

Rulemaking Fact Sheet (5 MRS §8057-A)

AGENCY: 02-371, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Nursing Home Administrators Licensing Board

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:

Holly Poirier, Regulatory Board Manager, 35 State House Station, Augusta, ME 04333-0035,
holly.poirier@maine.gov, tel (207) 592-0434, fax (207) 624-8637, TTY users call Maine Relay 711

CHAPTER NUMBER AND RULE TITLE:

New:

Chapter 20: Definitions

Chapter 21: Advisory Rulings

Chapter 22: Administrator-in-Training Program for Multi-level Long Term Care Facility Administrators

Chapter 23: Multi-level Long Term Care Facility Administrators: Licensure by Examination

Chapter 25: Licensure of Nursing Home Administrators

Chapter 26: Licensure of Residential Care Facility Administrators

Chapter 27: Temporary Licensure of Administrators

Chapter 28: License Renewal, Continuing Education and Inactive Status

Chapter 29: Approval of Preceptor Training Programs

Chapter 30: Code of Ethics

Repeal:

Chapter 1: Definitions

Chapter 2: Nursing Home Administrators

Chapter 3: Residential Care Facility Administrators

Chapter 4: Multi-Level Long Term Care Facility Administrators

Chapter 5: Licensing

Chapter 6: Endorsement

Chapter 7: Temporary Licenses

Chapter 8: Continuing Education

Chapter 9: Advisory Rulings

Chapter 10: Fees

Chapter 11: Code of Ethics

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 10 M.R.S. § 8003(5-A)(G); 32 M.R.S. §§ 63-B(2), (3), 65, 67

DATE, TIME AND PLACE OF PUBLIC HEARING:

Wednesday, February 28, 2024 from 12:00 -1:00 p.m. at 76 Northern Avenue, Gardiner, ME. Members of the public will also have the opportunity to attend and participate via remote means. Instructions on remote access and a link will be posted on the board's webpage in advance of the hearing at: <https://www.maine.gov/pfr/professionallicensing/professions/nursing-home-administrators-licensing-board/home/board-meeting-information>

COMMENT DEADLINE: Friday, March 29, 2024 at 5:00 p.m. Written comments may be submitted to the contact person for this filing. For a copy of the proposed rule and rulemaking documents, please visit <https://www.maine.gov/pfr/professionallicensing/professions/nursing-home-administrators-licensing-board> and scroll down to “What’s New.”

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

The proposed rulemaking will repeal the existing rules for the Board of Nursing Home Administrators, Chapters 1 through 11, and replace with the proposed Chapters 20 through 23, and Chapters 25 through 30.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The proposed rulemaking will constitute a complete repeal and replacement of the Board’s rules, which have not been updated since 2000. It is expected that the rulemaking will clarify terms used throughout the rules, revise requirements for examination approval and qualifying for licensure, and align the Board’s rules with the standards and protocols established by the National Association of Long Term Care Administrator Boards (“NAB”), to better align the requirements in Maine with those in other states to ensure greater licensure mobility.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) Expertise of board members, board staff and information received from the National Association of Long Term Care Administrator Boards (“NAB”).

ESTIMATED FISCAL IMPACT OF THE RULE: None anticipated. Applicants for examination may incur costs to apply for and sit for the required examinations.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

Notice of Agency Rulemaking Proposal

AGENCY: 02-371, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Nursing Home Administrators Licensing Board

CHAPTER NUMBER AND TITLE:

New:

Chapter 20: Definitions
Chapter 21: Advisory Rulings
Chapter 22: Administrator-in-Training Program for Multi-level Long Term Care Facility Administrators
Chapter 23: Multi-level Long Term Care Facility Administrators: Licensure by Examination
Chapter 25: Licensure of Nursing Home Administrators
Chapter 26: Licensure of Residential Care Facility Administrators
Chapter 27: Temporary Licensure of Administrators
Chapter 28: License Renewal, Continuing Education and Inactive Status
Chapter 29: Approval of Preceptor Training Programs
Chapter 30: Code of Ethics

Repeal:

Chapter 1: Definitions
Chapter 2: Nursing Home Administrators
Chapter 3: Residential Care Facility Administrators
Chapter 4: Multi-Level Long Term Care Facility Administrators
Chapter 5: Licensing
Chapter 6: Endorsement
Chapter 7: Temporary Licenses
Chapter 8: Continuing Education
Chapter 9: Advisory Rulings
Chapter 10: Fees
Chapter 11: Code of Ethics

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY:

The proposed rulemaking will repeal the existing rules for the Board of Nursing Home Administrators, Chapters 1 through 11, and replace with the proposed Chapters 20 through 23, and Chapters 25 through 30. Chapter 24 is reserved for a rule to establish licensure by endorsement pursuant to 10 M.R.S. § 8003-H.

The proposal to recodify the Board's rules is as follows:

Chapter 1, Definitions, will be repealed and replaced with Chapter 20, Definitions; Chapter 2, Nursing Home Administrators, will be repealed and replaced by Chapter 22, Administrator-in-Training Program for Multi-level Long Term Care Facility Administrators; Chapter 3, Residential Care Facility Administrators will be repealed and replaced with Chapter 26, Licensure of Residential Care Facility Administrators; Chapter 4, Multi-Level Long Term Care Facility Administrators will be repealed and replaced with Chapter 23, Multi-level Long Term Care Facility Administrators: Licensure by Examination; Chapter 5, Licensing, will be repealed and replaced with Chapter 25, Licensure of Nursing Home Administrators; Chapter 7, Temporary Licenses, will be repealed and replaced with Chapter 27, Temporary Licensure of Administrators; Chapter 8, Continuing Education, will be repealed and replaced with Chapter 28, License Renewal, Continuing Education and Inactive Status; Chapter 9, Advisory Rulings will be repealed and replaced with Chapter 21, Advisory Rulings; Chapter 10, Fees, will be repealed; and Chapter 11, Code of Ethics, will be repealed and replaced with Chapter 30, Code of Ethics. The new proposed rulemaking will add Chapter 29, Approval of Preceptor Training Programs.

The Board proposes to repeal Chapter 6, Endorsement and Chapter 10, Fees.

Date, time and location of PUBLIC HEARING (*if any*): Wednesday, February 28, 2024 from 12:00 - 1:00 p.m. at 76 Northern Avenue, Gardiner, ME. Members of the public will also have the opportunity to attend and participate via remote means. Instructions on remote access and a link will be posted on the board's webpage in advance of the hearing at:

<https://www.maine.gov/pfr/professionallicensing/professions/nursing-home-administrators-licensing-board/home/board-meeting-information>

COMMENT DEADLINE: Friday, March 29, 2024 at 5:00 p.m. Written comments may be submitted to the contact person for this filing. For a copy of the proposed rule and rulemaking documents, please visit <https://www.maine.gov/pfr/professionallicensing/professions/nursing-home-administrators-licensing-board> and scroll down to "What's New."

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Holly Poirier, Regulatory Board Manager, 35 State House Station, Augusta, ME 04333-0035, holly.poirier@maine.gov, tel (207) 592-0434, fax (207) 624-8637, TTY users call Maine Relay 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S. § 9001; 10 M.R.S. § 8003(5-A)(G); 32 M.R.S. §§ 63-B(2), (3), 65, 67

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): N/A

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/nursing-home-administrators-licensing-board>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: kristin.racine@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
014	02A	4290	01	4946				

Notice of Agency Rulemaking Proposal

Additional Information for the Web *(if any)*

DETAILED SUMMARY:

The proposed rulemaking will repeal the existing rules for the Board of Nursing Home Administrators, Chapters 1 through 11, and replace with the proposed Chapters 20 through 23, and Chapters 25 through 30. Chapter 24 is reserved for a rule to establish licensure by endorsement pursuant to 10 M.R.S. § 8003-H.

The proposal to recodify the Board's rules is as follows:

Chapter 1, Definitions, will be repealed and replaced with Chapter 20, Definitions; Chapter 2, Nursing Home Administrators, will be repealed and replaced by Chapter 22, Administrator-in-Training Program for Multi-level Long Term Care Facility Administrators; Chapter 3, Residential Care Facility Administrators will be repealed and replaced with Chapter 26, Licensure of Residential Care Facility Administrators; Chapter 4, Multi-Level Long Term Care Facility Administrators will be repealed and replaced with Chapter 23, Multi-level Long Term Care Facility Administrators: Licensure by Examination; Chapter 5, Licensing, will be repealed and replaced with Chapter 25, Licensure of Nursing Home Administrators; Chapter 7, Temporary Licenses, will be repealed and replaced with Chapter 27, Temporary Licensure of Administrators; Chapter 8, Continuing Education, will be repealed and replaced with Chapter 28, License Renewal, Continuing Education and Inactive Status; Chapter 9, Advisory Rulings will be repealed and replaced with Chapter 21, Advisory Rulings; Chapter 11, Code of Ethics, will be repealed and replaced with Chapter 30, Code of Ethics. The new proposed rulemaking will add Chapter 29, Approval of Preceptor Training Programs.

The Board proposes to repeal Chapter 6, Endorsement and Chapter 10, Fees.

Chapter 20: Definitions

The proposed rule defines specialized terms used in the Board's rules. The Board updated the definitions currently found in Chapter 1 of the Board's existing rules, adds new terms and removes the definition of "Board" because it is defined in statute.

Chapter 21: Advisory Rulings

The proposed rule provides for the discretionary issuance of advisory rulings by the Board. The Board updated the provisions currently found in Chapter 9 of the Board's existing rules to conform to advisory ruling chapters of other boards, in accordance with 5 M.R.S. § 9001.

Chapter 22: Administrator-in-Training Program for Multi-level Long Term Care Facility Administrators

The proposed rule describes the Administrator-In-Training ("AIT") program that must be completed by persons applying for licensure by examination as a multi-level long term care facility administrator. The Board revised and updated the provisions currently found in Chapter 2, Section 2 of the Board's existing rules.

The proposed rule provides the following: a clarified waiver provision for persons who have completed an academic internship or practicum that is similar to an AIT program; the practice areas that must be covered by the program; the program length which has been decreased from 1,040 hours to 1,000 hours; an outline of the training site and rotation requirements; a progress report requirement; a prohibition on multiple roles while a person is an AIT; and updated qualifications and responsibilities of a preceptor who supervises an AIT.

Chapter 23: Multi-level Long Term Care Facility Administrators: Licensure by Examination

The Board revised and updated the provisions currently found in Chapter 4 of the Board's existing rules. The proposed rule sets forth requirements for licensure by examination as a multi-level long term care facility administrator and provides the following: scope of practice; a list of examination approval and application for licensure requirements; and the required form of application. The proposed rule requires individuals applying for the multi-level long-term care facility administrator license to achieve a passing score on the CORE of Knowledge Exam for Long Term Care Administrators (CORE), the Nursing Home Administrators (NHA) Line of Service Exam (LOS), and the Residential Care/Assisted Living (RCAL) Line of Service (LOS) Exam developed by NAB.

Chapter 25: Licensure of Nursing Home Administrators

The proposed rule addresses the nursing home administrator license, which the Board proposes to phase out. The Board would no longer issue new nursing home administrator licenses but would allow any individual who holds such a license in Maine to continue to renew that license. The proposed rule also provides that individuals who hold a valid nursing home administrators license and have passed the Residential Care/Assisted Living (RCAL) LOS Exam developed by NAB to obtain a multi-level long term care facility administrator license.

Chapter 26: Licensure of Residential Care Facility Administrators

The proposed rule sets forth the requirements for licensure of residential care facility administrators. The Board revised and updated the provisions currently found in Chapter 3 of the Board's existing rules.

The proposed rule provides the following: scope of practice; a list of requirements to qualify for examination (which includes a new educational requirement that requires an Associate's degree in health care administration or health care related field or 5 years of experience working in a healthcare facility and a passing score on the CORE of Knowledge Exam for Long Term Care Administrators (CORE) and the Residential Care/Assisted Living (RCAL) LOS Exam developed by NAB; and application for licensure requirements.

Chapter 27: Temporary Licensure of Administrators

The proposed rule sets forth the requirements for temporary licensure of multi-level long term care facility administrators and residential care facility administrators. The Board revised and updated the provisions currently found in Chapter 7 of the Board's existing rules.

The proposed rule allows the issuance of a temporary administrators license to an applicant who meets the following requirements: is at least 21 years old; possesses a high school diploma or its equivalent; and provides a resume showing one of the following: the applicant is the current director of nursing at the multi-level long term care facility and has held the position for a minimum of 1 year; or the applicant has a minimum of 2 years of experience in a managerial position in a long term care facility within the 5 years preceding the application. A Licensed Administrative Consultant ("LAC") must be hired to supervise the

temporary licensee and submit monthly reports to the Board documenting the hours spent with the temporary licensee, content supervised and domains covered.

Chapter 28: License Renewal, Continuing Education and Inactive Status

The proposed rule describes the license renewal process, the continuing education requirement, and inactive status licensure. Inactive status license authorized by 10 M.R.S. § 8003(5-A)(D)(5), is new to the Board's rules.

The Board revised and updated the provisions on continuing education that are currently found in Chapter 8 of the Board's existing rules. The proposed rule simplifies the continuing education requirement by eliminating the Board approval process and placing the responsibility on licensees to obtain continuing education hours that meet the criteria set forth in rule. Licensees will then certify at the time of license renewal to completion of the requisite continuing education hours, and certifications will be subject to audit, as set forth in Chapter 13 of the rules of the Office of Professional and Occupational Regulation.

The proposed rule does not change the number of continuing education hours required for nursing home administrators and multi-level long term care administrators, however, the proposed rule does increase the number of continuing education hours that residential care facility administrators must obtain each year from 12 hours to 16 hours due to the history of Board complaints pertaining to residential care facility administrators and the increasing complexity of the role of a residential care facility administrator and need for education.

The Board's existing rules provide a waiver provision that allows the board to waive the continuing education requirement for a licensee in the event of a prolonged illness or other documented hardship. The Board proposes to modify the language to "health circumstances or other unforeseeable circumstances of genuine hardship" and to add the option of deferment, as specifically authorized by 10 M.R.S § 8003(5-A)(D)(4), which will allow the Board to require that a licensee defer the required continuing education hours to a later date.

Chapter 29: Approval of Preceptor Training Programs

This chapter sets forth the requirements for preceptor training and incorporates the AIT Preceptor Module Course administered by NAB by reference.

Chapter 30: Code of Ethics

The proposed rule establishes a code of ethics for all licensees, adapted from the Code of Ethics of the American College of Health Care Administrators. The Board revised and updated the code of ethics currently found in Chapter 11 of the Board's existing rules. In updating the code of ethics, the Board proposes adding a section that notifies licensees that a violation of the code of ethics may subject them to disciplinary action under 10 M.R.S. § 8003(5-A)(A)(2).

State of Maine

Department of Professional and Financial Regulation (PFR)

Office of Professional and Occupational Regulation (OPOR)

02-371

Rules of the

Nursing Home Administrators Licensing Board

Table of Contents

<u>Chapter 20: Definitions.....</u>	<u>1</u>
<u>Chapter 21: Advisory Rulings.....</u>	<u>4</u>
<u>Chapter 22: Administrator-in-Training Program for Multi-level Long Term Care Facility Administrators.....</u>	<u>5</u>
<u>Chapter 23: Multi-level Long Term Care Facility Administrators: Licensure by Examination.....</u>	<u>11</u>
<u>Chapter 25: Licensure of Nursing Home Administrators.....</u>	<u>17</u>
<u>Chapter 26: Licensure of Residential Care Facility Administrators.....</u>	<u>19</u>
<u>Chapter 27: Temporary Licensure of Administrators.....</u>	<u>21</u>
<u>Chapter 28: License Renewal, Continuing Education and Inactive Status.....</u>	<u>25</u>
<u>Chapter 29: Approval of Preceptor Training Programs.....</u>	<u>31</u>
<u>Chapter 30: Code of Ethics.....</u>	<u>35</u>

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 20: **DEFINITIONS**

Summary: This chapter defines specialized terms used in the Board’s rules.

1. **Definitions**

Unless the context otherwise indicates, the following terms have the following meanings:

1. **Accredited educational institution.** “Accredited educational institution” means a college or university that has been accredited by an accrediting agency recognized by the U.S. Department of Education or an accrediting agency of similar stature in a foreign country.
2. **Acting Administrator.** “Acting Administrator” means an Acting Administrator as defined by and subject to 10-144 C.M.R. ch. 110, § 4.A (effective Aug. 1, 2020); 10-144 C.M.R. ch. 113, § 10 (eff. Aug. 20, 2008); and 10-144 C.M.R. ch. 118, § 4 (eff. Jan. 1, 2009); who holds a valid license issued by the board.
3. **Administrator.** “Administrator” means an individual licensed by the board who is charged with, and has responsibility for, the general administration of a Nursing Home, Multi-Level Long Term Care Facility, and/or Residential Care Facility, whether or not such individual has an ownership interest in such home, and whether or not the individual’s functions and duties are shared with one or more other individuals.
4. **Administrator-in-Training or AIT.** “Administrator-in-Training” or “AIT” means an individual approved by the board to participate in an AIT program.
5. **Administrator-in-Training Program or AIT Program.** “Administrator-in-Training Program” or “AIT Program” means a formal, individualized, educational program approved by the board and designed to prepare an individual for the role of an Administrator in the type of facility in which they are being trained.
6. **Consultation.** “Consultation” means an Administrator providing guidance and advice to a Temporary Administrator, including advising as to issues related to adherence to applicable state and federal laws and rules.
7. **Field directly related to health care or social services.** “Field directly related to health care or social services” includes, but is not limited to, gerontology, medicine, mental health and human services, nursing, occupational therapy, physical therapy, psychology, public health, speech-language pathology, social work, and sociology.

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

8. **Licensed Administrator Consultant or LAC.** “Licensed Administrator Consultant” or “LAC” means an administrator, in good standing, authorized by the board to provide supervision and consultation to a temporary license holder.
9. **Long Term Care Facility** “Long Term Care Facility” means a facility in which custodial, assistive or supervisory care is provided to persons over a period of time.
10. **Multi-Level Long Term Care Facility.** “Multi-Level Long Term Care Facility” means a medical care facility other than a hospital that provides more than one level of long term care, including care levels normally associated with Nursing Homes and those associated with residential care/assisted living.
11. **Multi-Level Long Term Care Facility Administrator.** “Multi-Level Long Term Care Facility Administrator” means an individual licensed by the board who is charged with, and has responsibility for, the general administration of a Multi-Level Long Term Care Facility, a Nursing Home or a Residential Care Facility.
12. **NAB.** “NAB” means the National Association of Long Term Care Administrator Boards or its successor.
13. **Nursing Home.** “Nursing Home” means any medical care facility, other than a hospital, providing, in addition to lodging and board, medical care or nursing supervision to sick, invalid, infirm, disabled or convalescent persons; or any skilled nursing facility (SNF); intermediate care facility (ICF); or intermediate care facilities for individuals with intellectual disabilities (ICF/IID).
14. **Nursing Home Administrator or NHA.** “Nursing Home Administrator” or “NHA” means an individual licensed by the Board who is charged with, and has responsibility for the general administration of a Nursing Home, as defined by these rules.
15. **Preceptor.** “Preceptor” means an individual who meets the qualifications established by the board to provide training and supervision to an Administrator-in-Training.
16. **Residential Care Facility.** “Residential Care Facility” means a Level IV Residential Care Facility (licensed capacity of more than 7 residents) as defined by and subject to 10-144 C.M.R. ch. 113 (eff.Aug. 20, 2008).
17. **Residential Care Facility Administrator.** “Residential Care Facility Administrator” means an individual licensed by the board who is charged with, and has responsibility for, the general administration of a Residential Care Facility.
18. **Supervision.** “Supervision” means the establishment and monitoring of a prescribed work schedule, oversight of performance, and ensuring timely completion of the reports required by the board’s rules.
19. **Temporary Administrator.** “Temporary Administrator” means an individual licensed on a temporary basis by the board to perform the duties of an administrator.

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 21: **ADVISORY RULINGS**

Summary: This chapter provides for the discretionary issuance of advisory rulings by the board.

1. **Request and Consideration**

Upon written request of any interested person, the board may issue an advisory ruling pursuant to 5 M.R.S. § 9001 with respect to the applicability of any statute or rule it administers. Requests for advisory rulings must set forth in detail all facts pertinent to the question. The board may decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling, or for any other reason the board deems proper.

2. **Response**

The board shall acknowledge receipt of a request for an advisory ruling within 15 days after receipt. The board shall respond to every written request for an advisory ruling within 90 days of its receipt of the request, indicating whether or not a ruling will be issued by the board.

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 32 M.R.S. § 63-B(2)

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 22: **ADMINISTRATOR-IN-TRAINING PROGRAM FOR MULTI-LEVEL LONG TERM CARE FACILITY ADMINISTRATORS**

Summary: This chapter describes the AIT Program that must be completed by individuals applying for licensure by examination as a multi-level long term care facility administrator.

1. **Application for Licensure as Administrator-in-Training**

An individual who wants to be licensed as an Administrator-in-Training and who has fully completed the educational requirement described in Chapter 23, Section 3(1) of the board’s rules must apply for licensure as an Administrator-in-Training (AIT) by submitting an application provided by the board. The applicant must include with the application:

1. An official academic transcript demonstrating completion of the education required by Chapter 23, Section 3(1) of the board’s rules;
2. Identification of the intended commencement date and the length of a training program that meets the requirements of this Chapter and at a minimum conforms to the National Administrator-in-Training Program as incorporated into Board rules as set forth in Section 9(1) of this Chapter. The applicant shall identify the training site(s) and the licensed administrator at those site(s);
3. Qualifications of the preceptor who will provide the supervision required by Section 8 of this chapter, including but not limited to their licensing and employment history and the preceptor training program they completed that complies with board rules;
4. Verification of licensure from each state in which the applicant at any time held an occupational or professional license;
5. The license fee required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation; and
6. Such additional information as the board may require.

The applicant may not practice as an AIT until the board has approved the applicant’s choice of preceptor and has issued a license to the applicant. Any training hours that occur prior to approval and licensure will not be recognized by the board.

The license is valid for a period of up to one (1) year. Once the AIT Program has been completed and approved, the AIT license will be terminated. The AIT license is not renewable. The board

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

may renew the license for an applicant who demonstrates active duty military service as described in 37-B M.R.S. § 390-A, or due to unforeseeable circumstances of genuine hardship as determined by the board.

2. Waiver of Licensure and Training Program

Upon request, the board may waive the requirement for licensure as an AIT in whole or in part upon proof that the applicant completed an internship or practicum that was substantially equivalent to an AIT Program as an academic requirement for a degree program in which the applicant was enrolled. A waiver request shall be accompanied by an official academic transcript of the education required by Chapter 23, Section 3(1) of the board’s rules and the license fee required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

In deciding whether to grant a waiver, the board may consider the length and content of the internship or practicum, the extent of supervision received, the nature and variety of the training sites, the recommendation of the applicant’s supervisor, and any other relevant factors.

3. Practice Areas Covered

The AIT Program must include the following practice areas: resident care management, personnel management, financial management, environmental management, organizational management, laws, regulations, codes and governing boards.

4. Program Length

The program length shall be 1000 hours devoted solely to the training of the AIT. An AIT shall complete the AIT Program in no less than 6 months and no more than 1 year. The board may extend this time upon request of the applicant due to active duty military service as described in 37-B M.R.S. § 390-A, or due to unforeseeable circumstances of genuine hardship as determined by the board.

A minimum of 40 hours and a maximum of 160 hours are to be served outside of the hours of 7:00 a.m. to 5:00 p.m.

5. Training Sites and Rotations

1. Primary and Secondary Sites

The AIT must select as the primary training site for the AIT Program either a Skilled Nursing Facility (SNF) or an Intermediate Care Facility for individuals with intellectual disabilities (ICF/IID).

For AITs selecting a Skilled Nursing Facility as a primary training site, at least one clinical rotation of at least 40 hours must be completed in each of the secondary training sites. For AITs selecting an ICF/IID Facility as a primary training site, a minimum of 480 hours must be completed at the Skilled Nursing Facility site as well as at least 40 hours completed at a Level IV Residential Care Facility.

2. Prior Experience and Training

The prior experience and training of the AIT may be considered in the development and duration and/or depth of training in certain domains. If the AIT is currently, or has been within the previous two (2) years, employed in a professional capacity in a Skilled Nursing Facility (SNF) or an Intermediate Care Facility for individuals with intellectual disabilities (ICF/IID) a maximum of 40 hours of AIT work shall be devoted to that field in which the AIT was previously employed

6. Progress Reports and Change in Preceptor

1. **Progress Reports.** The AIT must sign a monthly progress report on a form provided by the board. The report must include a summary of the previous month's activities, including dates of the activities, and such additional information as the board may require. The AIT preceptor must review the report, comment on the progress of the AIT, identify any changes to the AIT program as necessary, and co-sign the report.

The AIT must submit the monthly report to the board no later than the 10th day of the following month.

2. **Change in Preceptor.** The AIT must notify the board if their preceptor is no longer able to fulfill the responsibilities of preceptorship. The AIT shall, as soon as practicable, submit another proposed preceptor for board approval.

7. Multiple Roles

An individual may not simultaneously be an AIT and a temporary administrator. An individual may not simultaneously be an AIT and serve as an acting administrator appointed by the Maine Department of Health and Human Services. During the identified training hours, an AIT may not serve in any other capacity at the training facility.

8. Qualifications of Preceptor; Limitation

The AIT must be supervised by a preceptor who satisfies the following requirements.

1. Licensure

A preceptor must have been continuously licensed by the board as a nursing home administrator or multi-level long term care facility administrator for the five (5) years immediately preceding the AIT application with no lapse of licensure. The preceptor must maintain an active license for the duration of the training program.

2. Employment

The preceptor needs to have been employed full-time in Maine at a licensed nursing facility in a supervisory capacity or as an executive with oversight responsibility in the field of

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

long-term care for a minimum of three (3) years immediately preceding the AIT application.

3. Disciplinary Record

The preceptor must not have been disciplined by any professional or occupational regulatory authority in any jurisdiction during the five (5) years preceding the AIT application, and remain free from professional discipline for the duration of the training program. The board will consider complaint, survey, and disciplinary history when reviewing preceptor applications; and

4. Preceptor Training

Has completed a preceptor training program approved by the board pursuant to Chapter 29 of the board’s rules.

5. Limit on Number of AITs

The board may approve a maximum of two AITs per preceptor at any one time.

9. Responsibilities of Preceptor

The preceptor is responsible for:

1. Developing, in conjunction with the AIT, a personalized training program that meets the requirements of this chapter and conforms to the National Administrator-in-Training Program. The Board hereby incorporates all Modules of the National Administrator-in-Training Program Manual, issued by the American College of Health Care Administrators and the National Association of Long Term Care Administrators Boards, copyright © 2021 by the National Association of Long Term Care Administrator Boards, Inc. Copies are available at <https://www.nabweb.org>.
2. Advising the AIT in the selection of the primary and secondary training sites;
3. Developing specific assignments within the scope of the training program;
4. Communicating with the AIT on a weekly basis to review the previous week’s activities, preparing the AIT for upcoming rotations and assignments, and mentoring the AIT’s professional development. For the purpose of this section, “communicating” may be via live, audio and/or video synchronous technology;
5. Upon request by the AIT, reviewing and signing the AIT’s monthly reports
6. Providing the AIT with up-to-date copies of the materials described in the board’s application packet;

7. Notifying the board if the preceptor is no longer able to fulfill the responsibilities of preceptorship; and
8. Making a final recommendation to the board as to the AIT’s successful completion of the AIT Program.

10. Preceptor Compliance

Failure to comply with the supervision and reporting requirements of this chapter shall constitute grounds for discipline as misconduct of the preceptor as well as grounds for revision, suspension, or termination of the AIT program, as determined by the board or its designee.

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 23: **MULTI-LEVEL LONG TERM CARE FACILITY ADMINISTRATORS:**
LICENSURE BY EXAMINATION

Summary: This chapter sets forth the requirements for licensure by examination as a multi-level long term care facility administrator.

1. **Scope of Practice**

The multi-level long-term care facility administrator license authorizes the licensee to serve as an administrator of a nursing home, multi-level long-term care facility or residential care facility.

2. **Required Examinations**

The board requires individuals applying for the multi-level long-term care facility administrator license to achieve a passing score on the CORE of Knowledge Exam for Long Term Care Administrators (CORE), the Nursing Home Administrators (NHA) Line of Service Exam (LOS), and the Residential Care/Assisted Living (RCAL) Line of Service (LOS) Exam developed by NAB. The passing score shall be determined by the board upon consideration of the recommended passing score established by NAB. A passing score will be recognized by the board for a period of two (2) years after the date of the examination on which the passing score was achieved.

3. **Examination Approval**

To qualify for the examination required by Section 2 of this Chapter, an individual seeking examination approval must submit a form provided by the board and submit evidence of:

1. **Education.**

a. A bachelor’s degree or higher, from an accredited educational institution, in health care administration, long term care administration, business administration or a field directly related to health care or social services; or

b. A bachelor’s degree or higher, from an accredited institution, in any field, plus proof of one of the following:

(1) A certificate in long term care administration from an accredited institution;

or

(2) Twelve (12) semester hour credits from an accredited institution, with no fewer than six (6) in management and the balance in health care.

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

2. Training. Proof of successful completion of an AIT program described in Chapter 22 of the board’s rules or meet the requirements of Chapter 22, Section 2 of the board’s rules.

Once an individual receives approval to sit for the examinations administered by NAB, they must register with NAB and designate the board as a state licensing entity authorized to receive the candidate’s examination scores.

Examination approvals are subject to any terms and conditions set by NAB. Any fees required for examinations are set by NAB and not the board.

3. Application for Licensure

1. Form of Application.

To apply for licensure as a multi-level long term care facility administrator by examination, an applicant must:

- a. Be at least 21 years old at the time of application;
- b. Ensure the board has received all documentation of education, training and passage of the required examinations;
- c. Submit any fee required by Chapter 10 of the rules of the Office of Professional and Occupational Relation; and
- d. Submit any other information as the board may require.

2. Completeness

The board will not act on an application until the application is complete. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be voided and the applicant would need to submit a new application and any required fee to reapply.

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 25: **LICENSURE OF NURSING HOME ADMINISTRATORS**

Summary: This chapter addresses the nursing home administrator license.

1. **Scope of Practice**

The nursing home administrator license authorizes the licensee to serve as administrator of a nursing home.

2. **License Issuance and Renewal**

As of the effective date of this rule, the board will no longer issue new nursing home administrator licenses.

An individual who holds a valid Maine nursing home administrator license may continue to renew that license, in accordance with 32 M.R.S. § 65 and Chapter 28 of the board’s rules.

3. **Multi-Level Long Term Care Facility Administrator Licenses for Nursing Home Administrators**

An individual who holds a valid Maine nursing home administrator license may apply for a multi-level long term care facility administrator license. To be eligible to receive the multi-level long term care facility administrator license, the individual also must have passed the Residential Care/Assisted Living (RCAL) LOS Exam developed by NAB.

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 65

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 26: **LICENSURE OF RESIDENTIAL CARE FACILITY ADMINISTRATORS**

Summary: This chapter sets forth the requirements for licensure of residential care facility administrators.

1. **Scope of Practice**

The residential care facility administrator license authorizes the licensee to serve as administrator of a licensed residential care facility of seven (7) beds or more.

2. **Required Examinations**

The board requires individuals applying for the residential care facility administrator license to achieve a passing score on the CORE of Knowledge Exam for Long Term Care Administrators (CORE) and the Line of Service Examination RC/AL for Residential Care/Assisted Living Administrators developed by NAB. The passing score shall be determined by the board upon consideration of the recommended passing score established by NAB. A passing score will be recognized by the board for a period of two (2) years after the date of the examination on which the passing score was achieved.

3. **Examination Approval**

To qualify for the examination required by Section 2 of this Chapter, an individual seeking examination approval must submit a form provided by the board and submit evidence of either:

1. an associate’s degree in healthcare administration or health care related field,

or

2. completion of five (5) years of experience working in a healthcare facility.

Once an individual receives approval to sit for the examinations administered by NAB, they must register with NAB and designate the board as a state licensing entity authorized to receive the candidate’s examination scores.

Examination approvals are subject to any terms and conditions set by NAB. Any fees required for examinations are set by NAB and not the board.

4. Application for Licensure

1. Form of Application.

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

To apply for licensure as a residential care facility administrator by examination, an applicant must:

- a. Be at least 21 years old at the time of application;
- b. Ensure the board has received all documentation of education or experience and passage of the required examinations;
- c. Submit any fee required by Chapter 10 of the rules of the Office of Professional and Occupational Relation; and
- d. Submit any other information as the board may require.

2. Completeness

The board will not act on an application until the application is complete. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be voided and the applicant would need to submit a new application and any required fee to reapply.

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 27: **TEMPORARY LICENSURE OF ADMINISTRATORS**

Summary: This chapter sets forth the requirements for temporary licensure of multi-level long term care facility administrators.

1. **Temporary License**

1. Issuance

In order to fill a vacant administrator position in a multi-level long term care facility subject to these rules, the board may issue a temporary license to an applicant who meets the qualifications as outlined in subsection 2 below and is subject to supervision of a board-approved licensed administrative consultant.

2. Qualifications for Temporary Licensure

To qualify for temporary licensure, an applicant must:

A. Be at least 21 years old;

B. Provide evidence of a high school diploma or its equivalent; and

C. Provide proof in the form of a current resume that the applicant either:

(1) Is the current director of nursing at the multi-level long term care facility and has held the position for a minimum of one (1) year; or

(2) Has a minimum of two (2) years of experience in a managerial position in a multi-level long term care facility within the five (5) years immediately preceding the application.

3. Application

An individual must apply for temporary licensure on an application provided by the board. The applicant must include with the application:

A. Written Statement

A written statement by the owner or representative of the governing body of the multi-level long term care facility for which temporary licensure is sought certifying that the facility’s position of administrator has become vacant; that it plans to employ the applicant on a temporary basis if the applicant is issued a

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

temporary license; and that it will retain a licensed administrative consultant as described in Section 1(6) of this chapter for the period in which the applicant renders services to it under a temporary license.

B. Fees

The license fee required in Chapter 10 of the rules of the Office of Professional and Occupational Regulation, entitled “Establishment of License Fees.”

C. Additional Information

Such other information as the board may require.

4. Terms of the Temporary License

A temporary license is valid only for the employment in the long term care facility specified in the application. A temporary license is non-transferable.

5. Duration

A temporary license may be issued for a period not to exceed one (1) year. The temporary license may not be further renewed or re-issued to the same candidate for the same facility, except in situations of demonstrated hardship and in the sole discretion of the board. Notwithstanding Chapter 28, there is no requirement to complete continuing education requirements if the board permits renewal.

6. Licensed Administrative Consultant (LAC)

A. Hiring of LAC

An LAC must be under contract for the duration of a temporary license to consult with the temporary licensee with regards to administration of the facility.

B. Qualifications of LAC

The temporary licensee must consult with an LAC who:

- (1) Has been continuously licensed by the board at a level of licensure that is equivalent to or higher than the level of permanent licensure required to administer the multi-level long term care facility for the five (5) years preceding commencement of the consulting relationship with no lapse of licensure, and maintains the license in effect for the duration of the consulting relationship;
- (2) Has a minimum of three (3) years full-time experience as an administrator of a facility, in Maine or elsewhere, that is comparable to the facility for which consultation is sought; and

- (3) Has not been disciplined by any professional or occupational regulatory authority in any jurisdiction during the five (5) years preceding the temporary license application, and remains free from professional discipline during the term of the temporary license. The board will consider surveys conducted by the Maine Department of Health and Human Services and disciplinary history when reviewing applications.

C. Supervision by LAC

- (1) The LAC must provide direct supervision of the temporary licensee and shall provide for coverage in the event of a temporary absence. The LAC and temporary licensee may participate in supervisory meetings in person or via video conferencing, conference telephone, or similar communications equipment by means of which all persons participating in the meeting can hear each other and participate.
- (2) Should the approved LAC be unavailable to provide supervision to the temporary licensee for any portion of the one year timeframe specified in section 5 of this chapter, the board may issue a waiver for no more than thirty (30) days from the absence giving due consideration to public protection. A second request for another thirty (30) day waiver may be made. The temporary licensee must submit to the board a waiver request in writing as soon as practicable prior to the unavailability of the LAC or within 10 days of unavailability of the LAC and may propose a replacement LAC at that time. A replacement LAC must be appointed within thirty (30) days from the absence but in no event later than a maximum of sixty (60) days from the absence.
- (3) The LAC must submit a monthly evaluation report on the temporary licensee to the board. The report must contain the hours the LAC spent with the temporary licensee, the content of the supervision and the domains that were covered. The report must be received by the board no later than ten (10) days after the reporting period.

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), (3)

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 28: **LICENSE RENEWAL, CONTINUING EDUCATION, AND INACTIVE STATUS**

Summary: This chapter describes the license renewal process, the continuing education requirement, and inactive status licensure.

1. **License Expiration**

All licenses issued by the board, other than an AIT or temporary license, expire annually on June 30th.

2. **Renewal Process**

All licenses issued by the board that may be renewed require that a licensee:

1. Complete and submit the renewal application provided by the board;
2. Pay the license fee required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation; and
3. Provide such other information as the board may require.

3. **Continuing Education Requirement**

Continuing education is required as a prerequisite to license renewal. An administrator must certify on the renewal application to completion of the requisite number of hours of continuing education during the preceding license term, as set forth in this section.

1. Required hours

- A. Nursing Home Administrators and Multi-Level Long Term Care Administrators must obtain twenty-four (24) hours of continuing education between July 1 and June 30 of each year.
- B. Residential Care Facility Administrators must obtain sixteen (16) hours of continuing education between July 1 and June 30 of each year.
- C. Continuing education units shall be based on a fifty-five (55) minute hour allowing for a fifteen (15) minute break for each three hour segment.

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

2. First Renewal

The continuing education requirement does not apply to an administrator’s first license renewal.

3. Approved Continuing Education Activities

A. Content

Continuing education activities shall be relevant to the profession and relate to the domains of practice set by NAB or other nationally recognized organizations providing continuing education to nursing home administrators.

B. Type

Continuing education may consist of any of the following types of activities:

- (1) Live attendance at seminars, workshops, and training sessions. Continuing education credit may not be claimed more than once in a license cycle for the same seminar, workshop, or training session. Attendance must be documented by a certificate of completion or other reliable written evidence that is acceptable to the board. Licensees must also be able to provide course descriptions and/or agendas to substantiate the content to the board upon request.
- (2) Distance learning activities, such as online courses, workshops, and training, and home study courses. Continuing education credit may not be claimed more than once in a license cycle for the same online course, webinar, workshop, or training, home study course, or any other distance learning activity. Completion must be documented by a certificate of completion or other reliable written evidence that is acceptable to the board. Licensees must also be able to provide course descriptions and/or agendas to substantiate the content upon request.
- (3) Completion of a course that consists of three (3) semester hours, or the quarter-hour equivalent (quarter-hour equivalent means 2/3 of a semester hour), in a related field at an accredited college or university for one academic semester, which will be considered twelve (12) hours of continuing education. Completion of the course must be documented by an official academic transcript.
- (4) An administrator may be credited for the following:
 - (a) Publication of an article related to long term care or health care in a professional journal. Publication is considered the equivalent of three (3) hours of continuing education.

- (b) Publication of a contributed chapter in a book related to long term care or health care. Publication is considered the equivalent of three (3) hours of continuing education.
- (c) Publication of a book related to long term care or health care. Publication is considered the equivalent of eight (8) hours of continuing education.

Continuing education hours under this subparagraph will be recognized only for the license cycle during which the article or book was accepted for publication. Publication and date of acceptance must be documented by a copy of the article or title page of the book and a letter of acceptance or letter from the publisher.

4. Recognized Continuing Education Sponsors and Providers

The board may pre-approve upon request continuing professional education activities offered by sponsors and providers whose past offerings, in the judgment of the board, have consistently conformed to the approval criteria set forth in Section 3(3) of this chapter. The board shall publish a current list of pre-approved sponsors and providers from time to time and may update the list as necessary. All sponsors and providers must distribute an evaluation form for participants to comment on the quality of programs and the relevance of content to the profession and certificates of completion to attendees at the conclusion of the program. The sponsor and provider must retain completed evaluations for two (2) years following conclusion of the program and must promptly provide the evaluations to the board upon request.

5. Waiver or Deferment

In the event that an administrator is unable to satisfy the continuing education requirement due to health reasons or other unforeseeable circumstances of genuine hardship, the administrator may request, in writing, that the board waive or defer the continuing education requirement. The request shall be made prior to, or at the time of, license renewal. Waiver or deferment may be granted or denied at the discretion of the board.

6. Documentation and Audit

An administrator is responsible for maintaining records, certificates, or other written evidence of compliance with the continuing education requirement. Reporting, verification, and audit of continuing education is governed by Chapter 13 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled “Uniform Rule for the Substantiation of Continuing Education Requirements.”

7. Transition Period

An administrator renewing before one year after the effective date of this rule change may satisfy the continuing education obligation by either (a) meeting the requirements of this

chapter, or (b) meeting the requirements of former Chapter 8 of the board’s rules as that chapter existed immediately prior to its repeal.

4. Inactive Status License

1. Application; Time Limit

An administrator may apply for an inactive status license, and may remain in inactive status for a maximum of five (5) consecutive years.

2. Prohibition on Practice

An administrator with an inactive status license shall not serve as an administrator of a nursing home, multi-level long term care facility, or residential care facility in the State of Maine.

3. Exemption from Continuing Education

An administrator with an inactive status license for more than one year need not comply with the annual continuing education requirement set forth in Section 3 of this chapter. However, in order to return to an active status license, an administrator must comply with the continuing education requirement set forth in subsection 5.

4. Renewal

Inactive status licenses expire annually. In order to renew an inactive status license, an administrator must:

- A. Complete and submit the renewal application provided by the board;**
- B. Pay the license fee required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation; and**
- C. Provide such other information as the board may require.**

5. Reinstatement to Active Status

An administrator with an inactive status license may return to active status upon application to the board, payment of the required license fee, and certification of completion of continuing education as follows:

- A. Nursing Home Administrators and Multi-level Long Term Care Administrators must obtain twenty-four (24) hours of continuing education during the one-year period prior to application for reinstatement, in accordance with the requirements for content and type of continuing education activities set forth in Section 3(3) of this chapter.**

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

- B. Residential Care Facility Administrators must obtain sixteen (16) hours of continuing education during the one-year period prior to application for reinstatement, in accordance with the requirements for content and type of continuing education activities set forth in Section 3(3) of this chapter.
-

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 65, 67

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 29: **PRECEPTOR TRAINING**

Summary: This chapter sets forth the requirements for preceptor training.

1. **NAB Preceptor Training Modules**

All licensees serving as preceptors must first complete the AIT Preceptor Module Course administered by NAB, available at www.nabweb.org.

2. **Board-approved training course**

All licensees serving as preceptors must also complete a board-approved training course that, at a minimum, provides instruction regarding:

1. Board laws and rules;
2. Any forms required to administer an AIT program; and
3. Long-Term Care state regulations, including but not limited to plan of correction requirements.

For the purposes of this section, the board approves the program administered through the Maine Health Care Association. The board reserves sole discretion to approve any additional training courses that will comply with the requirements of this section.

3. **Documentation.** An individual who completes the training required by this section must maintain proof of completion of the training required by this chapter and produce documentation of completion to the board upon request, for so long as they maintain an active license.

4. **Active License Required.** Any individual who has not had an active license within the past two (2) years must complete all requirements of this section, regardless if the individual had completed the training previously.

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

EFFECTIVE DATE:

02 **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

371 **NURSING HOME ADMINISTRATORS LICENSING BOARD**

Chapter 30: **CODE OF ETHICS**

Summary: This chapter establishes a code of ethics for all licensees, a majority of which is adapted from the Code of Ethics of the American College of Health Care Administrators (ACHCA) (available at www.achca.org).

1. **Code of Ethics**

The board adopts the following code of ethics for all licensees of the board:

1. A licensee shall hold paramount the welfare of persons for whom care is provided by:
 - A. Striving to provide to all those entrusted to their care the highest quality of appropriate services possible in light of resources or other constraints.
 - B. Operating the facility consistent with laws, regulations, and standards of practice recognized in the field of health care administration.
 - C. Protecting the confidentiality of information regarding individual recipients of care, consistent with law and professional standards.
 - D. Performing administrative duties with honesty, integrity, respect, fairness and good faith.
 - E. Taking appropriate steps to avoid discrimination on the basis of race, color, religion, sex, pregnancy, sexual orientation, citizenship status, national origin, age, physical or mental disability, past, present or future status in the U.S. uniformed services, genetics or any other characteristic protected under applicable law.
 - F. Not disclosing professional or personal information regarding recipients of service to unauthorized personnel unless required by law or to protect the public welfare.
2. A licensee shall maintain high standards of professional competence by:
 - A. Possessing and maintaining the competencies necessary to effectively perform their responsibilities.
 - B. Practicing administration in accordance with accepted standards in the long-term care and assisted living profession and, when appropriate, seeking counsel from qualified others.
 - C. Actively striving to enhance knowledge of and expertise in long-term care administration through continuing education and professional development.
 - D. Not misrepresenting qualifications, education, experience, or affiliations.

02-371 – Nursing Home Administrators Licensing Board – Consolidated Rules

- E. Not providing services other than those for which they are prepared and qualified to perform.
 - F. Not conducting themselves in a manner detrimental to the best interest of the profession.
3. A licensee shall strive, in all matters relating to their professional functions, to maintain a professional posture that places paramount the interests of the facility and its residents by:
- A. Avoiding partisanship and providing a forum for the fair resolution of any disputes which may arise in service delivery or facility management.
 - B. Disclosing to the governing body of the facility or state authority as may be appropriate, any actual or potential circumstance concerning they that might reasonably be thought to create a conflict of interest or have a substantial adverse impact on the facility or its residents.
 - C. Not participating in activities that reasonably may be thought to create a conflict of interest or have the potential to have a substantial adverse impact on the facility.
4. A licensee shall honor their responsibilities to the public, to the profession, and in relationships with colleagues and members of related professions by:
- A. Fostering increased knowledge within the profession of health care administration and supporting research efforts toward this end.
 - B. Participating with others in the community to plan for and provide a full range of health care services.
 - C. Sharing areas of expertise with colleagues, students, and the general public to increase awareness and promote understanding of health care in general and the profession in particular.

2. Grounds for Discipline

Any violation of this code of ethics may subject a licensee to disciplinary action under 10 M.R.S. § 8003(5-A).

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

EFFECTIVE DATE:

SUMMARY: This chapter provides definitions for applicable terms contained in these rules.

Use of one gender is deemed to include the other gender. Further, as used herein, the following terms shall have the meaning set forth below.

- A. Administrator. An "Administrator" is an individual licensed by the Board, who is charged with, and has responsibility for, the general administration of a Nursing Home, Multi-Level Long Term Care Facility, and/or a Residential Care Facility, whether or not such individual has an ownership interest in such home, and whether or not his/her functions and duties are shared with one or more other individuals.
- B. Board. "Board" means the Nursing Home Administrators Licensing Board.
- C. Nursing Home (NH). "Nursing Home" means any medical care facility, other than a hospital, providing, in addition to lodging and board, medical care or nursing supervision to sick, invalid, infirm, disabled, or convalescent persons; or any skilled nursing facility (SNF); intermediate care facility (ICF); or nursing facility for mentally retarded persons (Nursing ICF/MR).
- D. Licensed Administrator Consultant (L.A.C.). A "Licensed Administrator Consultant" is an Administrator, in good standing, authorized by the Board to provide supervision and consultation to a temporary license holder.
- E. Supervision. "Supervision" means, but is not limited to, the establishment and monitoring of a prescribed work schedule, the quality of performance, and the timely completion of assignments and reports required by the Board.
- F. Consultation. "Consultation" means a system in which advice is given and views are exchanged.
- G. Nursing Home Administrator (NHA). A "Nursing Home Administrator" is an individual licensed by the Board who is charged with, and has responsibility for the general administration of a Nursing Home, as defined by these rules.
- H. Preceptor. A "Preceptor" is an individual who holds either a Nursing Home Administrator's license or a Multi-Level Facility Administrator's license, in good

standing, and who is authorized by the Board to provide training and supervision to an Administrator in Training.

- I. ~~Administrator in Training (AIT). An "Administrator in Training" is an individual approved by the Board to participate in an AIT program.~~
- J. ~~Administrator in Training Program. "Administrator in Training Program" means a formal, individualized, educational program approved by the Board and designed to prepare an individual for the role of an Administrator in the type of facility in which he or she is being trained.~~
- K. ~~Residential Care Facility. "Residential Care Facility" means a Level II Residential Care Facility, with a licensed capacity for seven (7) or more residents, whose services provided fall within the definition of a medical care facility other than a hospital, in accordance with Title 32, M.R.S.A. Section 62 (3).~~
- L. ~~Residential Care Facility Administrator (RCFA). A "Residential Care Facility Administrator" is an individual licensed by the Board who is charged with, and has responsibility for, the general administration of a Residential Care Facility.~~
- M. ~~NAB. "NAB" refers to the National Association of Boards of Examiners of Long Term Care Administrators.~~
- N. ~~Multi Level Long Term Care Facility. "Multi Level Long Term Care Facility" means a medical care facility other than a hospital that provides more than one level of long term care, including care levels normally associated with Nursing Homes and those associated with residential care/assisted living.~~
- O. ~~Multi Level Long Term Care Facility Administrator. A "Multi Level Long Term Care Facility Administrator" is an individual licensed by the Board who is charged with, and has responsibility for, the general administration of a Multi Level Long Term Care Facility, a Nursing Home or a Residential Care Facility.~~
-

~~STATUTORY AUTHORITY: 32 M.R.S.A., Chapter 2, §63-B (2)~~

~~EFFECTIVE DATE:~~

~~———— August 24, 1979~~

~~AMENDED:~~

~~———— July 15, 1980~~

~~REPEALED & REPLACED:~~

~~———— March 11, 1984~~

~~AMENDED:~~

~~———— August 29, 1987~~

~~———— June 1, 1992~~

~~———— June 29, 1993~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~———— November 2, 1996~~

~~AMENDED:~~

~~———— January 16, 2000~~

SUMMARY: This chapter outlines the general requirements for licensure as a Nursing Home Administrator.

SECTION 1: QUALIFICATIONS FOR LICENSURE

The applicant shall meet the following qualifications:

- A. Be at least twenty one (21) years of age.
- B. Have attained one of the following minimum educational requirements:
 - 1. Baccalaureate or higher degree from an accredited college or university in Administration, Health Care Administration, Long Term Care Administration; or
 - 2. Baccalaureate degree from an accredited college or university in a health related field, such as nursing or social work; or
 - 3. Baccalaureate or higher degree from an accredited college or university in any field, plus proof of one of the following:
 - a. A Certificate of Advanced Study in Long Term Care Administration from an accredited college, or
 - b. Twelve (12) semester hour credits from an accredited college with not fewer than six (6) in management and the balance in health care or long term care.
- C. Be of good record and reputation for honest and reliable conduct in personal and business affairs, as demonstrated by two (2) written character references.
- D. Have completed a Board approved Administrator in Training program or be eligible for endorsement as specified in Chapter 6.
- E. Have submitted a completed application, on forms supplied by the Board, and the required fees.

~~F. May, with Board approval, complete an AIT program or equivalent internship prior to receiving a baccalaureate degree, provided the AIT program is an integral part of the requirements for that degree.~~

~~All or part of the AIT requirement may be waived by the Board, depending on the degree to which the length and content of the internship is equivalent to the requirements of this chapter.~~

~~G. Pass such examinations as are required in Section 3 of this Chapter.~~

~~H. Graduates of college or university programs granted Academic approval by NAB will be considered to have met the educational requirements in Section 1 (B) above.~~

~~SECTION 2: ADMINISTRATOR IN TRAINING PROGRAM~~

~~A. Content of the Program:~~

~~1. The Nursing Home Administrator shall have skills and expertise in the following domains of practice:~~

~~Resident Care Management, Personnel Management, Financial Management, Environmental Management, Organizational Management, Laws, Regulations, Codes and Governing Boards.~~

~~2. Every program submitted to the Board shall consist of a program of training in all of these domains of practice.~~

~~3. The AIT shall select as the primary training site for his/her AIT program a Nursing Home, ICF/MR (intermediate care facility for people with mental retardation), or a Residential Care Facility. The two types of facilities not selected as the primary training site shall be designated as alternative training sites for that AIT program.~~

~~4. Every AIT program shall include at least a clinical rotation beyond the primary training site for a period of not fewer than forty (40) hours in each of the alternative training sites.~~

~~5. As the specific program is developed, the prior experience and training of the trainee may be considered in determining the length of time and/or depth of training to be required in certain domains. If the AIT is currently, or within the previous two (2) years has been, employed in a professional capacity in a nursing home, a maximum of forty (40) hours of Administrator in Training work shall be devoted to that field. (If, for~~

example, the trainee has worked as a Director of Nursing Services, it is reasonable to devote less time to this domain in order to devote more time to an area where the trainee is inexperienced.)

~~B. Length of the Program~~

~~The program length shall be 1,040 hours, devoted solely to the training of the AIT. The AIT program may be conducted as full time (40 hours) during normal working hours for a period of six (6) months, or with prior approval of the Board, part-time twenty (20 hours) during usual working hours for a period of twelve (12) months.~~

~~Normal working hours shall be 7:00 a.m. to 7:00 p.m. The AIT shall be able to demonstrate that AIT training hours are exclusive of any worked time.~~

~~C. Orientation~~

~~Prior to the approval of an AIT program, the applicant shall report to the Board, at a regularly scheduled meeting, for the purpose of orientation.~~

~~D. Progress Reports~~

~~The AIT shall submit a monthly progress report, which shall provide the Board with a summary of the previous month's activities, including dates and times of the activities. The Preceptor shall review and sign this report, which shall be submitted to the Board by the 10th of the following month.~~

~~E. Dual Roles~~

~~No person may simultaneously be an AIT and a temporary license holder.~~

~~F. Supervision~~

~~The AIT program shall be supervised by a Preceptor as defined in Chapter 1, Section H.~~

~~G. Qualifications of the Preceptor~~

~~A Preceptor shall:~~

- ~~1. Currently hold a license in good standing, from the Board to practice as an NHA, and shall have held such a license in good standing for at least three (3) years immediately preceding the commencement of the AIT program, and throughout its duration.~~

2. ~~Have had a total of at least five (5) years of full-time employment as a Nursing Home Administrator in Maine and/or some other state, all pursuant to the appropriate licensure in good standing.~~
3. ~~Have completed a Board approved Preceptor training program within the three (3) years preceding the commencement of the AIT program.~~

~~H. Preceptor Responsibilities for Administrator in Training Programs~~

~~The Preceptor shall be responsible for the following:~~

1. ~~The development, in conjunction with the AIT, of a personalized training program;~~
2. ~~The selection of the training site;~~
3. ~~The development of specific assignments within the scope of the training program;~~
4. ~~The review, with the AIT, of the previous week's experiences;~~
5. ~~The development of specific question and answer sessions during the Preceptor's on-site weekly visits;~~
6. ~~The development of a plan for the coming week's training;~~
7. ~~The review of the AIT's monthly report, to ensure accuracy and completeness;~~
8. ~~To ensure that the reports are submitted to the Board in a timely fashion;~~
9. ~~To ensure that all preparation materials (training manuals, rules, etc.) are available and that they represent the most current information available; and~~
10. ~~Notification to the Board of any program changes.~~

~~SECTION 3: EXAMINATION~~

~~A. National Examination~~

~~Every applicant for licensure as a Nursing Home Administrator shall pass the national Nursing Home Administrator examination prepared by NAB, unless granted endorsement by the Board in keeping with the provisions of Chapter 6.~~

~~B. State Examination~~

~~Every applicant for licensure as a NHA shall pass a state examination prepared and administered by the Board.~~

~~C. Qualifications Required for the Examination~~

~~Applicants shall fulfill all other requirements for licensure, including education requirements as defined in Section 1(B) and AIT requirements as defined in Section 1(D) of this Chapter.~~

~~D. Scheduling of Examinations~~

~~The Board shall conduct one or more state and/or national examinations for licensure of Nursing Home Administrators each year, at such times and places as the Board may determine.~~

~~E. Notification~~

~~Notification of scheduled examinations shall be provided by the Board at least two (2) months in advance to:~~

- ~~1. The Division of Licensing and Certification, Department of Human Services, State House Station 11, Augusta, Maine 04333;~~
- ~~2. Trade association newsletters; and~~
- ~~3. At least one newspaper with state wide circulation.~~

~~F. Application for Examination~~

~~An applicant for examination shall make application in writing on forms provided by the Board, and shall furnish evidence satisfactory to the Board that he/she meets the pre-examination requirements as provided in the state licensing statutes and the Board rules.~~

~~G. Grading~~

- ~~1. National Examination: The national examination shall be graded by PES (Professional Examination Service) or such other entity as is selected by NAB, and the passing score shall be a scaled score of 113 or such other score as shall be determined by the Board.~~
- ~~2. State Examination: The state examination shall be graded by two (2) Board members, and a passing score shall be a raw score of 75%.~~

~~H. Re-Examination~~

~~If an applicant fails the state or national examination, he/she may re-take that particular examination at the next scheduled Board examination date, after having submitted the application and appropriate fees. No applicant shall be allowed to sit for the same examination more than two (2) times during any twelve (12) month period.~~

~~SECTION 4: CONTINUING EDUCATION~~

~~Licensed Nursing Home Administrators shall be required to obtain twenty-four (24) hours of Board-approved CEUs between July 1 and June 30 of each year, in keeping with the provisions of Chapter 8. An Administrator licensed during any part of the above-mentioned period shall accumulate no fewer than the prorated equivalent of two (2) CEUs for each month following the month of licensure in order to be eligible to have the license renewed.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 2, §63-B(2)~~

~~EFFECTIVE DATE:~~

~~June 29, 1993 (as "Administrator in Training Program")~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~November 2, 1996~~

~~EFFECTIVE DATE:~~

~~January 16, 2000 (as "Nursing Home Administrators")~~

SUMMARY: This chapter outlines the general requirements for licensure as a Residential Care Facility Administrator (RCFA).

SECTION 1: QUALIFICATIONS FOR LICENSURE

The applicant shall meet the following qualifications:

- A. Be at least 21 years of age.
- B. Either:
 - 1. Possess a high school diploma and have completed one of the following options:
 - a. A Board approved program in residential care/assisted living; or
 - b. A certificate of advanced study in long term care administration from an accredited college, including at least three (3) semester hours in assisted living or residential care; or
 - c. Twelve (12) semester hours from an accredited college with not fewer than six (6) in management and the balance in health care or human services; or
 - 2. Be certified by the American College of Health Care Administrators (ACHCA) as a Certified Assisted Living Administrator (CALA); or
 - 3. Have successfully passed the NAB Residential Care/Assisted Living examination.
- C. Be of good record and reputation for honest and reliable conduct in personal and business affairs as demonstrated by two (2) written character references.
- D. Have submitted a completed application on forms supplied by the Board, and the required fees.

~~SECTION 2: LICENSES FOR CURRENT LEVEL II RCF ADMINISTRATORS~~

~~An individual who, on the effective date of these rules is charged with and has responsibility for the general administration of a Residential Care Facility, shall be granted a provisional license and shall have eighteen (18) months to satisfy the educational/examination provisions of Section 1(B) of this Chapter. That individual shall apply to the Board for said provisional license within ninety (90) days of said effective date.~~

~~SECTION 3: CONTINUING EDUCATION~~

~~Licensed Residential Care Administrators shall be required to accrue twelve (12) hours of Board approved CEUs between July 1 and June 30 of each year, in keeping with the provisions of Chapter 8. An Administrator licensed during any part of the above-mentioned period shall accumulate no less than the equivalent of one (1) CEU for each month following the month of licensure for relicensure.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 2, §63-B(2)~~

~~EFFECTIVE DATE:~~

~~———— June 29, 1993 (as "Examination")~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~———— November 2, 1996~~

~~REPEALED AND REPLACED:~~

~~———— January 16, 2000 (as "Residential Care Facility Administrators")~~

SUMMARY: This chapter outlines the general requirements for licensure as a Multi Level Long Term Care Facility Administrator.

SECTION 1: QUALIFICATIONS

Multi Level Long Term Care Facility Administrators shall be required to meet the qualification rules pertaining to both Nursing Home Administrators and to Residential Care Facility Administrators. They shall:

- A. Be at least twenty one (21) years of age.
- B. Have attained one of the following minimum educational requirements:
 - 1. Baccalaureate or higher degree from an accredited college or university in Administration, Health Care Administration or Long Term Care Administration; or
 - 2. Baccalaureate degree from an accredited college or university in a health related field, such as nursing or social work; or
 - 3. Baccalaureate or higher degree from an accredited college or university in any field, plus proof of one of the following:
 - a. A Certificate of Advanced Study in Long Term Care Administration from an accredited college; or
 - b. Twelve (12) semester hour credits from an accredited college with not fewer than six (6) in management and the balance in health care or long term care.
- C. Have demonstrated knowledge of residential care/assisted living by one of the following means:
 - 1. Possess a high school diploma and have completed one of the following options:
 - a. A Board approved program in residential care/assisted living; or

- ~~b. A Certificate of Advanced Study in Long Term Care Administration from an accredited college, including at least three (3) semester hours in assisted living or residential care; or~~
- ~~c. Twelve (12) semester hours from an accredited college with not fewer than six (6) in management and the balance in health care or human services; or~~
- ~~2. Be certified by the American College of Health Care Administrators (ACHCA) as a Certified Assisted Living Administrator (CALA); or~~
- ~~3. Have successfully passed the NAB Residential Care/Assisted Living examination.~~
- ~~D. Be of good record and reputation for honest and reliable conduct in personal and business affairs as demonstrated by two (2) written character references.~~
- ~~E. Have completed a Board approved AIT program or be eligible for endorsement as outlined in Chapter 6.~~
- ~~F. May, with Board approval, complete an AIT program or equivalent internship prior to receiving a baccalaureate degree, provided the AIT program is an integral part of the requirements for that degree.~~
- ~~G. Have submitted a completed application on forms supplied by the Board, and the required fees.~~
- ~~H. Graduates of college or university programs granted academic approval by NAB will be considered to have met the educational requirements in Section 1 (B) above.~~
- ~~I. Pass such examinations as are required in Section 4 of this Chapter.~~

~~SECTION 2: MULTI-LEVEL LICENSES FOR CURRENT NURSING HOME ADMINISTRATORS~~

~~An individual who, on the effective date of these rules, holds a valid Maine Nursing Home Administrator license may apply for a Multi-Level Long Term Care Facility Administrator license within one hundred twenty (120) days of such effective date. Such an individual shall also have completed a Board approved Multi-Level Administrator training program (“bridge course”).~~

SECTION 3: ~~ADMINISTRATOR IN TRAINING PROGRAM~~

~~A. Content of the Program:~~

- ~~1. The Multi-Level Long Term Care Facility Administrator shall have skills and expertise in the following domains of practice:~~

~~Resident Care Management, Personnel Management, Financial Management, Environmental Management, Organizational Management, Laws, Regulations, Codes and Governing Boards.~~

- ~~2. Every program submitted to the Board shall address a program of training in all of these domains of practice.~~
- ~~3. The AIT shall select as the primary training site for his/her AIT program a Nursing Home, ICF/MR (intermediate care facility for people with mental retardation), or a Residential Care Facility. The two types of facilities not selected as the primary training site shall be designated as alternative training sites for that AIT program.~~
- ~~4. Every AIT program shall include at least a clinical rotation beyond the primary training site for a period of not fewer than forty (40) hours in each of the alternative training sites.~~
- ~~5. The prior experience and training of the trainee may be considered in the development and duration and/or depth of training in certain domains. If the AIT is currently, or has been within the previous two (2) years, employed in a professional capacity in a long term care facility, a maximum of forty (40) hours of AIT work shall be devoted to that field. (If, for example, the trainee has worked as a Director of Nursing Services, it is reasonable to devote less time to this domain in order to devote more time to an area where the trainee is inexperienced.)~~

~~B. Length of the Program~~

~~The program length shall be 1,040 hours devoted solely to the training of the AIT. The AIT program may be conducted as full time forty (40) hours during normal working hours for a period of six (6) months or with prior approval of the Board, part time twenty (20) hours during usual working hours for a period of twelve (12) months.~~

~~Normal working hours shall be 7:00 a.m. to 7:00 p.m. The AIT shall be able to demonstrate that AIT training hours are exclusive of any worked time.~~

C. ~~Progress Reports~~

~~The AIT shall submit a monthly progress report, which shall provide the Board with a summary of the previous month's activities, including dates and times of the activities. The Preceptor shall review and sign this report, which shall be submitted to the Board by the 10th of the following month.~~

D. ~~Dual Roles~~

~~No person may simultaneously be an AIT and a temporary license holder.~~

E. ~~Supervision~~

~~The AIT program shall be supervised by a Preceptor as defined in Chapter 1, Section H.~~

F. ~~Qualifications of the Preceptor~~

~~A Preceptor shall:~~

- ~~1. Currently hold a license in good standing, from the Board to practice as a Nursing Home Administrator, and shall have held such a license in good standing for at least three (3) years immediately preceding the commencement of the AIT program, and throughout its duration.~~
- ~~2. Have had a total of at least five (5) years of full-time employment as a Nursing Home Administrator in Maine and/or some other state, all pursuant to the appropriate licensure in good standing.~~
- ~~3. Have completed a Board-approved Preceptor training program within the three (3) years preceding the commencement of the AIT program.~~

G. ~~Preceptor Responsibilities for Administrator in Training Programs~~

~~The Preceptor shall be responsible for the following:~~

- ~~1. The development, in conjunction with the AIT, of a personalized training program;~~
- ~~2. The selection of the training site;~~
- ~~3. The development of specific assignments within the scope of the training program;~~
- ~~4. The review, with the AIT, of the previous week's experiences;~~

5. ~~The development of specific question and answer sessions during the Preceptor's on-site weekly visits;~~
6. ~~The development of a plan for the coming week's training;~~
7. ~~The review of the AIT's monthly report to ensure accuracy and completeness;~~
8. ~~To ensure that the reports are submitted to the Board in a timely fashion;~~
9. ~~To ensure that all preparation materials (training manuals, rules, etc.) are available and that they represent the most current information available; and~~
10. ~~Notification to the Board of any program changes.~~

~~SECTION 4: EXAMINATION~~

~~A. National Examination~~

~~Every applicant for licensure as a Multi Level Long Term Care Facility Administrator shall pass the national Nursing Home Administrator examination prepared by NAB unless granted endorsement by the Board in keeping with the provisions of Chapter 6.~~

~~B. State Examination~~

~~Every applicant for licensure as a Multi Level Long Term Care Facility Administrator shall pass a state examination prepared and administered by the Board.~~

~~C. Qualifications for the Examination~~

~~Applicants shall fulfill all other requirements for licensure including education requirements as set forth in Section 1(B) and Administrator in Training requirements as set forth in Section 3 of this Chapter.~~

~~D. Scheduling of Examinations~~

~~The Board shall conduct one or more state and/or national examinations for licensure of Nursing Home Administrators and Multi Level Long Term Care Facility Administrator each year at such times and places as the Board may determine.~~

~~E. Notification~~

~~Notification of scheduled examinations shall be provided by the Board at least two (2) months in advance to:~~

~~1. The Division of Licensing and Certification, Department of Human Services, State House Station 11, Augusta, Maine 04333;~~

~~2. Trade association newsletters; and~~

~~3. At least one newspaper with state-wide circulation.~~

~~F. Application for Examination~~

~~An applicant for examination shall make application in writing on forms provided by the Board, and shall furnish evidence satisfactory to the Board that he/she meets the pre-examination requirements as provided for in the state licensing statutes and the Board rules.~~

~~G. Grading~~

~~1. National Examination: The national examination is graded by PES (Professional Examination Service) or such other entity as is selected by NAB, and the passing score shall be a scaled score of 113 or such other score as shall be determined by the Board.~~

~~2. State Examination: The state examination shall be graded by two (2) Board members and a passing score shall be a raw score of 75%.~~

~~H. Re-Examination~~

~~If an applicant fails the state or national examination, he or she may re-take that particular examination at the next scheduled Board examination provided that he or she submits an application and appropriate fees. No applicant shall be allowed to sit for the same examination more than two (2) times during any twelve (12) month period.~~

~~SECTION 5: CONTINUING EDUCATION~~

~~Licensed Multi-Level Long Term Care Facility Administrators shall be required to obtain twenty-four (24) hours of Board-approved CEUs between July 1 and June 30 of each year, in keeping with the provisions of Chapter 8. An Administrator licensed during any part of the above-mentioned period shall accumulate no fewer than the prorated equivalent of two (2) CEUs for each month following the month of licensure or relicensure.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 2, §63-B(2)~~

~~EFFECTIVE DATE:~~

~~—— June 29, 1993 (as "Continuing Education")~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~—— November 2, 1996~~

~~REPEALED AND REPLACED:~~

~~—— January 16, 2000 (as "Multi-Level Long Term Care Facility Administrators")~~

Chapter 5: LICENSING

SUMMARY: This chapter outlines the guidelines for issuance, renewal, reinstatement and discipline of licensees.

SECTION 1: REGISTER

The Board shall maintain a register of applicants who are issued licenses as Nursing Home Administrators, Residential Care Facility Administrators, and Multi Level Long Term Care Facility Administrators. The register shall show the: name and address of current employer; date of application; educational and experience qualifications; date and serial number of the license issued; date on which the Board reviewed and acted upon the application; license renewal date; and such pertinent information as may be deemed necessary.

SECTION 2: ISSUANCE OF ORIGINAL LICENSE

An original license shall be issued to applicants who have successfully met licensure requirements as set forth in these rules.

SECTION 3: RENEWAL

Annual renewals of licenses shall be made without re-examination for license holders continuing to meet the requirements and who can provide proof of satisfaction of continuing education requirements. Applications shall be on the forms provided by the Board and shall be accompanied by the annual renewal fee.

SECTION 4: DISPLAY

Every licensed Administrator shall display his or her license in a conspicuous place in the office or place of business or employment of such licensee.

~~SECTION 5: DUPLICATE LICENSES~~

~~Upon receipt of satisfactory evidence that a license has been lost, mutilated, or destroyed, the Board may issue a duplicate license or certificate upon payment of a fee set by the Board.~~

~~SECTION 6: REINSTATEMENT~~

~~An Administrator who has been duly licensed in this state and whose license has not been revoked or suspended, but who fails to renew his/her license at the appropriate time, may be reinstated up to ninety (90) days after the expiration date upon payment of the renewal fee and a late fee. The licensee shall still furnish proof of continuing education, and shall meet all other requirements for renewal. Any person who submits an application for renewal more than ninety (90) days after the expiration date shall be subject to all requirements governing new applicants, except that the Board may, at its discretion and giving due consideration to the protection of the public, waive examination if that renewal application is made within two (2) years from the date of expiration.~~

~~SECTION 7: COMPLAINTS AGAINST ADMINISTRATORS~~

~~All complaints shall be submitted in writing to the Complaint Coordinator, in the Office of Licensing & Registration, Department of Professional & Financial Regulation.~~

~~SECTION 8: DISCIPLINE OF LICENSEES~~

~~This Board has adapted the American College of Health Care Administrators' (ACHCA) Code of Ethics as its definition of Professional Conduct. Violation by a licensee of the Code, as it appears in Chapter 11 of these rules, shall be considered unprofessional conduct subject to disciplinary action by the Board.~~

~~Any complaint or infraction of the Board rules shall be handled, and any resulting discipline imposed, in accordance with the Maine Administrative Procedure Act, 32 M.R.S.A. Sections 64-A and 66, and any other applicable Maine statutes.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 2, §§63-B (2), 64-A, 66; 5 M.R.S.A. Chapter 375~~

~~EFFECTIVE DATE:~~

~~———— June 29, 1993~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~———— November 2, 1996~~

~~AMENDED:~~

~~———— January 16, 2000~~

~~NON-SUBSTANTIVE CORRECTIONS:~~

~~———— March 6, 2000 — Section 1~~

SUMMARY: This chapter outlines the process for endorsement for out of state licenses.

~~The Board may endorse, without written national examination, a valid, permanent license issued by the proper authorities of any other state to a Nursing Home Administrator, Residential Care Administrator, or Multi-Level Long Term Care Facility Administrator, upon payment of the established fee, provided that:~~

- ~~1. The requirements for licensure are substantially equivalent to those of this state, and include the NAB national examination for said license; however, certification by the American College of Health Care Administrators (ACHCA) will be accepted as substantial proof of equivalency in the following instances:
 - ~~a. For Nursing Home Administrators — Certified Nursing Home Administrator (CNHA);~~
 - ~~b. For Residential Care Administrators — Certified Assisted Living Administrator (CALA);~~
 - ~~c. For Multi-Level Long Term Care Facility Administrators — Both a Certified Nursing Home Administrator (CNHA) and a Certified Assisted Living Administrator (CALA).~~~~
 - ~~2. The license held by such applicant for endorsement has not been revoked, suspended, or restricted, and that the applicant has not been otherwise disciplined, in the state from which he/she has received such a license or endorsement;~~
 - ~~3. Such applicant for endorsement attends an orientation interview with the Board; and~~
 - ~~4. Such applicant passes the written state examination.~~
-

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 2, §63-B (2)~~

~~EFFECTIVE DATE:~~

~~———— June 29, 1993~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~———— November 2, 1996~~

~~AMENDED:~~

~~———— January 16, 2000~~

SUMMARY: This chapter outlines the requirements for temporary licensure.

SECTION 1: ISSUANCE

In order to fill a position that unexpectedly becomes vacant for an Administrator in a facility covered by these rules, the Board shall issue a temporary license when all requirements, as set forth below, are met.

SECTION 2: APPLICATION PROCESS

- A. The applicant for a temporary license shall apply on forms provided by the Board, shall provide such information as is required by such forms, shall submit such letters of reference or recommendation as may be required, and shall present himself/herself to the Board for orientation.
- B. The application shall contain a notarized written statement by the owner or representative of the governing body of the facility certifying that its position of Administrator has unexpectedly become vacant; that it plans to hire the applicant, if issued a temporary license; and that it will retain a Licensed Administrator Consultant during the period in which the applicant renders services to it under a temporary license.

SECTION 3: QUALIFICATIONS OF APPLICANT

The applicant shall:

- A. Be at least twenty one (21) years of age.
- B. Be of good record and reputation for honest and reliable conduct in personal and business affairs.
- C. Be able to assume responsibility for the administration and operation of such a facility, as evidenced by prior activities and evaluation of prior services and evidence provided to the Board.

~~———— D. ——— Have a minimum of a high school diploma.~~

~~SECTION 4: TERMS OF TEMPORARY LICENSE~~

- ~~A. ——— The temporary license shall be valid only for such employment or service as is specified in the application.~~
- ~~B. ——— The temporary license shall be issued for a period not to exceed three (3) months, but it may be renewed for an additional three (3) months at the discretion of the Board, upon demonstration of extreme hardship and in the interest of the public protection.~~
- ~~C. ——— The temporary license is non-transferable.~~
- ~~D. ——— There shall be an L.A.C. under contract with a facility.~~

~~SECTION 5: SUPERVISION BY LICENSED ADMINISTRATOR CONSULTANT~~

- ~~A. ——— A Licensed Administrator Consultant shall be licensed in good standing, by the State of Maine, for a period of not fewer than five (5) years and shall have been employed as an Administrator in a comparable long term care facility in the State of Maine.~~
- ~~B. ——— The L.A.C. shall provide direct supervision of the temporary license holder for at least eight (8) hours per week, with no more than ten (10) days lapsing between consultant visits to the temporary license facility.~~
- ~~C. ——— The L.A.C. shall submit monthly evaluation reports on the temporary licensees to the Board not later than the 10th of each month.~~

~~SECTION 6: DISPLAY OF LICENSE~~

~~The temporary license shall be prominently displayed at the place of principal employment or service of the licensee.~~

~~SECTION 7: DISCIPLINARY ACTION AGAINST TEMPORARY LICENSE~~

~~Complaints against temporary licensees shall be subject to the requirements of Chapter 5, Sections 7 and 8, and applicable statutes.~~

STATUTORY AUTHORITY:

——— ~~32 M.R.S.A. Chapter 2, §§63-B (2), 64-A, and 66; 5 M.R.S.A. Chapter 375~~

EFFECTIVE DATE:

——— ~~June 29, 1993~~

EFFECTIVE DATE (ELECTRONIC CONVERSION):

——— ~~November 2, 1996~~

AMENDED:

——— ~~January 16, 2000~~

Chapter 8: CONTINUING EDUCATION

SUMMARY: This Chapter outlines continuing professional education requirements for Administrators licensed by the Board.

SECTION 1: BOARD APPROVAL

A. PROGRAM PROVIDERS

In order to ensure a high standard of quality education, the Board shall review all continuing education programs for the granting of continuing education units (CEUs). CEUs shall not be granted if a program has not received Board approval.

The following information shall accompany all requests for approval of CEUs and shall be received no later than thirty (30) days after the program date:

1. Name of organization;
2. Date and location of program;
3. Name and curriculum vitae of speaker/speakers;
4. Course outline and program title;
5. Number of CEU hours requested; and
6. A detailed program schedule;

B. APPROVAL OF OUT OF STATE PROGRAMS

Educational programs offered by national associations and organizations shall submit a copy of the course approval from NAB.

C. CERTIFICATES OF ATTENDANCE

Program attendees shall be issued a certificate of attendance, which includes:

1. Name of program provider;

- ~~_____ 2. _____ Program title;~~
- ~~_____ 3. _____ Number of CEUs;~~
- ~~_____ 4. _____ Name of attendees;~~
- ~~_____ 5. _____ Program location; and~~
- ~~_____ 6. _____ Program date.~~
- ~~_____ D. _____ ON-SITE SIGN-IN SHEETS~~

~~The program provider shall submit a copy of the on-site sign-in sheets for both morning and afternoon sessions within thirty (30) days of the program presentations.~~

~~SECTION 2: DEEMED STATUS / SPONSOR RECOGNITION~~

- ~~A. _____ Any association or organization that conducts seminars for a total of fifty (50) hours or more each year between July 1 and June 30 for Administrators covered by these rules may seek "Deemed Status".~~
- ~~B. _____ "Deemed Status" is a privilege granted by the Board to allow sponsoring organizations the opportunity to conduct seminars for Administrators without seeking prior approval for each program.~~
- ~~C. _____ Requests for "Deemed Status" shall be reviewed in May of each year. Approval notices shall be sent to the requesting organization in June. "Deemed Status" shall be granted each year for the period of July 1 to June 30.~~
- ~~D. _____ It shall be the responsibility of the sponsoring agency to ensure the quality of seminar offerings. Complaints from participants concerning the quality of programs may form the basis for suspension or revocation of "Deemed Status".~~
- ~~_____ E. _____ All seminars shall be subject to on-site reviews by Board members.~~
- ~~F. _____ A listing of all programs offered for CEUs shall be filed with the Board, and for each program the information required in Section 1 of this Chapter, and the brochure or flyer describing the program shall be included.~~

~~SECTION 3: INDIVIDUAL PROGRAM APPROVAL~~

~~Programs that are not covered under Section 1 and 2 of this Chapter shall be submitted for approval no later than thirty (30) days after the program date. All~~

submissions shall be in writing and sent to the Board office. The appropriate review fee shall accompany the requests.

SECTION 4: CONTINUING EDUCATION PROGRAMS

- A. ~~Approval of educational programs shall be considered valid for a period of one (1) year from the date of approval.~~
- B. ~~Continuing education units shall be based on a fifty-five (55) minute hour allowing for a fifteen (15) minute break for each three hour segment.~~
- C. ~~A maximum of six (6) CEUs shall be granted for a one day program and no program of the same title and content shall be granted more than twelve (12) hours.~~
- D. ~~Home study programs shall be recognized for CEU credits when they have been reviewed and approved by NAB. CEUs shall be limited to twelve (12) per program.~~
- E. ~~Nursing Home Administrators and Multi-Level Long Term Care Administrators shall be required to obtain twenty-four (24) hours of Board-approved CEUs between July 1 and June 30 of each year. An Administrator licensed during any part of the above-mentioned period shall accumulate no less than the equivalent of two (2) CEUs for each month following the month of licensure for relicensure.~~
- F. ~~Residential Care Facility Administrators shall be required to obtain twelve (12) hours of Board-approved CEUs between July 1 and June 30 of each year. An Administrator licensed during any part of the above-mentioned period shall accumulate no less than the equivalent of one (1) CEU for each month following the month of licensure for relicensure.~~
- G. ~~Each Administrator shall submit to the Board, as a condition of relicensure, a copy of all certificates received during the annual licensure period along with the Board-supplied renewal form and renewal fee. Proof of attendance shall be verified against the sponsoring agencies' on-site sign-in sheets.~~
- H. ~~An Administrator who has accumulated the necessary CEUs for the current annual period may attend an educational program of up to six (6) CEUs during the month of June and carry those CEUs into the ensuing annual period.~~
- I. ~~Up to six (6) CEUs accumulated during the month of July may be retroactively applied for licensure renewal. CEUs submitted for this purpose may not be used twice.~~

- J. ~~An Administrator may request prior approval for up to twelve (12) CEUs for a three (3) credit college course related to the field of nursing home administration. Proof of attendance and completion of the program may be submitted at the time of license renewal.~~

SECTION 5: ~~ALTERNATIVE CEUs~~

~~Many long term care Administrators support and improve the profession by publishing articles and textbooks, and by presenting educational sessions related to the field. It is recognized that they enhance their own education and professionalism in the process. Therefore, Administrators may receive alternative continuing education credit for such activities, as defined below.~~

- A. ~~An Administrator may achieve no more than one-half of the required CEUs in any year through a combination of the following:~~
1. ~~Teaching a course in a related field at an accredited college or university for one academic semester generates twelve (12) CEUs;~~
 2. ~~Teaching a course in a related field as part of a program offered by a professional or academic organization, but not part of a formal academic curriculum, (e.g., CNA, CMA) generates CEUs at the rate of three (3) CEUs for each six (6) contact hours (6 contact hours is the equivalent of a one-day seminar);~~
 3. ~~Publication of an article related to long term care or health care in a professional journal is considered the equivalent of three (3) CEUs;~~
 4. ~~Publication of a contributed chapter in a book related to long term care or health care is considered the equivalent of three (3) CEUs;~~
 5. ~~Publication of a book related to long term care or health care is considered the equivalent of twelve (12) CEUs;~~
- B. ~~Individuals seeking CEU credit for any of these alternatives shall apply for such credit, using a Board-supplied form and paying any applicable fees.~~
- C. ~~Applicants shall be responsible for supplying such documentation or supporting evidence as the Board may require (e.g., a copy of any published material(s) or a syllabus of an instructional session).~~

~~SECTION 6: WAIVER OF CEU REQUIREMENT~~

~~In the event of a prolonged illness or other documented hardship that prevents an Administrator from acquiring the CEU requirement for licensure, a request for a waiver shall be made in writing and submitted to the Board for action.~~

~~SECTION 7: EDUCATION COMMITTEE~~

~~A. The Board shall elect an education committee from its members.~~

~~B. The responsibilities of the education committee shall include the following:~~

~~1. To review, to approve and/or deny all educational programs based on the criteria in Sections 1, 2, 3, and 4 of this Chapter.~~

~~2. To review, to approve and/or deny all applications for alternative CEUs based on the criteria in Section 5.~~

~~3. To assure the timeliness of submissions.~~

~~4. To provide information to the Board as deemed necessary.~~

~~5. To make recommendations to the Board as deemed necessary.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 2, §63-B(2)~~

~~EFFECTIVE DATE:~~

~~June 29, 1993 (as "Disciplinary Action Against Licensees")~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~November 2, 1996~~

~~REPEALED AND REPLACED:~~

~~January 16, 2000 (as "Continuing Education", formerly Chapter 4)~~

~~NON-SUBSTANTIVE CORRECTIONS:~~

~~April 7, 2000~~

Chapter 9: ADVISORY RULINGS

SUMMARY: This chapter defines the process for obtaining advisory rulings with regard to interpretation of these rules.

SECTION 1: AUTHORITY

The Board may issue advisory rulings concerning the applicability of any statute or rule it administers to an existing factual situation. Advisory rulings may be issued at the Board's discretion. Each request shall be individually reviewed to determine whether an advisory ruling is appropriate. The Board may decline to issue an advisory ruling when the question is hypothetical, when there is insufficient experience upon which to base the ruling, or for any other reason the Board deems proper.

SECTION 2: SUBMISSION

Requests for advisory rulings shall be in writing and shall set forth in detail all facts pertinent to the question. The Board may require additional information as necessary to complete a factual background for its ruling.

SECTION 3: ACKNOWLEDGEMENT

All requests for advisory rulings shall be acknowledged by the Board within fifteen (15) days. Within sixty (60) days of acknowledgement, the Board shall state whether a ruling shall be given. Alternatively, the Board may request additional information that is necessary to determine whether an advisory ruling is appropriate.

SECTION 4: RULING

All advisory rulings shall be in writing and shall include a statement of the facts or assumptions, or both, upon which the ruling is based. The statement shall be sufficiently detailed to allow understanding of the basis of the opinion without reference to other documents. Advisory rulings shall be signed by the Chair of the Board and shall be numbered in an appropriate serial manner.

~~SECTION 5: DISPOSITION~~

~~Each completed advisory ruling shall be mailed to the requesting party and a copy shall be kept by the Board in a file or binder established for this purpose. All completed advisory rulings are public documents and shall be available to the public during normal business hours. In addition, the Board may otherwise publish or circulate any advisory ruling as it deems appropriate.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 2, §63-B(2); 5 M.R.S.A. §9001.~~

~~EFFECTIVE DATE:~~

~~June 29, 1993~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~November 2, 1996~~

~~AMENDED:~~

~~January 16, 2000~~

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

371 NURSING HOME ADMINISTRATORS LICENSING BOARD

Chapter 10: FEES

SUMMARY: This chapter defines all fees related to Board functions.

The following fees shall be charged by the Board:

1. \$25 application fee (non-refundable)
 2. \$150 original license fee and annual renewal fee for Administrators
 3. \$125 temporary license fee for the first three (3) months
 4. \$25 duplicate license fee
 5. \$125 temporary license renewal fee
 6. \$125 Administrator in Training fee
 7. Examination fees: as specified by the test vendor.
 8. \$125 endorsement fee
 9. \$10 late renewal fee
-

STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 2, §§63-B-2) and 65

EFFECTIVE DATE:

June 29, 1993

EFFECTIVE DATE (ELECTRONIC CONVERSION):

November 2, 1996

AMENDED:

January 16, 2000

~~PREAMBLE~~ The preservation of the highest standards of integrity and ethical principles is vital to the successful discharge of the professional responsibilities of all Administrators. This Code of Ethics has been adapted nearly verbatim from the Code of Ethics of the American College of Health Care Administrators (ACHCA) with that organization's permission. Copies of the ACHCA Code, published in 1989, are available at cost from the Office of Licensing & Registration of the Department of Professional & Financial Regulation. It shall be the obligation of Administrators to seek to avoid not only conduct specifically proscribed by the code, but also conduct that is inconsistent with its spirit and purpose. Failure to specify any particular responsibility or practice in this Code of Ethics should not be construed as denial of the existence of other responsibilities or practices. Recognizing that the ultimate responsibility for applying standards and ethics falls upon the individual, the Board adopts the following Code of Ethics to make clear its expectations.

EXPECTATION I

~~Administrators shall hold paramount the welfare of persons for whom care is provided.~~

~~PRESCRIPTIONS: The Administrator shall:~~

- ~~— Strive to provide to all those entrusted to his or her care the highest quality of appropriate services possible in light of resources or other constraints.~~
- ~~— Operate the facility consistent with laws, regulations, and standards of practice recognized in the field of health care administration.~~
- ~~— Consistent with law and professional standards, protect the confidentiality of information regarding individual recipients of care.~~
- ~~— Perform administrative duties with the personal integrity that shall earn the confidence, trust, and respect of the general public.~~
- ~~— Take appropriate steps to avoid discrimination on basis of race, color, sex, religion, age, national origin, handicap, marital status, ancestry, or any other factor that is illegally discriminatory or not related to bona fide requirements of quality care.~~

~~PROSCRIPTION: The Administrator shall not:~~

~~Disclose professional or personal information regarding recipients of service to unauthorized personnel unless required by law or to protect the public welfare.~~

EXPECTATION II

~~Administrators shall maintain high standards of professional competence.~~

~~PRESCRIPTIONS: The Administrator shall:~~

~~Possess and maintain the competencies necessary to effectively perform his or her responsibilities.~~

~~Practice administration in accordance with capabilities and proficiencies and, when appropriate, seek counsel from qualified others.~~

~~Actively strive to enhance knowledge of and expertise in long term care administration through continuing education and professional development.~~

~~PROSCRIPTIONS: The Administrator shall not:~~

~~Misrepresent qualifications, education, experience, or affiliations.~~

~~Provide services other than those for which he or she is prepared and qualified to perform.~~

EXPECTATION III

~~Administrators shall strive, in all matters relating to their professional functions, to maintain a professional posture that places paramount the interests of the facility and its residents.~~

~~PRESCRIPTIONS: The Administrator shall:~~

~~Avoid partisanship and provide a forum for the fair resolution of any disputes which may arise in service delivery or facility management.~~

~~Disclose to the governing body or other authority as may be appropriate, any actual or potential circumstance concerning him or her that might reasonably be thought to create a conflict of interest or have a substantial adverse impact on the facility or its residents.~~

~~PROSCRIPTION: The Administrator shall not:~~

~~Participate in activities that reasonably may be thought to create a conflict of interest or have the potential to have a substantial adverse impact on the facility or its residents.~~

~~EXPECTATION IV~~

~~Administrators shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of related professions.~~

~~PRESCRIPTIONS: The Administrator shall:~~

~~Foster increased knowledge within the profession of health care administration and support research efforts toward this end.~~

~~Participate with others in the community to plan for and provide a full range of health care services.~~

~~Share areas of expertise with colleagues, students, and the general public to increase awareness and promote understanding of health care in general and the profession in particular.~~

~~Inform the Board's Complaint Committee of actual or potential violations of this Code of Ethics, and fully cooperate with the Board's sanctioned inquiries into matters of professional conduct related to this Code of Ethics.~~

~~PROSCRIPTION: The Administrator shall not:~~

~~Defend, support, or ignore unethical conduct perpetrated by colleagues, peers or students.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A Chapter 2, §63-B(2)~~

~~EFFECTIVE DATE:~~

~~January 16, 2000~~