

Dear Senators MARTIN, Souza, Jordan, and  
Representatives WOOD, Wagoner, 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 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking  
(Docket No. 24-0901-1900F).

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 07/23/2019. 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 08/20/2019.

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 334-4854, 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 Drafting Attorney - Matt Drake  
**DATE:** July 02, 2019  
**SUBJECT:** Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators

IDAPA 24.09.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-0901-1900F)

The Idaho Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators - submits notice of temporary and proposed rules at IDAPA 24.09.01, Rules of the Board of Examiners of Nursing Home Administrators. The rulemaking adopts and re-publishes existing and previously approved chapters with minor edits in the nature of clean-up. **No substantive changes are noted.** This is a fee rule. **No new fees or charges are imposed by this rule reauthorization and republication.** These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation.

cc: Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators  
Kelley Packer

### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

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

#### **DOCKET NO. 24-0901-1900F**

#### **NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING**

**EFFECTIVE DATE:** The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

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

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**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:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 24.09.01, rules of the Board of Examiners of Nursing Home Administrators:

#### **IDAPA 24**

- 24.09.01, *Rules of the Board of Examiners of Nursing Home Administrators*—All rules *except Subsections/ Section 010.01, 010.02, and 601.*

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications for nursing home administrators, which ensures the integrity and competence of a profession charged with maintaining the quality of care for vulnerable citizens. Allowing these rules to expire would harm the health, safety, and welfare of residents of nursing homes, as well as current and prospective licensees.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and the immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Absent the ability to impose the licensure fees outlined in this chapter, the Board of Examiners of Nursing Home Administrators would not be able to remain self-sufficient, contrary to its statutory mandate.

**FEE SUMMARY:** The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Fees are established in accordance with Section 54-1605, Idaho Code, as follows: original license fee: \$200; annual renewal fee: \$200; original application fee: \$200; endorsement application fee: \$200; temporary permit fee: \$100; administrator-in-training fee: \$100; and license reinstatement fee: \$100.

**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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Rob McQuade at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Kelley Packer  
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

**IDAPA 24  
TITLE 09  
CHAPTER 01**

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

**000. LEGAL AUTHORITY (RULE 0).**

These rules are hereby prescribed and established pursuant to the authority vested in the Board of Examiners of Nursing Home Administrators by the provisions of Section 54-1604, Idaho Code. (7-1-93)

**001. TITLE AND SCOPE (RULE 1).**

These rules are titled IDAPA 24.09.01, “Rules of the Board of Examiners of Nursing Home Administrators.” (7-1-93)

**002. WRITTEN INTERPRETATIONS (RULE 2).**

The board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-13-02)

**003. ADMINISTRATIVE APPEALS (RULE 3).**

Administrative appeals will be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-13-02)

**004. INCORPORATION BY REFERENCE (RULE 4).**

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (3-13-02)

**005. ADDRESS OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS (RULE 5).**

The office of the Board of Examiners of Nursing Home Administrators is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's e-mail address is [nha@ibol.idaho.gov](mailto:nha@ibol.idaho.gov). The Board's official website is <http://www.ibol.idaho.gov>. (4-6-05)

**006. PUBLIC RECORDS (RULE 6).**

The records associated with the Board of Examiners of Nursing Home Administrators are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-13-02)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS (RULE 10).**

**01. NAB.** NAB means the national association of boards of examiners for nursing home administrators. (4-6-05)

**011. -- 049. (RESERVED)**

**050. APPLICATIONS (RULE 050).**

Applications will be on forms approved by the Board. (4-6-05)

**01. Board Consideration.** No application will be considered for any action unless accompanied by the appropriate fees and until the required supporting documentation is received by the Bureau. (4-6-05)

**02. Filing Deadline.** Applications received less than seven (7) days prior to a Board meeting may be held over to the next meeting. (4-11-19)

**03. Lack of Activity.** Applications on file with the Board that lack activity for any period of twelve

(12) months shall be deemed denied and terminated upon thirty (30) days written notice unless good cause is demonstrated to the Board. (4-11-19)

**051. -- 099. (RESERVED)**

**100. EXAMINATION FOR LICENSURE (RULE 100).**

**01. Examination Fee.** The examination fee for the national examination shall be in the amount as determined by the National Association of Board of Examiners of Nursing Home Administrators and shall be paid to the entity administering said examination. The examination fee is in addition to the license fee provided for in Section 54-1604, sub-paragraph (g), Idaho Code. (3-10-00)

**02. Good Moral Character.** Evidence of good moral character on the application form is to be signed by two (2) reputable individuals not more than one (1) of which may be a minister, priest, rabbi, or their equivalent and neither shall be members of the applicant's family. (7-1-93)

**03. Content of Exam, Passing Scores.** The examination shall be that issued by the National Association of Board of Examiners of Nursing Home Administrators, and an examination pertaining to Idaho law and rules governing nursing homes. The passing of the National Association of Board of Examiners of Nursing Home Administrators examination shall be the scale score passing point as established by NAB. The passing score of the Idaho Laws and Rules Examination shall be seventy-five percent (75%). (7-1-93)

**04. Date and Location of Exam.** Examinations shall be held at the location and at the times determined by the entity administering the national examination. The state examination shall be a take-home examination and be returned to the Board upon submission of the application. The applicant shall further certify to the Board that he or she has reviewed, understands, and will abide by the state laws and rules governing Nursing Home Administrators and facilities. (3-10-00)

**05. Suitability Requirements.** An applicant shall be deemed to have met the suitability requirements referred to in Section 54-1605, Idaho Code, by compliance with sub-paragraphs 2 or 3 of that section. (7-1-93)

**101. -- 199. (RESERVED)**

**200. CONTINUING EDUCATION REQUIREMENTS (RULE 200).**

**01. Educational Requirements.** In order to qualify as continuing education, a seminar or course of study must be relevant to nursing home administration as determined by the Board and sponsored by accredited universities or colleges, State or National health related associations, and/or approved by NCERS (National Continuing Education Review Service). (4-11-19)

**02. Renewal of License.** Applicants for renewal of license shall be required to complete a minimum of twenty (20) clock hours of courses approved under Subsection 200.01 within the preceding twelve-month (12) period. Licensees shall not be required to comply with this requirement during the first year in which they become licensed under this chapter. (4-11-19)

**03. Waiver.** The Board may waive the requirements of this rule for reasons of individual hardship including health or other good cause. The licensee should request the waiver in advance of renewal and must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. (4-11-19)

**04. Carryover of Continuing Education Hours.** Continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of twenty (20) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one (1) renewal year. (4-11-19)

**201. -- 299. (RESERVED)**

**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 thousand (1,000) hours of experience as an administrator in training in another state; or (4-11-19)

**b.** A total of one 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 (4-11-19)

**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)

**301. -- 399. (RESERVED)**

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

**01. Supervised Hour Requirements.** 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. (4-11-19)

**02. Trainees.** A trainee 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. (4-11-19)

**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.** 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. (4-11-19)

**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, during the training period, reports must reflect particular emphasis on all six (6) domains of nursing home administration during the time spent in the nursing home. (4-11-19)

**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)

**401. -- 449. (RESERVED)**

**450. ADMINISTRATOR DESIGNEE QUALIFICATION (RULE 450).**

In order to practice as an administrator designee, an individual shall register with the Board as an Administrator Designee by submitting an application and providing documentation of each the following requirements. (3-13-02)

**01. Good Moral Character.** (3-13-02)

a. Submit references of good moral character from not less than three (3) persons other than relatives. (3-13-02)

b. Certify they have not been found guilty or convicted of a felony or a misdemeanor involving moral turpitude. (3-13-02)

**02. Age.** Provide proof of being at least twenty-one (21) years of age. (3-13-02)

**03. Education.** Provide proof of either: (3-13-02)

a. A bachelors degree from an approved college or university, or (3-13-02)



**b.** Two (2) years of satisfactory practical experience in nursing home administration or a related health administration area for each year of the required education as set forth in Section 54-1605(3), Idaho Code; (3-13-02)

**04. Experience.** Provide proof of having one (1) year of management experience in a skilled nursing facility. Experience documented in Subsection 450.03.b. may also be used to meet this requirement. (3-13-02)

**05. Authorization.** Submit an agreement signed by an Idaho Licensed Nursing Home Administrator who will act as a consultant to assist the designee in administrating the facility. (3-13-02)

**451. -- 499. (RESERVED)**

**500. PERMITS (RULE 500).**

**01. Requirements for Issuance.** A temporary permit may be issued upon submission of an endorsement application evidencing a license in good standing in another state and payment of fees. The permit shall be valid until the Board acts upon their endorsement application. No more than one (1) temporary permit may be granted to any applicant for any reason. (4-11-19)

**02. Issuance of a Temporary Permit Does Not Obligate the Board.** Issuance of a temporary permit does not obligate the board to subsequently issue a license. Issuance of a subsequent license depends upon a successful application to the Board. (7-1-98)

**501. -- 599. (RESERVED)**

**600. FEES (RULE 600).**

**01. Original License and Annual Renewal Fee.** (3-13-02)

**a.** Original license fee -- two hundred dollars (\$200). (4-6-15)

**b.** Annual renewal fee -- two hundred dollars (\$200). (4-6-15)

**02. Application Fees.** (3-10-00)

**a.** Original application fee -- two hundred dollars (\$200). (4-6-15)

**b.** Endorsement application fee -- two hundred dollars (\$200). (4-6-15)

**03. Temporary Fee.** (3-13-02)

**a.** Temporary permit fee -- one hundred dollars (\$100). (3-13-02)

**b.** Administrator-In-Training registration fee -- one hundred dollars (\$100). (3-13-02)

**04. License Reinstatement Fee.** License reinstatement fee -- one hundred dollars (\$100). (3-13-02)

**601. -- 999. (RESERVED)**