

Dear Senators HEIDER, Souza, Jordan, and
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators:
IDAPA 24.09.01 - Rules of the Board of Examiners of Nursing Home Administrators - Temporary and Proposed Rule (Docket No. 24-0901-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 07/26/2018. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/23/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Legislative Research Analyst - Matt Drake

DATE: July 09, 2018

SUBJECT: Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators

IDAPA 24.09.01 - Rules of the Board of Examiners of Nursing Home Administrators - Temporary and Proposed Rule (Docket No. 24-0901-1801)

Summary and Stated Reasons for the Rule

The Bureau of Occupational Licenses submits notice of temporary and proposed rulemaking relating to the Rules of the Board of Examiners of Nursing Home Administrators. The proposed rule implements HB 409 of 2018, which amended Section 54-1610, Idaho Code, to change the requirements of the Nursing Home Administrators-in-Training (AIT) program from twelve (12) months to one-thousand (1,000) hours. On July 1, 2018, HB 409 became effective. This temporary and proposed rulemaking is required to implement those changes.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted as the rule is temporary and responds to previously enacted legislation. There is no anticipated fiscal impact on the state general fund.

Statutory Authority

The proposed rule changes appear to be within the statutory authority of the Board pursuant to section 54-1604, Idaho Code. The Governor has found that temporary adoption of the rule is appropriate to implement HB 409 of 2018.

cc: Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators
Tana Cory

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.09.01 – RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

DOCKET NO. 24-0901-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-1604, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In 2018, the Legislature passed HB 409, which reduces the Nursing Home Administrators-in-Training (AIT) program from twelve (12) months to one-thousand (1,000 hours). The new requirements of 1,000 hours as an Administrator in Training will take approximately 6 months to complete. The rules for endorsement and the AIT program are being amended to implement these changes.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

On July 1, 2018 HB 409 becomes effective. This temporary/proposed rule is necessary to implement those changes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this is a temporary rule.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jennifer Carr at (208) 577-2599.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 13th Day of June, 2018.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 24-0901-1801
(Only Those Sections With Amendments Are Shown.)**

300. ENDORSEMENT (RULE 300).

Each applicant for licensure by endorsement shall be required to document compliance with each of the following requirements. (4-6-05)

01. A Valid License. Hold a valid and current nursing home administrator license issued in another state. (4-6-05)

02. Experience/Education. (3-30-07)

a. One ~~(1) year~~ thousand (1,000) hours of experience as an administrator in training in another state; ~~(3-30-07)~~ (7-1-18)T
or

b. A total of one ~~(1) year~~ thousand (1,000) hours of combined experience obtained in an administrator in training program and from practical experience as an administrator in another state; or ~~(3-30-07)~~ (7-1-18)T

c. A master's degree in health administration related to long-term care from an accredited institution; or (3-30-07)

d. A master's degree in health administration from an accredited institution and one (1) year management experience in long-term care. (3-30-07)

03. Criminal History. Has not been found guilty or convicted or received a withheld judgment or suspended sentence for any felony or any crime involving moral turpitude or received discipline for a license offense in any state. (4-6-05)

04. National Examination. Has taken and successfully passed the NAB examination. (4-6-05)

05. State Examination. Has taken and successfully completed the state of Idaho examination. (4-6-05)

06. Affidavit. Has certified under oath to abide by the laws and rules governing the practice of nursing home administration in Idaho. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

400. NURSING HOME ADMINISTRATORS-IN-TRAINING (RULE 400).

01. ~~Related Health Care Field~~ Supervised Hour Requirements. ~~“Related health care field” shall mean a field in health care related to administration~~ An individual must successfully complete one thousand (1,000) hours under the direct supervision of a licensed nursing home administrator in compliance with Section 54-1610, Idaho Code, and these rules in order to be eligible to take the examination. ~~(7-1-93)~~ (7-1-18)T

02. Trainees. ~~T~~ A trainees must work on a full time basis in any capacity in an Idaho licensed nursing home setting. Full time shall be at least a thirty-two (32) hour per week work schedule with consideration for normal leave taken. ~~Failure to comply with this rule or Section 54-1610, Idaho Code, shall not receive credit as a Nursing Home Administrator In Training.~~ ~~(4-7-11)~~ (7-1-18)T

a. Each trainee shall register with the Board as a Nursing Home Administrator-In-Training (AIT) by

submitting an application provided by the Board together with the required fee. The effective date of each AIT program shall be the date the Board approves the application. (3-13-02)

b. ~~Quarterly~~ Reports for those trainees employed in a nursing home must **be submitted to the Board after completion of each five hundred (500) hour increment and** reflect that the preceptor of the trainee has instructed, assisted and given assignments as deemed necessary to fulfill the requirements of Subsection 400.03.

~~(7-1-98)~~(7-1-18)T

03. Nursing Home Administrator-in-Training Requirements. A Nursing Home Administrator-in-Training shall be required to train in all domains of nursing home administration including the following: (4-7-11)

a. Resident Care Management. (7-1-98)

b. Personnel Management. (7-1-93)

c. Financial Management. (7-1-93)

d. Environmental Management. (7-1-98)

e. Meeting Regulations and Governing Entities Directives. (7-1-98)

f. Organizational Management. (7-1-98)

g. Completion of a specialized course of study in nursing home long-term health care administration approved by NAB or otherwise approved by the Board. (4-6-05)

04. Facility Administrator. The trainee must spend no less than thirty-two (32) hours a month with the preceptor in a training and/or observational situation in the six (6) domains of nursing home administration as outlined in Subsection 400.03. Time spent with the preceptor must be in addition to the full time work that the trainee must perform under Subsection 400.02, unless the Administrator-in-Training role is designated as a full time training position. Collectively, ~~over the twelve (12) month~~ **during the training** period, ~~quarterly~~ reports must reflect particular emphasis on all six (6) domains of nursing home administration during the time spent in the nursing home. ~~(4-7-11)~~(7-1-18)T

05. Preceptor Certification. (7-1-93)

a. A nursing home administrator who serves as a preceptor for a nursing home administrator-in-training must be certified by the Board of Examiners of Nursing Home Administrators. The Board will certify the Idaho licensed nursing home administrator to be a preceptor who: (7-1-98)

i. Is currently practicing as a nursing home administrator and who has practiced a minimum of two (2) consecutive years as a nursing home administrator; and (7-1-98)

ii. Who successfully completes a six (6) clock hour preceptor orientation course approved by the Board. (7-1-93)

b. The orientation course will cover the philosophy, requirements and practical application of the nursing home administrator-in-training program and a review of the six (6) phases of nursing home administration as outlined in Subsection 400.03. (7-1-93)

c. The preceptor must be re-certified by the Board every ten (10) years. (4-7-11)