

Dear Senators VANORDEN, Wintrow, and
Representatives VANDER WOUDE, Erickson, Rubel:

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 - Rules of the Board of Examiners of Nursing Home Administrators (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 24-0901-2401).

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 08/22/2024. 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 09/19/2024.

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.



Terri Kondeff
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: Division Manager - Matt Drake

DATE: August 6, 2024

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

IDAPA 24.09.01 - Rules of the Board of Examiners of Nursing Home Administrators (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 24-0901-2401)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - Idaho State Board of Examiners of Nursing Home Administrators submits notice of proposed rulemaking at Docket No. 24-0901-2401. The Division notes that this is a Zero-Based Regulation ("ZBR") chapter rewrite pursuant to Executive Order 2020-01. Accordingly, the Division states that this rulemaking is intended to streamline and simplify existing rules that were previously submitted to and reviewed by the Legislature. The Division also states that the rulemaking reflects a comprehensive review of the chapter in collaboration with the public to streamline the rules, use plain language, and to update the rules to comply with statute. The Division states that no fees are being increased, no new fees are being imposed, and the fee for temporary permits was removed.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have a fiscal impact.

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 54-1604, 67-2604, and 67-2614, Idaho Code.

cc: Division of Occupational and Professional Licenses - Board of Examiners of Nursing Home Administrators
Krissy Veseth

*** 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.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES
24.09.01 – RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
DOCKET NO. 24-0901-2401 (ZBR CHAPTER REWRITE)
NOTICE OF 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. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67- 9406, 67-9409, and 67-9413, Idaho Code, and Sections 54-1601 through 54-1616, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.09.01 – Rules of the Board of Examiners of Nursing Home Administrators
Tuesday, July 16, 2024 – 9:00 a.m. (MT) Division of Occupational and Professional Licenses Coolwater Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714
Virtual Meeting Link
Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/ .

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

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho State Board of Examiners of Nursing Home Administrators is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

N/A. The fees did not increase, but the fee for a temporary permit was removed.

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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.42](#).

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

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 7th day of June, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0901-2401
(ZBR Chapter Rewrite.)

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

000. LEGAL AUTHORITY.

These rules promulgated pursuant to Section 54-1604, Idaho Code. (3-28-23)

001. SCOPE.

These rules govern the practice of nursing home administration in Idaho. (3-28-23)

002. -- 099. (RESERVED)

100. ~~EXAMINATION FOR LICENSURE.~~

~~**01. Examination Fee.** The examination fee for the national examination will be in the amount as determined by the National Association of Long Term Care Administration Boards and is paid to the entity administering said examination. The examination fee is in addition to the license fee provided for in Section 54-1604, sub-paragraph (g), Idaho Code. (3-28-23)~~

01. Exam. All applicants must pass the approved NAB Nursing Home Administrator exam and Core exam, or other examination as approved by the Board. ()

02. Applicant History. An applicant who has a 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 in any state, territory, or country must submit with the application a written statement and any supplemental information establishing the applicant's current suitability for licensure. ~~The Board may consider~~ The written statement should include the factors set forth in Section 67-9411, Idaho Code. (3-28-23)()

~~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 is seventy-five percent (75%).~~ (3-28-23)

~~04. Date and Location of Exam.~~ Examinations are held at the location and at the times determined by the entity administering the national examination. ~~The state examination is a take-home examination and is returned to the Board.~~ (3-28-23)

03. Additional Requirements. Applicants for original licensure must also demonstrate completion of a specialized course of study in nursing home long-term health care administration approved by the Board. Any applicant holding a Health Services Executive (HSE) credential issued by NAB has met all educational and training requirements for licensure in Idaho. ()

~~101.—199. (RESERVED)~~

200101. CONTINUING EDUCATION REQUIREMENTS.

01. Educational Requirements. In order to qualify as continuing education, a seminar or course of study ~~will be relevant to nursing home administration as determined by the Board and~~ must be sponsored by an accredited ~~universities~~ university or colleges, State or National health related associations, and/or approved by NCERS (National Continuing Education Review Service), or as otherwise approved by the Board. (3-28-23)()

02. Renewal of License. ~~Applicants for renewal of license are required to complete a minimum of twenty (20) clock hours of approved courses within the preceding twelve month (12) period. Licensees are not required to comply with this requirement during the first year in which they become licensed under this chapter~~ Applicants for renewal of license are required to complete, in a twenty-four (24) month renewal cycle, twelve (12) continuing education hours relevant to nursing home administration. (3-28-23)()

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.~~ (3-28-23)

043. 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 will provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. (3-28-23)

~~201.—299. (RESERVED)~~

300. ENDORSEMENT.

~~Each applicant for licensure by endorsement is required to document compliance with each of the following requirements.~~ (3-28-23)

01. A Valid License. ~~Hold a valid and current nursing home administrator license issued in another state or jurisdiction with substantially equivalent licensing standards.~~ (3-28-23)

02. Experience/Education. (3-28-23)

a. ~~One thousand (1,000) hours of experience as an administrator in training in another state; or~~ (3-28-23)

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 (3-28-23)~~
- ~~or~~
- ~~e. A master's degree in health administration related to long-term care from an accredited institution; (3-28-23)~~
- ~~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. (3-28-23)~~
- ~~03. National Examination. Has taken and successfully passed the NAB examination. (3-28-23)~~
- ~~04. State Examination. Has taken and successfully completed the state of Idaho examination. (3-28-23)~~
- ~~05. Criminal History. Applicant is subject to Section 100.02 of these rules. (3-28-23)~~
- ~~301.—399. (RESERVED)~~

400.102. 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. (3-28-23)~~

~~021. 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. (3-28-23)()~~

~~a. Each trainee shall register with the Board as a Nursing Home Administrator-In-Training (AIT) by submitting an application provided by the Board together with the required fee. The effective date of each AIT program shall be the date the Board approves the application. (3-28-23)~~

~~a. Trainees shall submit with their application a declaration signed by the supervising Nursing Home Administrator who shall serve as the preceptor. This declaration shall certify that the supervising administrator has: ()~~

~~i. licensure in good standing with the State of Idaho. ()~~

~~ii. two (2) or more years of consecutive employment as a nursing home administrator. ()~~

~~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 set forth herein. (3-28-23)()~~

~~032. 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: (3-28-23)~~

~~a. Customer care, support, and services. Care, services, and supports. (3-28-23)()~~

~~b. Human resources. Operations. (3-28-23)()~~

~~c. Finance. Environment and quality. (3-28-23)()~~

~~d. Environment. Leadership and strategy. (3-28-23)()~~

~~e. Management and leadership. (3-28-23)~~

~~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. (3-28-23)~~

~~043. Facility Administrator. The trainee must spend no less than thirty-two (32) hours ~~a~~ per month with the preceptor in ~~a~~ training, duties as assigned, and ~~or observational situation~~ observation in the ~~five~~ four (54) domains of nursing home administration as outlined in ~~Subsection 400.03 herein~~. 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~~ four (54) domains of nursing home administration during the time spent in the nursing home. (3-28-23)()~~

~~05. Preceptor Certification. (3-28-23)~~

~~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: (3-28-23)~~

~~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 (3-28-23)~~

~~ii. Who successfully completes a six (6) clock hour preceptor orientation course approved by the Board. (3-28-23)~~

~~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. (3-28-23)~~

~~e. The preceptor must be re-certified by the Board every ten (10) years. (3-28-23)~~

~~401. — 449. (RESERVED)~~

450103. 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. (3-28-23)()

~~01. Criminal History. Applicant is subject to Section 67-9411, Idaho Code. (3-28-23)~~

~~02. Education. Provide proof of either: (3-28-23)~~

~~a. A bachelors degree from an approved college or university, or (3-28-23)~~

~~b. Two (2) years of satisfactory practical experience in nursing home administration or a related health administration area for each year of the required education as set forth in Section 54-1605(3), Idaho Code; (3-28-23)~~

~~041. Experience. Provide proof of having one (1) year of management experience in a skilled nursing facility. Experience documented in Subsection 450.03.b. may also be used to meet this requirement. (3-28-23)()~~

~~052. Authorization. Submit an agreement signed by an Idaho Licensed Nursing Home Administrator, in good standing with the State of Idaho, who will act as a consultant to assist the designee in administrating the facility. (3-28-23)()~~

~~451104. -- 499599.(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. (3-28-23)~~

~~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. (3-28-23)~~

~~501. -- 599. (RESERVED)~~

600. FEES.

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

~~(3-28-23)()~~

~~601. -- 999. (RESERVED)~~