

NURSING HOME ADMINISTRATORS

Title 63, Public Health and Safety,

Chapter 12, Sections 330.51 - 330.63

Section 330.51 For the purposes of this act, and as used herein:

1. "Board" means the Oklahoma State Board of Examiners for Nursing Home Administrators hereinafter created;

2. "Nursing home administrator" means a person licensed by the State of Oklahoma who is in charge of a facility. A nursing home administrator must devote at least one-third (1/3) of such person's working time to on-the-job supervision of such facility; provided that this requirement shall not apply to a nursing home administrator of an intermediate care facility for the mentally retarded with sixteen or fewer beds (ICF-MR/16), in which case the person licensed by the state may be in charge of more than one ICF-MR/16, if such facilities are located within a circle that has a radius of not more than fifteen (15) miles, and the total number of facilities and beds does not exceed six facilities and sixty-four beds. The facilities may be free-standing in a community or may be on campus with a parent institution. The ICF-MR/16 may be independently owned and operated or may be part of a larger institutional ownership and operation;

3. "Nursing home", "rest home" and "specialized home" shall have the same meaning as the term "nursing facility" as such term is defined in the Nursing Home Care Act;

4. "Administrator" and "owner" shall have the same meanings as such terms are defined in the Nursing Home Care Act; and

5. "Qualified mental retardation professional" shall be an individual determined by the State Department of Health, pursuant to Section 483.430, 42 C.F.R., to:

a. have at least one (1) year of experience working directly with persons with mental retardation or other developmental disabilities, and

b. be one of the following:

- (1) a doctor of medicine or osteopathy licensed to practice in this state,
- (2) a registered nurse, or
- (3) an individual who holds at least a bachelor's degree in a related field.

Section 330.52

A. There is hereby re-created, to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma State Board of Examiners for Nursing Home Administrators. The Oklahoma State Board of Examiners for Nursing Home Administrators shall consist of fifteen (15) members, eleven of whom shall be representative of the professions and institutions concerned with the care and treatment of critically ill or infirm elderly patients, two members representing the general public, and the Commissioner of Health and the Director of the Department of Human Services, or their designees. The thirteen members shall be appointed by the Governor, with the advice and consent of the Senate.

B. Six of the thirteen appointive members shall each be presently an owner and a licensed administrator and shall have had five (5) years' experience in the nursing home profession as an owner and administrator. Two members shall be representatives of the general public and shall not have any direct or indirect financial interest in nursing homes. The other members shall not be nursing home owners or administrators and shall have no direct financial interest in nursing homes.

The terms of all appointive members shall be three (3) years. Any vacancy occurring in the position of an appointive member shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term.

Section 330.53

A. The Oklahoma State Board of Examiners for Nursing Home Administrators shall have authority to issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators.

B. No license shall be issued to a person as a nursing home administrator unless:

- (1) The person shall have submitted evidence satisfactory to the Board that the person is:
 - a. not less than twenty-one (21) years of age,
 - b. of reputable and responsible character, and
 - c. in sound physical and mental health; and
- (2) The person shall have submitted evidence satisfactory to the Board of the person's ability to supervise a nursing home or specialized home.

C.1.A qualified mental retardation professional, as defined in Section 330.51 of this title, shall be determined to meet the educational requirements as a licensed nursing home administrator and shall be eligible to take the National Administrator Board and State Standards Examinations.

2.A qualified mental retardation professional who meets the requirements of paragraph 1 of this subsection may serve as the licensed administrator for no more than four (4) intermediate care facilities for the mentally retarded with sixteen or less beds (ICF-MR/16).

Section 330.54 Each person licensed as a nursing home administrator pursuant to the provisions of Section 330.53 of this title shall be required to pay an annual license fee which shall be deposited in the Oklahoma State Board of Examiners for Nursing Home Administrators Revolving Fund. Such fee shall be determined by the Oklahoma State Board of Examiners for Nursing Home Administrators in an amount not to exceed Two Hundred Dollars (\$200.00). Each such license shall expire on the 31st day of December following its issuance, and shall be renewable for a calendar year, upon payment of the annual license fee.

Section 330.55 - Fund Repealed July 1, 1988 H.B. No. 1565.

Section 330.56 The Board shall elect from its membership a president, vice-president, secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. Each member shall be allowed necessary travel expenses, as may be approved by the Board pursuant to the State Travel Reimbursement Act. The Board may employ and fix the compensation and duties of necessary personnel to assist it in the performance of its duties.

Section 330.57 The Oklahoma State Board of Examiners for Nursing Home Administrators shall have sole and exclusive authority to determine the qualifications, skill and fitness of any person to serve as an administrator of a nursing home or specialized home under the provisions of the Nursing Home Care Act, Section 1-1901 et seq. of this title. The holder of a license under the provisions of this act shall be deemed qualified to serve as the administrator of a nursing home or specialized home.

Section 330.58 The Oklahoma State Board of Examiners for Nursing Home Administrators shall:

(a) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards.

(c) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the Board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards.

(d) Establish and carry out procedures designed to ensure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

(e) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards. The long-term care ombudsman program of the Aging Services Division of the Department of Human Services shall be notified of all complaint investigations of the Board so that they may be present at any such complaint investigation for the purpose of representing nursing home consumers.

(f) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

Section 330.59 It shall be unlawful and a misdemeanor for any person to act or serve in the capacity as a nursing home administrator unless he is the holder of a license as a nursing home administrator, issued in accordance with the provisions of this act.

Section 330.60 The Board shall establish such rules and regulations governing operations, reporting of fees, and compensation of employees, the maintenance of books, records and manner and time of employee compensation, all as may be in the public interest.

Section 330.61

(a) In addition to the annual license fees, the Oklahoma State Board of Examiners for Nursing Home Administrators may impose fees for:

- (1) Training programs conducted or approved by the Board;
and
- (2) Education programs conducted or approved by the Board.

(b) All revenues collected as a result of fees authorized in this section and imposed by the Board shall be deposited into the Oklahoma State Board of Examiners for Nursing Home Administrators Revolving Fund.

Section 330.62 There is hereby created in the State Treasury a revolving fund for the Oklahoma State Board of Examiners for Nursing Home Administrators to be designated the "Oklahoma State Board of Examiners for Nursing Home Administrators Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of such sources of income as are provided by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma State Board of Examiners for Nursing Home Administrators to carry out the duties established by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

Section 330.63 - No longer applicable