

Dear Senators MARTIN, Souza, Jordan, and  
Representatives WOOD, Wagoner, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Division of Occupational and Professional Licenses - Board of Examiners of Nursing Home Administrators:

IDAPA 24.09.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 24-0901-2000F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 11/02/2020. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/30/2020.

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

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Legislative Drafting Attorney - Matt Drake

**DATE:** October 14, 2020

**SUBJECT:** Division of Occupational and Professional Licenses - Board of Examiners of Nursing Home Administrators

IDAPA 24.09.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 24-0901-2000F)

#### Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses submits notice of proposed fee rule. According to the Division, the rulemaking republishes the temporary rule chapter that was previously submitted under IDAPA, 24.09.01, Rules of the Board of Examiners of Nursing Home Administrators. The Division states that the fee rules do not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Legislature in the prior rules.

#### Negotiated Rulemaking/Fiscal Impact

The Division notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the Division's ability to serve the citizens of Idaho and to protect their health, safety, and welfare. The Division also confirms that the rulemaking is not anticipated to have any fiscal impact on the general fund.

#### Statutory Authority

The rulemaking appears to be authorized pursuant to Section 54-1604, Idaho Code.

cc: Division of Occupational and Professional Licenses - Board of Examiners of Nursing Home Administrators  
Russ Barron

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

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

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

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

**DOCKET NO. 24-0901-2000F (FEE RULE)**

**NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE**

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

**PUBLIC HEARING SCHEDULE:** Opportunity for presentation of oral comments concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 24.09.01, rules of the Board of Examiners of Nursing Home Administrators:

**IDAPA 24.09**

- 24.09.01, *Rules of the Board of Examiners of Nursing Home Administrators.*

**FEE SUMMARY:** This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. Fees are established in accordance with Section 54-1604, Idaho Code, as follows:

<b>FEE</b>	<b>AMOUNT (Not to Exceed)</b>
Original Application	\$200
Original License	\$200
Annual Renewal	\$200
Endorsement Application	\$200
Temporary Permit	\$100
Administrator-in-training	\$100
License Reinstatement	\$100

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

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

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

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

Dated this 1st day of September, 2020.

Russell Barron  
Administrator  
Division of Occupational and Professional Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Phone: (208) 334-3233  
[ibol@ibol.idaho.gov](mailto:ibol@ibol.idaho.gov)

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

**000. LEGAL AUTHORITY.**

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

**001. TITLE AND SCOPE.**

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

**002. ADDRESS OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS.**

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

**003. -- 099. (RESERVED)**

**100. EXAMINATION FOR LICENSURE.**

**01. Examination Fee.** The examination fee for the national examination shall be in the amount as determined by the National Association of Long Term Care Administration Boards and shall be paid to the entity administering said examination. The examination fee is in addition to the license fee provided for in Section 54-1604, sub-paragraph (g), Idaho Code. ( )

**02. Good Moral Character.** An applicant who has a criminal conviction, finding of guilt, withheld judgment, or suspended sentence for any felony or any crime related to an applicant’s fitness for licensure, or whose license has been subject to discipline by any state professional regulatory agency or professional organization must submit with the application a written statement and any supplemental information establishing the applicant’s current suitability for licensure. ( )

- a. Consideration of Factors and Evidence. The Board shall consider the following factors or evidence: ( )
  - i. The severity or nature of the crime or discipline; ( )
  - ii. The period of time that has passed since the crime or discipline under review; ( )
  - iii. The number or pattern of crimes or discipline or other similar incidents; ( )
  - iv. The circumstances surrounding the crime or discipline that would help determine the risk of repetition; ( )
  - v. The relationship of the crime or discipline to the practice; ( )
  - vi. The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors that may be evidence of current rehabilitation; and ( )
  - vii. Any other information regarding rehabilitation or mitigating circumstances. ( )
- b. Interview. The Board may, at its discretion, grant an interview of the applicant. ( )
- c. Applicant Bears the Burden. The applicant shall bear the burden of establishing the applicant’s current suitability for licensure. ( )

**03. Contents of Exam, Passing Scores.** An applicant must pass an examination issued by NAB, and an examination pertaining to Idaho law and rules governing nursing homes administered by the Board. The passing score of the Idaho Laws and Rules Examination shall be seventy-five percent (75%). ( )

**04. Date and Location of Exam.** Examinations shall be held at the location and at the times determined by the entity administering the national examination. The state examination shall be a take-home examination and be returned to the Board. ( )

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

**200. CONTINUING EDUCATION REQUIREMENTS.**

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

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

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

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

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

**300. ENDORSEMENT.**

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

**01. A Valid License.** Hold a valid and current nursing home administrator license issued in another state or jurisdiction with substantially equivalent licensing standards. ( )

**02. Experience/Education.** ( )

**a.** One thousand (1,000) hours of experience as an administrator in training in another state; or ( )

**b.** A total of one thousand (1,000) hours of combined experience obtained in an administrator in training program and from practical experience as an administrator in another state; or ( )

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

**d.** A master's degree in health administration or business administration with a healthcare emphasis from an accredited institution and one (1) year management experience in long-term care. ( )

**03. National Examination.** Has taken and successfully passed the NAB examination. ( )

**04. State Examination.** Has taken and successfully completed the state of Idaho examination. ( )

**05. Criminal History.** Applicant is subject to Section 100.02 of these rules. ( )

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

**400. NURSING HOME ADMINISTRATORS-IN-TRAINING.**

**01. Supervised Hour Requirements.** An individual must successfully complete one thousand (1,000) hours under the direct supervision of a licensed nursing home administrator in compliance with Section 54-1610, Idaho Code, and these rules in order to be eligible to take the examination. ( )

**02. Trainees.** A trainee must work on a full time basis in any capacity in an Idaho licensed nursing home setting. Full time shall be at least a thirty-two (32) hour per week work schedule with consideration for normal leave taken. ( )

**a.** Each trainee shall register with the Board as a Nursing Home Administrator-In-Training (AIT) by submitting an application provided by the Board together with the required fee. The effective date of each AIT program shall be the date the Board approves the application. ( )

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

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

**a.** Customer care, support, and services. ( )

**b.** Human resources. ( )

**c.** Finance. ( )

**d.** Environment. ( )

**e.** Management and leadership. ( )

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

**04. Facility Administrator.** The trainee must spend no less than thirty-two (32) hours a month with the preceptor in a training and/or observational situation in the five (5) domains of nursing home administration as outlined in Subsection 400.03. Time spent with the preceptor must be in addition to the full time work that the trainee must perform under Subsection 400.02, unless the Administrator-in-Training role is designated as a full time training position. Collectively, during the training period, reports must reflect particular emphasis on all five (5) domains of nursing home administration during the time spent in the nursing home. ( )

**05. Preceptor Certification.** ( )

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

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

**ii.** Who successfully completes a six (6) clock hour preceptor orientation course approved by the Board. ( )

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

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

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

**450. ADMINISTRATOR DESIGNEE QUALIFICATION.**

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

**01. Criminal History.** Applicant is subject to Section 100.02 of these rules. ( )

**02. Education.** Provide proof of either: ( )

**a.** A bachelors degree from an approved college or university, or ( )

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

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

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

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

**500. PERMITS.**

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

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

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

**600. FEES.**

<b>FEE</b>	<b>AMOUNT (Not to Exceed)</b>
Original Application	\$200
Original License	\$200
Annual Renewal	\$200
Endorsement Application	\$200
Temporary Permit	\$100
Administrator-in-training	\$100
License Reinstatement	\$100

( )

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



# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Division of Occupational and Professional Licenses

**Agency Contact:** Rob McQuade     **Phone:** 208-334-3233

**Date:** August 19, 2020

**IDAPA, Chapter and Title Number and Chapter Name:**

[24.09.01, Rules of the Board of Examiners of Nursing Home Administrators](#)

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**Fee Rule Status:**  **Proposed**      **Temporary**

**Rulemaking Docket Number:** 24-0901-2000F

**STATEMENT OF ECONOMIC IMPACT:** The fees are unchanged from the previous year's temporary fee rule.

<b>FEE</b>	<b>AMOUNT</b> (Not to Exceed)
Original Application	\$200
Original License	\$200
Annual Renewal	\$200
Endorsement Application	\$200
Temporary Permit	\$100
Administrator-in-training	\$100
License Reinstatement	\$100