.**

(a) A candidate who seeks admission to the licensing examination shall meet the following requirements. The candidate shall:

(1) Be at least 21 years of age.

(2) Submit evidence of good moral character and suitability as prescribed by the Board in the examination application.

(3) Pay the required fee for examination and licensure.

(b) A candidate who seeks admission to the licensing examination shall also meet one of the following sets of education and experience requirements. The candidate shall:

(1) Have:

(i) Successfully completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2) (relating to approval of programs of study).

(ii) Successfully completed 2 academic years of college-level study, 30 semester hours each year, in an accredited institution of higher learning.

(iii) Done one of the following:

(A) During the 18 months immediately preceding the date of application, acquired experience in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During 3 of the 5 years immediately preceding the date of application, served satisfactorily as a full-time supervisor in a nursing home or related health

facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(2) Have:

(i) Successfully completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2).

(ii) Been issued a registered nurse license in this Commonwealth which is currently renewed.

(iii) Done one of the following:

(A) During the 18 months immediately preceding the date of the application, served satisfactorily as a full-time director of nursing for 6 months and, during the 12 months immediately preceding the date of application, but not concurrent with the service as a director of nursing, acquired experience in the practice of nursing home administration by having served satisfactorily as a full-time assistant administrator in a nursing home or related health facility under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During 2 of the 5 years immediately preceding the date of application, served satisfactorily as a full-time director of nursing in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(3) Have:

(i) Been awarded a baccalaureate degree from an accredited college or university.

(ii) Successfully completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2), unless the candidate has a baccalaureate degree in nursing home administration or a baccalaureate degree in a program equivalent to nursing home administration. The burden is on the candidate to demonstrate that the baccalaureate degree that the candidate has earned is equivalent to a baccalaureate degree in nursing home administration. Baccalaureate degree equivalency will be determined by the Board based upon the applicant's transcripts

and course descriptions. Candidates who have successfully completed a baccalaureate curriculum which is not in nursing home administration or equivalent to nursing home administration, but incorporates the 120-hour program as part of the curriculum, are not required to complete the 120-hour program separately. The burden is on the candidate to demonstrate that the 120-hour program is incorporated in the baccalaureate curriculum. The Board will evaluate the transcripts and course descriptions of the candidate and compare them to the requirements of § 39.14(a)(2) to determine if the 120-hour program was successfully completed as part of the baccalaureate curriculum.

(iii) Done one of the following:

(A) During the 9 months immediately preceding the date of application, acquired experience in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During 18 months of the 5 years immediately preceding the date of application, served satisfactorily as a full-time supervisor in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(C) During the 2 years immediately preceding the date of application, acquired 1,000 hours of experience in the practice of nursing home administration by having served satisfactorily as an AIT in a nursing home under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth, in accordance with §§ 39.101—39.103 (relating to AIT Program).

(4) Have:

(i) Been awarded, from an accredited college or university, a master's degree in nursing home administration, in hospital administration, in public health administration or in another academic area, including social gerontology, in which there is an emphasis in related health facility administration.

(ii) Done one of the following:

(A) During the 5 years immediately preceding the date of application, either acquired 6 months of satisfactory full-time supervisory experience in the administration of a nursing home under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth or acquired 6 months of satisfactory full-time experience in the administration of a related health facility under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During the 2 years immediately preceding the date of application, acquired 800 hours of experience in the practice of nursing home administration by having served satisfactorily as an AIT in a nursing home under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth, in accordance with §§ 39.101—39.103.

(5) Have:

(i) Successfully completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2).

(ii) Acquired 2 years of satisfactory practical experience in the administration of a nursing home or related health facility, 1,000 hours of which practical experience shall have been under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth. A candidate will be required to appear personally before the Board to present documentation of the satisfactory practical experience claimed which includes a general knowledge of each of the following areas that are generally dealt with by a nursing home administrator: budget, hiring and firing, planning, personnel, supervision of staff, psychology of patients, medical and legal terminology, Federal and State rules and regulations governing nursing homes, rights of patients, basic principles of contract and tort law, principles of safety, purchasing, dietetic requirements and patient care.

(iii) Done one of the following:

(A) During the 18 months immediately preceding the date of application, acquired experience in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed

in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During 3 of the last 5 years immediately preceding the date of application, served satisfactorily as a full-time supervisor in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(c) The hours of experience in the practice of nursing home administration required of a candidate qualifying under subsection (b)(1)(iii)(B), (2)(iii)(B), (3)(iii)(B) or (C), (4)(ii)(B) or (5)(iii)(B) is designed to insure that the candidate has been exposed to hands-on practical application of the areas of educational training required in § 39.14(a)(2). The hours of experience must include a minimum of 300 hours in general administration, a minimum of 250 hours in patient services and care and a minimum of 250 hours in health and social service delivery systems. Any remaining hours may be distributed as needed to obtain the best results for each individual candidate. The nursing home administrator who supervised the candidate shall certify that the candidate has acquired the minimum number of hours for each area.

(d) A candidate shall pass a written examination that comprises two parts. Both parts of the examination are administered by a professional testing organization.

(1) An examination on the general principles of nursing home administration that are common to all jurisdictions that license nursing home administrators, known as the “uniform part.”

(2) An examination on the regulations of the Department of Health in 28 Pa. Code Part IV Subpart C (relating to long term care facilities), known as the “State part.”

(e) To pass the examination, a candidate shall achieve a passing score on both the uniform and State parts as set by the Board.

(f) Upon a timely request, the Board may allow a candidate to take the examination with the aid of a proctor, if the candidate is unable, because of physical problems, to take the examination under ordinary circumstances.

(g) A candidate who passes one part of the examination and fails the other is required to retake only the part failed. A candidate for reexamination on one or both parts of the examination shall submit an application to the Board and pay the required examination fee. As a condition precedent to reexamination after four failures, the

Board may require the candidate to attend Board-approved courses of study in subjects prescribed by the Board.

(h) A special examination will not be given to a candidate except as provided in subsection (f).

### **Authority**

The provisions of this § 39.5 amended under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and the Nursing Home Administrators License Act (63 P. S. § § 1101—1114).

### **Source**

The provisions of this § 39.5 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended April 18, 1975, effective April 19, 1975, 5 Pa.B. 931; amended March 5, 1976, effective March 6, 1976, 6 Pa.B. 418; amended April 23, 1976, effective April 24, 1976, 6 Pa.B. 2241; amended September 9, 1977, effective September 10, 1977, 7 Pa.B. 2606; amended March 27, 1981, effective March 28, 1981, 11 Pa.B. 1097; amended January 25, 1985, effective January 26, 1985, 15 Pa.B. 254; amended December 13, 1991, effective December 14, 1991, 21 Pa.B. 5725; amended December 30, 1994, effective December 31, 1994, 24 Pa.B. 6565; amended July 11, 2008, effective July 12, 2008, 38 Pa.B. 3811. Immediately preceding text appears at serial pages (208645) to (208648) and (253983).

### **Notes of Decisions**

The certification requirement of 49 Pa. Code § 39.5(c) of an applicant's completion of the required hours of service in nursing home administration under 49 Pa. Code § 39.5(b)(4)(ii) requires that those hours of service be performed while physically present in a nursing home facility rather than at a central corporate management office. *Romeis v. State Board of Examiners of Nursing Home Administrators*, 459 A.2d 891 (Pa. Cmwlth. 1983).

The provision of 49 Pa. Code § 39.5(b)(4)(ii) requiring 1000 hours of service in nursing home administration requires also that service be spent in the nursing home facility and not in the central office of a multi-facility health care corporation. *Romeis v. State Board of Examiners of Nursing Home Administrators*, 459 A.2d 891 (Pa. Cmwlth. 1983).

A mental retardation facility does not meet the definition of a nursing home and a facility administrator does not meet the requirements to take the examination for

licensure as a nursing home administrator by relying solely on experience as a facility administrator. *Bonham v. State Board of Examiners of Nursing Home Administrators*, 375 A.2d 821 (Pa. Cmwlth. 1977).

### **Cross References**

This section cited in 49 Pa. Code § 39.1 (relating to definitions); and 49 Pa. Code § 39.18 (relating to subordinate supervision—statement of policy).

### **§ 39.6. Examination applications.**

(a) *Application blank.* An application for examination shall be submitted in a manner prescribed by the Board.

(b) *Filing dates.* Initial applications shall be filed not later than 90 days prior to the date of the examination. Reexaminee applications shall be filed not later than 60 days prior to the date of the examination. Applications shall be accompanied by the required fee.

(c) *Place and time of examinations.* The Board will conduct examinations at least two times each year at times and places the Board will designate.

### **Authority**

The provisions of this § 39.6 amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 7 and 7.1 of the Nursing Home Administrators License Act (63 P. S. § § 1107 and 1107.1).

### **Source**

The provisions of this § 39.6 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended April 23, 1976, effective April 24, 1976, 6 Pa.B. 2241; amended August 19, 1983, effective August 20, 1983, 13 Pa.B. 2552; amended March 16, 1990, effective March 17, 1990, 20 Pa.B. 1503. Immediately preceding text appears at serial page (141045).

### **§ 39.7. Subject matter for examinations.**

(a) Every applicant for a license as a nursing home administrator, after meeting the requirements for qualification for examination as set forth in the act, shall successfully pass both a written examination given by professional examination services and a



written or oral examination or both based on the rules and regulations which shall include, but need not be limited to, the following subjects:

- (1) Applicable standards of environmental health and safety.
- (2) Health and safety rules and regulations.
- (3) General administration.
- (4) Psychology of patient care.
- (5) Principles of medical care.
- (6) Personal and social care.
- (7) Therapeutic and supportive care and services in long-term care.
- (8) Departmental organization and management.
- (9) Community interrelationships.

(b) The following shall be considered as guidelines with respect to the subjects for the written examinations:

(1) Applicable standards of environmental health and safety which includes the following:

- (i) Hygiene and sanitation.
- (ii) Communicable diseases.
- (iii) Management of isolation.
- (iv) The total environment, including noise, color, orientation, stimulation, temperature, lighting and air circulation.
- (v) Elements of accident prevention.
- (vi) Special architectural needs of nursing home patients.
- (vii) Drug handling and control.
- (viii) Safety factors in oxygen usage.

(2) Health and safety rules and regulations including applicable local, State and Federal regulations.

(3) General administration which shall include the following:

(i) Institutional administration.

(ii) Planning, organizing, directing, controlling, staffing, coordinating and budgeting.

(iii) Human relations, including the following:

(A) Management/employee interrelationships.

(B) Employee/employee interrelationships.

(C) Employee/patient interrelationships.

(D) Employee/family interrelationships.

(4) Training of personnel which shall include the following:

(i) Training of employee to become sensitive to patient needs.

(ii) Ongoing inservice training and education.

(5) Psychology of patient care which shall include the following:

(i) Anxiety.

(ii) Depression.

(iii) Drugs, alcohol and their effect.

(iv) Motivation.

(v) Separation reaction.

(6) Principles of medical care which shall include the following:

(i) Anatomy and physiology.

(ii) Psychology.

(iii) Disease recognition.

(iv) Disease processes.

(v) Nutrition.

(vi) Aging processes.

(vii) Medical terminology.

(viii) Materia medica.

(ix) Medical social service.

(x) Utilization review.

(xi) Professional and medical ethics.

(7) Personal and social care, including the following:

(i) Resident and patient care planning.

(ii) Activity programming, which shall include the following:

(A) Patient participation.

(B) Recreation.

(iii) Environmental adjustment, including interrelationships between patient and the following:

(A) Patient.

(B) Staff, including staff sensitivity to patient needs as a therapeutic function.

(C) Family and friends.

(D) Administrator.

(E) Management, including self-government and patient council.

(iv) Rehabilitation and restorative activities, including the following:

(A) Training in activities of daily living.

(B) Techniques of group therapy.

(v) Interdisciplinary interpretation of patient care to the following individuals:

(A) The patient.

(B) The staff.

(C) The family.

(8) Therapeutic and supportive care and services in long-term care which shall include the following:

(i) Individual care planning as it embraces therapeutic care and supporting services.

(ii) Meaningful observations of patient behavior as related to total patient care.

(iii) Interdisciplinary evaluation and revision of patient care plans and procedures.

(iv) Unique aspects and requirements of geriatric patient care.

(v) Professional staff interrelationships with patient's physician.

(vi) Professional ethics and conduct.

(vii) Rehabilitative and remotivational role of individual therapeutic and supportive services.

(viii) Psychological, social and religious needs, in addition to physical needs of patient.

(ix) Needs for dental services.

(9) Departmental organization and management, including the following:

(i) Criteria for coordinating establishment of Departmental and unit objectives.

(ii) Reporting and accountability of individual Departments to administrator.

(iii) Criteria for Departmental evaluation which shall include nursing, food, service, therapeutic services, maintenance and housekeeping.

(iv) Techniques of providing adequate professional, therapeutic, supportive and administrative services.

(v) 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 service.

(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.

(10) Community interrelationships, including the following:

- (i) Community medical care, rehabilitative and social services resources.
- (ii) Other community resources, including the following:
  - (A) Religious institutions.
  - (B) Schools.
  - (C) Service agencies.
  - (D) Government agencies.
- (iii) Third-party payment organizations.
- (iv) Comprehensive health planning agencies.
- (v) Volunteers and auxiliaries.

(c) Nothing contained in subsections (a) and (b) will preclude the Board from exempting a candidate from examination on subjects and knowledge which shall be in derogation of or in conflict with the teachings and practices of recognized religious faith of the candidate.

(d) For the examination composed by the Board, the Board will either prepare its own examination or use the services of a professional testing service it may deem appropriate.

### **Source**

The provisions of this § 39.7 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended April 23, 1976, effective April 24, 1976, 6 Pa.B. 2241; amended March 5, 1976, effective March 6, 1976, 6 Pa.B. 418. Immediately preceding text appears at serial pages (26524) and (26525).

### **§ 39.8. Licensure by endorsement.**

(a) Application blanks for licensure by endorsement shall be obtained by writing to the State Board of Examiners of Nursing Home Administrators, Commonwealth of Pennsylvania, Department of State, Post Office Box 2649, Harrisburg, Pennsylvania 17120. The required fee shall accompany the application in the form of a certified check or money order made payable to “Commonwealth of Pennsylvania N.H.A.”

(b) Two unmounted, finished passport size photographs, not proofs, 3 inches by 3 inches, facial features clear, of applicant shall be submitted with the application.

(c) The Board may issue a license by endorsement upon evidence that:

(1) The other state where the candidate is licensed maintained a system and standard of qualifications and examinations for nursing home administrators which were equivalent to those required in this Commonwealth at the time the other license was issued by the other state.

(2) The other state gives similar recognition and endorsement to nursing home administrator licenses of the Commonwealth.

(d) The applicant shall present to the Board satisfactory evidence of having met the minimum requirements of the act regarding age, education, character, citizenship and experience.

(e) Applicants may be required to submit evidence of personal and professional standing from the appropriate State agencies, associations or the state board in the state in which they have been practicing or from another source.

(f) Applicants may be required to appear in person before a member of the Board for oral examination and interview before the granting of any license by endorsement.

### **Source**

The provisions of this § 39.8 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244.

### **§ 39.9. Revocation or suspension of licenses.**

(a) The license and registration of a person practicing or offering to practice nursing home administration or the license of a provisional nursing home administrator may be revoked or suspended, or the licensee may be reprimanded, censured or otherwise disciplined upon decision and after due hearing by the Board in any of the following cases:

(1) If a licensed nursing home administrator is unfit or incompetent by reason of negligence, habits or other causes. Examples of instances of incompetence by reason of negligence, habits or other causes include, but are not limited to, the following:

(i) Failure to provide personnel sufficient in number and ability to assure safe patient care.

(ii) Failure to assure that nutrition, medications and treatments, including restraints, are in accordance with acceptable medical practice.

(iii) Proof that the licensee uses alcohol, drugs or both, in a manner that these habits interfere with the safe operation of the facility.

(2) If a licensed nursing home administrator has willfully or repeatedly violated the provisions of the act or the rules and regulations enacted by the Board, or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is the administrator.

(3) If a licensed nursing home administrator is guilty of fraud or deceit in the practice of nursing home administration or in his admission to the practice.

(4) If a licensed nursing home administrator has been convicted, pleaded guilty or nolo contendere in a court of competent jurisdiction, either within or without this Commonwealth, of a felony.

(5) If a licensed nursing home administrator shall allow, aid, abet, sanction or condone a violation by another licensed nursing home administrator of the act or the rules and regulations issued thereunder.

(6) If a licensed nursing home administrator fails to comply with section 8 of the act (63 P. S. § 1108) and continues to act as a nursing home administrator.

(b) For the purposes of enforcing the provisions of this section, the Board shall accept, review and investigate complaints from the Department of Health, the Department of Public Welfare and the Department of Labor and Industry pertaining to the maintenance and operation of homes within the Commonwealth.

### **Source**

The provisions of this § 39.9 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244.

### **Cross References**

This section cited in 49 Pa. Code § 39.91 (relating to standards of professional practice and professional conduct for nursing home administrators).



**§ 39.10. Display of certificates.**

(a) Every person licensed as a nursing home administrator shall display the license and certificate of biennial registration, in a conspicuous place in the office or place of business or employment of the licensee.

(b) Every licensed administrator shall carry his current wallet-sized biennial registration card while engaged in the practice of nursing home administration. The current biennial registration card shall be exhibited when requested by an employer in whose employ the licensee practices or intends to practice nursing home administration or an officer or employe of a governmental agency engaged in the administration or enforcement of nursing home laws, and the rules and regulations pertaining thereto.

**Source**

The provisions of this § 39.10 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244.

**§ 39.11. Biennial renewal.**

(a) Licenses are renewable each biennium, in the even-numbered years.

(b) Applications for renewal will be forwarded to each active licensee at the licensee's address of record with the Board prior to the expiration of the current biennial period.

(c) As a condition of biennial renewal, licensees shall complete 48 clock hours of continuing education during the preceding biennial period as required in § 39.61 (relating to requirements).

(d) Renewal applications shall be completed and returned to the Board office accompanied by the required renewal fee. Upon approval of each application, the applicant shall receive a certificate of registration for the current renewal period.

(e) An application for the renewal of a license which has expired shall be accompanied by a late fee or a verification of nonpractice, the renewal fee and documentation evidencing the satisfactory completion of the continuing education requirement for the preceding biennial period.

**Authority**

The provisions of this § 39.11 amended under section 9(b) of the Nursing Home Administrators License Act (63 P. S. § 1109(b)).

#### **Source**

The provisions of this § 39.11 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial pages (208655) to (208656).

#### **§ 39.12. Duplicate licenses.**

Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated or destroyed, the Board may issue a duplicate license or certificate upon the conditions as the Board may prescribe, and upon payment of the required fee.

#### **Source**

The provisions of this § 39.12 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244.

#### **§ 39.13. Registration of institutions and courses of study.**

(a) A course of study offered by an educational institution, association, professional society or organization for the purpose of qualifying applicants for licensure as nursing home administrators and for registration of licenses shall first be registered and approved by the Board.

(b) An application for registration and approval of a course of study shall be submitted to the Board, on forms provided therefor by the Board.

#### **Source**

The provisions of this § 39.13 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244.

#### **§ 39.14. Approval of programs of study.**

(a) A program of study designated to educate and qualify an applicant for licensure as a nursing home administrator offered by an accredited university or college shall be deemed acceptable and approved for the purpose, if the program:

(1) Is registered with the Board.

(2) Includes a minimum of 7½ clock hours in the following subject areas, appropriate to long-term care:

- (i) Administration, organization and management.
  - (ii) Gerontology, diseases of aging, death and dying.
  - (iii) The role of government in health policy and regulation.
  - (iv) Fiscal management, budgeting and accounting.
  - (v) Personnel management and labor relations.
  - (vi) Government and third-party reimbursement.
  - (vii) Preparing for licensure/certification/accreditation surveys and meeting other regulatory requirements.
  - (viii) Understanding regulations, deficiencies, plans of correction and quality assurance.
  - (ix) The nursing department and resident care management.
  - (x) Rehabilitation services and special care services.
  - (xi) Health support services: pharmacy, medical records and diagnostic services.
  - (xii) Facility support services: building/grounds, housekeeping, laundry and central supply.
  - (xiii) Dietary department and resident nutrition.
  - (xiv) Social services, family and community relationships and resident rights.
  - (xv) Risk management, safety and insurance.
  - (xvi) Strategic planning, marketing and public relations.
- (b) Upon completion of an approved program of study, the sponsors of the program shall issue certificates of attendance or other evidence of attendance satisfactory to the Board.

### **Authority**

The provisions of this § 39.14 amended under section 9(b) of the Nursing Home Administrators License Act (63 P. S. § 1109(b)).

### **Source**

The provisions of this § 39.14 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244; amended December 13, 1991, effective December 14, 1991, 21 Pa.B. 5725; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial pages (208656) to (208658).

### **Cross References**

This section cited in 49 Pa. Code § 39.5 (relating to requirements for admission to licensing examination; examination procedures); 49 Pa. Code § 39.51 (relating to standards for continuing education programs); and 49 Pa. Code § 39.61 (relating to requirements).

### **§ 39.15. Certification of program of study by the Board.**

The following are the requirements for Federal financial participation as provided under 42 U.S.C.A. § 1396g:

(1) 42 U.S.C.A. § 1396g(e)(1) and (2) provides Federal matching funds not to exceed 75% of the cost of training and instruction by qualified sponsor organizations that are designed to enable all individuals to whom a provisional license has been granted to attain necessary qualifications to meet the standards of licensing.

(2) Qualified sponsors desirous of participating in the use of the funds, shall first apply to the Board for registration and approval of the program as a condition precedent to certification for Federal financial participation by the single Commonwealth agency for 42 U.S.C.A. § § 1396a—1396i.

### **Source**

The provisions of this § 39.15 adopted January 28, 1972, effective January 29, 1972, 2 Pa.B. 2244.

### **§ 39.16. [Reserved].**

### **Source**

The provisions of this § 39.16 adopted March 5, 1976, effective March 6, 1976, 6 Pa.B. 418; amended April 23, 1976, 6 Pa.B. 949; reserved February 25, 1983, effective February 26, 1983, 13 Pa.B. 834. Immediately preceding text appears at serial page (30334).

**§ 39.17. Policy statement regarding temporary permits.**

The Board will not issue temporary permits to applicants who wish to fill positions that have been vacated for reasons such as promotions and transfers. The Board will not extend or reissue temporary permits to applicants who fail to pass the Nursing Home Administrators Licensing Examination.

**Source**

The provisions of this § 39.17 adopted March 15, 1985, effective March 16, 1985, 15 Pa.B. 992.

**§ 39.18. Subordinate supervision—statement of policy**

(a) *Background and purpose.* Section 39.5 (relating to requirements for admission to licensing examination; examination procedures) requires applicants to acquire experience in the practice of nursing home administration under the supervision of a full-time nursing home administrator. Frequently, the Board is asked to recognize an applicant's experience acquired under the supervision of a nursing home administrator who is a subordinate of the applicant.

(b) *Guidelines.*

(1) The Board does not view supervision by an applicant's subordinate as acceptable supervisory experience. The Board believes that supervisors need to have the ability to oversee and direct the applicant during the period of qualified work experience, including the ability to transfer, suspend, assign or discharge individuals under their supervision. The Board believes that in most circumstances subordinates, because of the supervisor-subordinate relationship, do not possess the requisite degree of oversight over their supervisor to comply with § 39.5.

(2) The Board recognizes that there may be rare circumstances in which an apparent supervisor-subordinate relationship exists, but the subordinate in fact has the ability to exercise the requisite oversight and direction of the applicant's work experience. In those instances, the applicant would have the burden of proving the supervisory relationship, and the applicant will be given the opportunity to prove to

the Board's satisfaction that the subordinate in fact possessed the requisite degree of oversight to comply with the regulation.

#### **Source**

The provisions of this § 39.18 adopted March 26, 1999, effective March 27, 1999, 29 Pa.B. 1617.

### **RULES OF PROCEDURE**

#### **§ 39.21. Applicability of general rules.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), is applicable to the activities of and proceedings before the Board.

#### **Source**

The provisions of this § 39.21 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3102.

#### **§ 39.31. [Reserved].**

#### **Source**

The provisions of this § 39.31 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; reserved March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial page (253986).

#### **§ 39.32. [Reserved].**

#### **Source**

The provisions of this adopted February 15, 1983, effective February 26, 1983, 13 Pa.B. 834; reserved March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial page (253987).

### **APPROVAL PROCESS—PROVIDERS**

**§ 39.41. Provider registration.**

Anyone, to include colleges, universities, associations, professional societies and organizations, seeking to offer a program for continuing education shall:

- (1) Apply for approval as a provider on forms provided by the Board.
- (2) File the application at least 60 days prior to the first scheduled date of the program.
- (3) Register biennially outlining major changes in the information previously submitted.

**Authority**

The provisions of this § 39.41 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 4 and 9 of the Nursing Home Administrators License Act (63 P. S. § § 1104(c) and 1109).

**Source**

The provisions of this § 39.41 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial pages (253987) and (208661).

**Cross References**

This section cited in 49 Pa. Code § 39.53 (relating to revocation or suspension of approval).

**§ 39.42. [Reserved].**

**Source**

The provisions of this § 39.42 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; reserved March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial pages (208661) to (208662).

**§ 39.43. Standards for provider approval.**

Prospective providers shall document the following on their applications:

- (1) The mechanism measuring the quality of the program being offered.
- (2) The criteria for selecting and evaluating faculty instructors, subject matter and instructional materials.
- (3) The criteria for evaluating each program to determine its effectiveness.
- (4) A clear statement of educational objectives.
- (5) The subjects in which proposed programs will be offered.

#### **Authority**

The provisions of this § 39.43 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 4 and 9 of the Nursing Home Administrators License Act (63 P. S. § § 1104(c) and 1109).

#### **Source**

The provisions of this § 39.43 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial page (208662).

#### **§ 39.44. Provider responsibilities.**

For each program, providers shall:

- (1) Disclose the objectives, content, teaching method and number of clock hours in advance to prospective participants.
- (2) Open each program to licensees.
- (3) Provide adequate physical facilities for the number of anticipated participants and the teaching methods to be used.
- (4) Provide accurate instructional materials.
- (5) Employ qualified instructors who are knowledgeable in the subject matter.
- (6) Evaluate the program through the use of questionnaires of the participants and instructors.



- (7) Issue continuing education records.
- (8) Retain attendance records, written outlines and a summary of evaluations for a 5-year period.

### **Authority**

The provisions of this § 39.44 issued under section 9(b) of the State Board of Examiners of Nursing Home Administrators (63 P. S. § 1109(b)).

### **Source**

The provisions of this § 39.44 adopted March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362.

## **APPROVAL PROCESS—PROGRAMS**

### **§ 39.51. Standards for continuing education programs.**

- (a) A program shall consist of the subjects listed in § 39.14(a)(2) (relating to approval of programs of study).
- (b) The Board does not deem the following programs acceptable:
  - (1) Inservice programs which are not open to licensees.
  - (2) Programs limited to the organization and operation of the employer.

### **Authority**

The provisions of this § 39.51 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 4 and 9 of the Nursing Home Administrators License Act (63 P. S. § § 1104(c) and 1109).

### **Source**

The provisions of this § 39.51 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial pages (208662) to (208663).

### **Cross References**

This section cited in 49 Pa. Code § 39.53 (relating to revocation or suspension of approval); and 49 Pa. Code 39.61 (relating to requirements).

**§ 39.52. Program registration.**

(a) All programs require preapproval, except as in § 39.61(b)(4) and (5) (relating to requirements).

(b) An application for program approval shall be submitted at least 60 days before the scheduled starting date. The Board may consider an application submitted within 30 days if the program is limited to significant changes in State or Federal law or regulations which will be implemented within 60 days of their publication.

(c) The provider number shall appear on the program application.

(d) An applicant for program approval shall provide the following information:

(1) The full name and address of the eligible provider.

(2) The title of the program.

(3) The dates and location of the program.

(4) Faculty names, and biographical sketches, including curriculum vitae.

(5) A schedule of program—title of subject, lecturer, time allotted and the like.

(6) The total number of clock hours requested.

(7) An attendance certification method.

(8) A provider number.

(9) Objectives

(10) Core subjects.

(11) The program coordinator.

(e) A program number will be issued on approval of program.

**Authority**

The provisions of this § 39.52 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 4 and 9 of the Nursing Home Administrators License Act (63 P. S. § § 1104(c) and 1109).

### **Source**

The provisions of this § 39.52 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial pages (208663) to (208664).

### **Cross References**

This section cited in 49 Pa. Code § 39.53 (relating to revocation or suspension of approval).

#### **§ 39.53. Revocation or suspension of approval.**

(a) A provider may not indicate in any manner that approval has been granted until notification has been received from the Board.

(b) Approval will be granted to a provider as a registered sponsor of continuing education programs until it is revoked or suspended for cause after a full and fair hearing on the merits. Failure to comply with this section, § § 39.41, 39.43, 39.51, 39.52 and 39.54 or to meet standards, or refusal to allow reasonable inspection or to supply information upon request of the Board or its representatives are cause for revocation or suspension of approval.

### **Authority**

The provisions of this § 39.53 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 4 and 9 of the Nursing Home Administrators License Act (63 P. S. § § 1104(c) and 1109).

### **Source**

The provisions of this § 39.53 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial pages (208664) to (208665).

#### **§ 39.54. Review.**

(a) Approved providers shall be subject to onsite and offsite review of the program being presented by representatives of the Board.

(b) Ongoing review of a provider will be on a selected basis subject to the physical presence of Board members or appointed representatives selected by the Board to evaluate program content, relevancy and acceptability.

### **Authority**

The provisions of this § 39.54 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 4 and 9 of the Nursing Home Administrators License Act (63 P. S. § § 1104(c) and 1109).

### **Source**

The provisions of this § 39.54 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial page (208665).

### **Cross References**

This section cited in 49 Pa. Code § 39.53 (relating to revocation or suspension of approval).

## **CLOCK HOURS REQUIREMENT**

### **§ 39.61. Requirements.**

(a) A licensee shall complete at least 48 clock hours of continuing education during the preceding biennial period.

(b) All continuing education clock hours shall be completed in courses preapproved by NAB or the Board, except as provided in subsection (c)(2)—(5).

(c) Of the 48 clock hours required, the following apply:

(1) Up to 48 clock hours may be taken in lecture, college or university, computer interactive, distance learning or correspondence courses preapproved by NAB or the Board.

(2) A maximum of 12 clock hours may be earned by serving as an instructor of a NAB or Board-approved continuing education program or as an instructor of a college or university course approved by NAB or the Board. Instructors may earn 1 clock hour for each hour of instruction up to 12 clock hours.

(3) Clock hours may be earned by authoring an article on long-term care as follows:

(i) Authors whose articles relating to long-term care are published in professional journals may earn 3 clock hours per article, up to a maximum of 12 clock hours per biennium.

(ii) Additional credit per article, up to 12 of the required clock hours, may be awarded based on the complexity of the subject matter or work.

(iii) In exceptional circumstances, when the article is published in a refereed journal, and the subject matter or work is complex, a licensee may be awarded up to 24 clock hours.

(iv) Published articles used for continuing education credit shall be submitted to the Board within 60 days of publication. Upon review of the published article, the Board will determine the appropriate number of clock hours to be awarded based upon the complexity of the subject matter or work.

(4) Up to 24 clock hours may be obtained by serving as a supervisor in a Board-approved AIT program, when the AIT successfully completes the AIT program.

(5) A maximum of 12 clock hours may be awarded retroactively for attending programs, to include lectures, and college or university courses, which have not been preapproved. The attendee shall submit a written request for approval within 60 days of attending the program and document attendance. The attendee shall demonstrate to the Board's satisfaction that the programs meet the requirements in §§ 39.14(a)(2) and 39.51 (relating to approval of programs of study; and standards for continuing education programs).

(d) A licensee who obtains a license after the biennial period begins shall complete a prorated amount of clock hours equal to 2 clock hours per month through the end of the biennial period. For the purpose of calculating the number of clock hours required, partial months shall count as whole months.

(e) A licensee suspended for disciplinary reasons is not exempt from the continuing education requirements in subsection (a).

(f) A licensee who cannot meet the overall continuing education clock hour requirement in subsection (a) or (d) due to illness, emergency or hardship may apply to the Board in writing prior to the end of the renewal period for an extension of time to complete the clock hours. A licensee who cannot meet any other requirement in this section due to illness, emergency or hardship may apply to the Board in writing prior

to the end of the renewal period for a waiver of the requirement. An extension or waiver request must explain why compliance is impossible, and include appropriate documentation. An extension or waiver request will be evaluated by the Board on a case-by-case basis.

(g) A licensee will not be credited for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

### **Authority**

The provisions of this § 39.61 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 4 and 9 of the Nursing Home Administrators License Act (63 P. S. § § 1104(c) and 1109).

### **Source**

The provisions of this § 39.61 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362; amended July 11, 2008, effective July 12, 2008, 38 Pa.B. 3811; amended June 11, 2010, effective June 12, 2010, 40 Pa.B. 3090. Immediately preceding text appears at serial pages (335561) to (335563).

### **Cross References**

This section cited in 49 Pa. Code § 39.11 (relating to biennial renewal); and 49 Pa. Code § 39.52 (relating to program registration).

**§ § 39.62—39.64. [Reserved].**

### **Source**

The provisions of these § § 39.62—39.64 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834; reserved March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362. Immediately preceding text appears at serial pages (208666) and (271747) to (271748).

### **§ 39.65. Reporting continuing education clock hours.**

(a) Licensees shall provide a copy of the required documentation supporting the completion of the required hours when requested to do so by the Board.

(b) Acceptable documentation consists of:

- (1) A continuing education certificate or sponsor-generated printout.
  - (2) A certified transcript of courses taken for credit in an accredited university or college. For noncredit courses taken, a statement of hours of attendance, signed by the instructor.
  - (3) Evidence of publication for published articles, books or continuing education programs.
  - (4) Evidence obtained from the provider of having been an instructor, including an agenda and time schedule.
- (c) A licensee is responsible for documenting the continuing education requirements. Required documentation shall be maintained for 4 years after the completion of the program.
- (d) Failure to comply with this section shall constitute grounds for disciplinary action under section 9(d) of the act (63 P. S. § 1109(d)).

#### **Authority**

The provisions of this § 39.65 issued under section 9(b) of the Nursing Home Administrators License Act (63 P. S. § 1109(b)).

#### **Source**

The provisions of this § 39.65 adopted March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362.

### **RENEWAL**

#### **§ 39.71. Licensure renewal.**

- (a) Licensure renewal will be based on the payment of the required fee to the Commonwealth and submission of “certification of credit” form. This form is available from the State Board of Examiners of Nursing Home Administrators, Post Office Box 2649, Harrisburg, Pennsylvania 17105.
- (b) Total credit hours for the 1982-84 biennium consist of 48 hours.

(c) Certification forms shall be submitted to the Board. Documentation of programs attended with proper signatures of provider and nursing home administrator shall be kept by the licensee for a period of 2 years.

(d) Certification of credit hours submitted by the nursing home administrator shall be properly signed as being correct and true. False statements shall be grounds for licensure revocation or suspension.

### **Authority**

The provisions of this § 39.71 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); and sections 4 and 9 of the Nursing Home Administrators License Act (63 P. S. §§ 1104(c) and 1109).

### **Source**

The provisions of this § 39.71 adopted February 25, 1983, effective February 26, 1983, 13 Pa.B. 834.

### **§ 39.72. Fees.**

The following is the schedule of fees charged by the Board:

Biennial renewal of nursing home administrators  
license... \$297

License application fee... \$40

Temporary permit fee... \$145

Certification of examination scores... \$25

Verification of licensure or temporary permit... \$15

Continuing education provider application fee... \$40

Continuing education program application fee per  
clock hour... \$15

Continuing education individual program appli-  
cation fee... \$20

AIT application fee... \$50



### **Authority**

The provisions of this § 39.72 issued under section 7.1 of the Nursing Home Administrators License Act (63 P. S. § 1107.1); amended under sections 6, 7, 7.1(a) and 9(b) of the Nursing Home Administrators License Act (63 P. S. § § 1106, 1107, 1107.1(a) and 1109(b)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); amended under section 4(c) of the Nursing Home Administrators License Act (63 P. S. § 1104(c)).

### **Source**

The provisions of this § 39.72 adopted July 22, 1988, effective July 23, 1988, 18 Pa.B. 3211; amended May 19, 1989, effective May 20, 1989, 19 Pa.B. 2163; amended March 16, 1990, effective March 17, 1990, 20 Pa.B. 1503; amended May 18, 1990, effective May 19, 1990, 20 Pa.B. 2652; amended December 21, 1990, effective December 22, 1990, 20 Pa.B. 6268; amended April 10, 1992, effective April 11, 1992, 22 Pa.B. 1758; amended December 30, 1994, effective December 31, 1994, 24 Pa.B. 6564; amended January 26, 1996, effective January 27, 1996, and apply to examinations administered on and after September 1, 1995, 26 Pa.B. 330; amended December 1, 2000, effective December 2, 2000, 30 Pa.B. 6199; amended March 9, 2001, effective March 10, 2001, 31 Pa.B. 1362; amended August 27, 2004, effective August 28, 2004, 34 Pa.B. 4696; amended June 2, 2006, effective June 3, 2006, 36 Pa.B. 2678; amended July 11, 2008, effective July 12, 2008, 38 Pa.B. 3811. Immediately preceding text appears at serial pages (319664) to (319665).

## **REPORTING PROCEDURE—DEPARTMENT OF HEALTH**

### **§ 39.81. Reporting by Department of Health of deficiencies found in a nursing home.**

Under an Interagency Agreement entered into between the Board and the Department of Health, the following reporting procedure will be utilized by the Board, in cooperation with the Department of Health, to report deficiencies which are found in a nursing home and which may be due to the practices of a licensed nursing home administrator:

(1) *Reports required.* If, after inspection, the Department of Health finds that deficiencies in a licensed nursing home may be due to the practices of a licensed nursing home administrator, the Department of Health shall, within 60 days following the discovery of the deficiency, cause a written report to be made to the Board.

(2) *Contents of reports.* Reports made under this section shall contain the following information:

- (i) The name, address and license number of the nursing home administrator involved.
- (ii) The date of the inspection by the Department of Health.
- (iii) A description of the deficiency.
- (iv) A statement of how the deficiency may be due to the practices of the licensed nursing home administrator.
- (v) Other information the Department of Health may deem necessary.

(3) *Confidentiality.* A report or information furnished to the Board will be deemed a confidential communication and is not subject to inspection or disclosure, in any manner, except under subpoena issued in a pending action or proceeding.

(4) *Disposition of reports.* Upon receipt of a written report from the Department of Health, the Board will immediately refer the matter to its prosecuting attorney for further investigation, review or recommendation, as applicable, to its proper disposition.

### **Authority**

The provisions of this § 39.81 issued under section 12.1 of the Nursing Home Administrators License Act (63 P. S. § 1112.1).

### **Source**

The provisions of this § 39.81 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2660.

### **§ 39.82. Reporting disciplinary actions to Department of Health.**

As soon as possible, but not exceeding 60 days following the effective date of a disciplinary action taken against a licensed nursing home administrator, or an individual practicing the profession of nursing home administration without a valid license, the Board will cause a written report to be made to the Department of Health, containing the following information:

(1) The name, address and license number of the nursing home administrator involved.

(2) A summary of the charges against the nursing home administrator and the Board's findings with respect to each charge.

(3) The nature of the sanction imposed by the Board.

(4) The effective date of the sanction.

### **Authority**

The provisions of this § 39.82 issued under section 12.1 of the Nursing Home Administrators License Act (63 P. S. § 1112.1).

### **Source**

The provisions of this § 39.82 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2660.

## **STANDARDS OF PROFESSIONAL PRACTICE AND PROFESSIONAL CONDUCT**

### **§ 39.91. Standards of professional practice and professional conduct for nursing home administrators.**

The Board adopts the following standards of practice and standards of professional conduct to establish and maintain a high standard of integrity and dignity in the profession and to protect the public against unprofessional conduct on the part of nursing home administrators.

(1) *General management.* A nursing home administrator shall:

(i) Develop policies which govern the continuing care and related medical and other services provided by the facility which reflect the facility's philosophy to provide a high level of resident care in a healthy, safe and comfortable environment.

(ii) Evaluate the quality of resident care and efficiency of services, identify strengths and weaknesses and set in place measures for improvements where necessary, and evaluate progress and institute appropriate follow-up activities.

(iii) Set in place a functional table of organization with standards of accountability and hold department heads accountable for the performance of their respective departments.

(iv) Maintain open lines of communication with the governing body, department heads, facility staff and its residents to assure resources are properly allocated and that resident care is maintained at a high level.

(v) Review the reports of the medical director and outside resources and consider for possible implementation.

(vi) Maintain compliance with governmental regulations and assure that the facility's nondiscriminatory policy and policy on resident rights are available for inspection by the public.

(2) *Professional conduct.* A nursing home administrator shall:

(i) Uphold the standards of the profession of nursing home administration as prescribed in this chapter.

(ii) Refrain from conduct or practice which would jeopardize continued licensure as a nursing home administrator as outlined in § 39.9 (relating to revocation or suspension of licenses).

(3) *Personnel management.* A nursing home administrator shall:

(i) Implement personnel policies and procedures which define job responsibilities, accountability and the performance appraisal process. Personnel policies emphasize the importance of the health care team in the delivery of quality resident care.

(ii) Assure that a formal program is in place to provide for the recruitment, hiring and development of competent department managers and other facility staff.

(iii) Promote job satisfaction and commitment to quality care by recognizing employe achievement.

(iv) Coordinate training programs to improve employe skills and to enhance employe performance.

(4) *Financial management.* A nursing home administrator shall provide or recommend:

(i) The development of a budget, the objective of which is the delivery of quality care.

(ii) A system that monitors financial operations, promotes financial stability and enhances present and future viability of capital assets.

(iii) The maintenance of adequate insurance coverage to meet the needs of the facility.

(iv) The maintenance of patient occupancy levels at an optimal level.

(5) *Public relations.* A nursing home administrator shall foster a positive image for the long term care facility.

### **Authority**

The provisions of this § 39.91 issued under section 4(a)(9) of the Nursing Home Administrators License Act (63 P. S. § 1104(a)(9)).

### **Source**

The provisions of this § 39.91 adopted September 8, 1989, effective September 9, 1989, 19 Pa.B. 3825.

## **AIT PROGRAM**

### **§ 39.101. AIT.**

(a) An applicant seeking to become an AIT shall file an application for approval on a form prescribed by the Board.

(b) To be approved as an AIT, the applicant shall:

(1) Have attained the general education requirements in § 39.5(b)(3)(i) or (b)(4)(i) (relating to requirements for admission to licensing examination; examination procedures) or be enrolled in the final year of a baccalaureate or master's degree program at an accredited college or university.

(2) Verify that if the AIT is employed at the nursing home in any capacity other than that of AIT during the period of practical training and experience, that employment is in addition to the hours required for the AIT program.

## **Authority**

The provisions of this § 39.101 issued under section 4(c) of the Nursing Home Administrators Licensing Act (63 P. S. § 1104(c)).

## **Source**

The provisions of this § 39.101 adopted July 11, 2008, effective July 12, 2008, 38 Pa.B. 3811.

## **Cross References**

This section cited in 49 Pa. Code § 39.1 (relating to definitions); and § 39.5 (relating to requirements for admission to licensing examination; examination procedures).

### **§ 39.102. AIT program.**

(a) The AIT program must provide documentation that the following requirements have been met:

(1) The AIT and the AIT's supervisor have jointly made a pretraining assessment of the AIT's background in terms of educational level, pertinent experience, maturity, motivation and initiative.

(2) Based on the pretraining assessment, the AIT and the AIT's supervisor jointly have developed a detailed, goal-oriented training plan with supporting documentation which includes:

(i) Educational objectives.

(ii) Subject areas of the core of knowledge as required by §§ 39.5(c) and 39.7 (relating to requirements for admission to licensing examination; examination procedures; and subject matter for examinations).

(iii) Training sites involved.

(iv) Estimated number of hours needed for mastering each objective.

(v) Total of hours in the training plan.

(3) Prior to its implementation, the training plan shall be submitted for approval by the Board on forms provided by the Board. The training plan must include supporting

documentation for the training plan, including the allocation of hours to the subject areas required by § § 39.5(c) and 39.7.

(4) A minimum of 80% of the training must occur from Monday through Friday between 7 a.m. and 7 p.m. An AIT program may not consist of more than 60 hours per week nor less than 20 hours per week.

(b) The Board has the right to monitor and call for conference any AIT or AIT supervisor during the course of the AIT program.

(c) Following the completion of the AIT program and prior to admission to the examination for licensure, the Board will review the report required by § 39.103 (relating to AIT program reports) to determine if the applicant has received training consistent with this section.

(d) If the AIT program is discontinued prior to completion, the following apply:

(1) An AIT program which has been discontinued by a period of full-time military service may be completed within a year after that military service.

(2) An AIT program which has been discontinued for any reason other than military service may not be completed if the absence exceeds 1 year from the date of discontinuance.

(3) If an AIT program has been discontinued before completion for any reason beyond AIT or supervisor control, the AIT and supervisor may apply to the Board for consideration of credit for the period of time completed.

(i) The AIT requesting consideration shall explain why the AIT program was discontinued, how the AIT intends to complete the training and document his progress in the manner required by § 39.103.

(ii) The supervisor requesting consideration shall explain why the AIT program was discontinued and document the hours that the supervisor spent on the training program.

### **Authority**

The provisions of this § 39.102 issued under section 4(c) of the Nursing Home Administrators Act (63 P. S. § 1104(c)).

### **Source**

The provisions of this § 39.102 adopted July 11, 2008, effective July 12, 2008, 38 Pa.B. 3811.

### **Cross References**

This section cited in 49 Pa. Code § 39.5 (relating to requirements for admissions to licencing examinations; examination procedures).

### **§ 39.103. AIT program reports.**

(a) Within 30 days of the completion of the AIT program, the AIT and supervisor shall submit to the Board a report on the AIT's progress on forms provided by the Board. The AIT and supervisor shall sign the report, verifying the accuracy of the information. The report must include, at a minimum:

- (1) The names of the AIT and supervisor.
  - (2) A list of the departments in which the AIT trained, as well as initials of department managers to verify that the AIT trained in those departments.
  - (3) The number of hours the AIT has completed during the program in each subject area.
  - (4) A description of the administrative activities in which the AIT has participated.
  - (5) Suggestions for improvement in the program.
- (b) The Board reserves the right to request additional information from the AIT and the AIT's supervisor on a case-by-case basis.

### **Authority**

The provisions of this § 39.103 issued under section 4(c) of the Nursing Home Administrators Act (63 P. S. § 1104(c)).

### **Source**

The provisions of this § 39.103 adopted July 11, 2008, effective July 12, 2008, 38 Pa.B. 3811.

### **Cross References**



This section cited in 49 Pa. Code § 39.5 (relating to requirements for admissions to licencing examinations; examination procedure).